

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 89-293-R  
Citation No. 3077178; 5/11/89

Southfield Mine  
Mine I.D. No. 05-03455

DECISION

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

Before: Judge Lasher:

The parties have reached a settlement covering the sole Citation (No. 3077178) involved and, in accord therewith, Contestant having moved to withdraw its contest, pursuant to 29 C.F.R. 2700.11 the same is approved, and this Contest proceeding is dismissed.

Although there is no related penalty proceeding involving Citation No. 3077178, as part of their settlement agreement reached on the record of a prehearing conference in Denver, Colorado on February 14, 1990 (T. 29-30), Contestant, Energy Fuels Coal, Inc., has agreed to pay a penalty of \$50 for the violation and such is here approved and Contestant is ordered to pay such within 30 days of this Decision. Further, in effectuation of the settlement, Citation No. 3077178 is ordered MODIFIED to delete the "Significant and Substantial" designation thereon.

Michael A. Lasher, Jr.  
Administrative Law Judge