

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

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

CIVIL PENALTY PROCEEDING

Docket No. WEST 89-148
A.C. No. 05-03455-03565

v.

Southfield Mine

ENERGY FUELS COAL, INC.,
RESPONDENT

DECISION

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

Before: Judge Lasher

This proceeding was initiated by the filing of a Proposal
for Penalty by Petitioner on April 21, 1989, pursuant to Sections
105 and 110 of the Federal Mine Safety and Health Amendments Act
of 1977, 30 U.S.C. Section 801 et seq.

At the commencement of the hearing on September 14,
1989, a settlement was concluded covering the three
Citations (T. 7-9) and such was approved from the bench (T. 8).
Pursuant to the agreement reached Respondent is to pay MSHA's
administratively assessed penalties in full and Petitioner agrees
to the deletion of the "significant and substantial" designation
on two of the three Citations involved. My bench decision finding
the parties' agreement reasonable and approving the settlement is
here affirmed.

