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WYOMING FUEL V. SOL (MSHA)  
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

WYOMING FUEL COMPANY,  
CONTESTANT

v.

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

CONTEST PROCEEDINGS

Docket No. WEST 91-365-R  
Citation No. 9858159; 4/4/91

Docket No. WEST 91-366-R  
Citation No. 9858160; 4/4/91

Docket No. WEST 91-367-R  
Citation No. 9858161; 4/4/91

Docket No. WEST 91-368-R  
Citation No. 9858162; 4/4/91

Golden Eagle Mine  
Mine I.D. 05-02820

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

v.

WYOMING FUEL COMPANY,  
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. WEST 91-519  
A.C. No. 05-02820-03589D

Golden Eagle Mine

DECISION APPROVING SETTLEMENT  
ORDER OF DISMISSAL

On October 28, 1991, the Secretary of Labor (Secretary) and Wyoming Fuel Co. (Wyoming) filed a Motion to Approve Settlement and to Withdraw Notice of Contest. The Secretary asserts that the violations alleged resulted from a deliberate act of tampering with dust filter media. Wyoming denies that it deliberately tampered with or altered any of the dust filter media. The parties agree to a settlement wherein Wyoming agrees to pay the amount of the proposed civil penalties, \$5200 for 4 alleged violations, within 30 days of the entry of an order approving settlement. The settlement agreement provides that it shall not be deemed an admission of or used for any purpose except for civil matters arising under the Act. It is not to be used in any criminal or private civil litigation. However, the

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Secretary is not precluded from including the citations in the operator's history of violations and considering such violations in proposing civil penalties pursuant to 30 U.S.C. 820(i). Wyoming agreed to withdraw its notices of contest.

I have considered the motion in the light of the criteria in section 110(i) of the Act, and conclude that it should be approved.

Accordingly, IT IS ORDERED:

1. The settlement reached between the parties is APPROVED.
2. Wyoming shall, within 30 days of the date of this order, pay the sum of \$5200 as civil penalties for the violations alleged in the four citations contested herein.
3. The contest proceedings, Docket Nos. WEST 91-365-R through WEST 91-368-R are DISMISSED.

James A. Broderick  
Administrative Law Judge