

CCASE:
ENERGY FUELS COAL V. SOL (MSHA)
DDATE:
19900313
TTEXT:

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

ENERGY FUELS COAL, INC.,
CONTESTANT

v.

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

CONTEST PROCEEDING

Docket No. WEST 89-274-R
Citation No. 2875321;4/12/89

Southfield Mine
Mine I.D. 05-03455

CIVIL PENALTY PROCEEDING

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

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

Southfield Mine

v.

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 a prehearing conference held on-the-record in Denver, Colorado, on February 14, 1990, the parties reached an amicable resolution as to Citation No. 2875321 - one of 20 enforcement documents involved in Penalty Docket WEST 89-434. On the basis of a reduced evaluation of the gravity of the violation, the parties agreed that a penalty of \$50 rather than the original assessment of \$98 was appropriate and moved for approval of such settlement (T. 27). This motion and Energy Fuels' corollary motion to withdraw its contest in Docket No. WEST 89-274-R were approved from the bench and such ruling (T. 26-27) is here affirmed.

ORDER

1. Contestant/Respondent Energy Fuels, if it has not previously done so, shall pay the Secretary of Labor within 30 days from the date hereof, the sum of \$50 as and for a civil penalty for Citation No. 2875821.

2. Contest Docket No. WEST 89-274-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