

CCASE:
ENERGY FUELS COAL V. SOL (MSHA)
DDATE:
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

ENERGY FUELS COAL, INC.,
CONTESTANT

CONTEST PROCEEDING

v.

Docket No. WEST 89-290-R
Citation No. 3077181;5/11/89

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

Southfield Mine
Mine I.D. 05-03455

CIVIL PENALTY PROCEEDING

Docket No. WEST 89-449-A
A.C. No. 05-03455-03569

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 the prehearing conference held on-the-record in Denver, Colorado, on February 14, 1990, the parties reached various settlement agreements involving some 18 enforcement documents (Citations and Orders) which were the subject of both Contest and Penalty proceedings. With respect to Citation No. 3077181 - one of the 4 enforcement documents involved in Penalty Docket WEST 89-449-A - the Secretary determined that no violation had occurred and moved to vacate such (T. 29). Such motion was approved on the record as was Energy Fuel's corollary motion to withdraw its contest in Docket No. WEST 89-290-R (T. 28-29). See Commission Procedural Rule 11 (29 C.F.R. 2700.11). Such bench ruling is here affirmed.

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ORDER

Citation No. 3077181 is VACATED.

Contest Docket No. WEST 89-290-R is DISMISSED.

Penalty Docket No. WEST 89-449-A will remain on the Judge's docket pending resolution of the remaining Citations contained therein.

Michael A. Lasher, Jr.
Administrative Law Judge