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SOL (MSHA) V. THUNDER BASIN COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. WEST 86-34
A.C. No. 48-00977-03508

v.

Black Thunder Mine

THUNDER BASIN COAL COMPANY,
RESPONDENT

DECISION

Appearances: James H. Barkley, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner;
Thomas F. Linn, Esq., Denver, Colorado,
for Respondent.

Before: Judge Morris

This is a civil penalty proceeding initiated by petitioner against respondent in accordance with the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The civil penalties sought here are for the violation of mandatory standards promulgated pursuant to the Act.

After notice to the parties, a hearing on the merits commenced in Gillette, Wyoming on August 6, 1986. After conferring the parties announced that they had reached an amicable settlement.

The citations, the standards allegedly violated, the original assessments and the proposed dispositions are as follows:

Citation No.	Standard CFR Title 30	Assessment	Disposition
2222714	77.410	\$85	\$20
2222718	77.1003	119	119

The proposed settlement further included striking the S & S designation for Citation 2222714 and amending Citation 2222718 to allege a violation of 30 C.F.R. 77.1001 in lieu of its present designation.

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Discussion

I have reviewed the proposed settlement and I find that it is reasonable and in the public interest.

Accordingly, I enter the following:

ORDER

1. The settlement is approved.
2. Citation 2222714 is affirmed as a non-S & S violation and a penalty of \$20 is assessed.
3. Citation 2222718 for the violation of 30 C.F.R. 77.1001 is affirmed and a penalty of \$119 is assessed.
4. Respondent is ordered to pay the sum of \$139 to the petitioner within 40 days of the date of this Decision.

John J. Morris
Administrative Law Judge