

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 89-291-R  
Citation No. 3077180;5/11/89

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. 3077180 - one of the 4 enforcement documents involved in Penalty Docket WEST 89-449-A - the parties settled the matter on the basis of Respondent's agreement to pay in full (\$79) MSHA's proposed penalty and moved for approval of such agreement (T. 32). Such motion was approved as was Energy Fuel's corollary motion to withdraw its contest in Docket No. WEST 89-291-R (T. 32-33). Such bench ruling is here affirmed.

ORDER

1. Contestant/Respondent Energy Fuels shall pay the Secretary of Labor the sum of \$79 as and for a civil penalty for Citation No. 3077180.

2. Contest Docket No. WEST 89-291-R is DISMISSED.

3. 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