

CCASE:
ENERGY FUELS COAL V. MSHA,
MSHA V. ENERGY FUELS COAL
DDATE:
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TTEXT:

FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
DENVER, COLORADO
March 13, 1990

ENERGY FUELS COAL, INC.,
Contestant

CONTEST PROCEEDING

v.

Docket No. WEST 89-273-R
Citation No. 2875322;4/13/89

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

Southfield Mine
Mine I.D. 05-03455

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

CIVIL PENALTY PROCEEDING

v.

Docket No. WEST 89-434
A.C. No. 05-03455-03571

Southfield Mine

ENERGY FUELS COAL, INC.,
Respondent

DECISION APPROVING PARTIAL SETTLEMENT

Appearances: Phillip D. Barber, Esq., Welborn, Dufford, Brown &
Tooley, Denver, Colorado, for Contestant/Respondent;
Margaret A. Miller, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner/Respondent.

Before: Judge Lasher

At the prehearing conference held on-the-record in Denver, Colorado, on February 14, 1990, the parties reached various settlement agreements revolving some 18 enforcement documents (Citations and Orders) which were the subject of both Contest and Penalty proceedings. With respect to Citation No. 2875322 - one of the 20 enforcement documents involved in Penalty Docket WEST 89-434 - the Secretary, on the basis of proof of violation, moved to vacate such (T. 27). Such motion was approved as was Energy Fuel's corollary motion to withdraw its contest in Docket No. WEST 89-273-R (T. 27-28). See Commission Rule 11 (29 C.F.R. 2700.11). Such bench ruling is here affirmed.

ORDER

1. Citation No. 2875322 is VACATED.
2. Contest Docket No. WEST 89-273-R is DISMISSED.
3. Penalty Docket No. WEST 89-434 will remain on the Judge's docket pending resolution of the remaining Citations contained therein.

Michael A. Lasher, Jr.
Administrative Law Judge

Distribution:

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