CCASE:

SOL (MSHA) V. ENERGY FUELS COAL

DDATE: 19900406 TTEXT: 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, 1989,1 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.

ORDER

Citations numbered 2931307 and 2931309 are MODIFIED to delete the "significant and substantial" designations on the face thereof and are otherwise affirmed. Citation No. 29331310 is affirmed.

Respondent, if it has not previously done so, shall pay the Secretary of Labor within 30 days from the date of this Decision the total sum of \$227 (\$85 for Citation No. 2931307, \$68 for Citation No. 2931309 and \$74 for Citation No. 2931310) as and for the civil penalties agreed on and here assessed.

Michael A. Lasher, Jr. Administrative Law Judge

1. This matter was consolidated for hearing with two other penalty dockets, WEST 89-149 and WEST 89-217.