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SOL (MSHA) V. ENERGY FUELS MINING
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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 89-440
A.C. No. 05-03771-03518

v.

Raton Creek Mine No. 1

ENERGY FUELS MINING COMPANY,
RESPONDENT

DECISION

Appearances: Margaret A. Miller, Esq., Robert S. Murphy, 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 petition
for assessment of penalties by the Secretary of Labor pursuant to
Section 110 of the Federal Mine Safety and Health Act of 1977, 30
U.S.C. 820 (1977) (herein the Act).

This matter was consolidated and scheduled for hearing with
two other penalty dockets, WEST 90-25 and WEST 90-52. At the
commencement of the hearing on June 12, 1990, a settlement had
been concluded and was announced (T. 2-6) covering all six
citations involved. Such settlement agreement was considered and
approved from the bench and is here affirmed.

Pursuant to their agreement, Respondent is to pay the
penalties originally assessed by Petitioner in full for five of
the six citations (as reflected in the Order below), and as to
the remaining Citation No. 2931276, the "Significant and
Substantial" designation thereon is to be deleted and the penalty
reduced from \$63 to \$50.

ORDER

1. Respondent, if it has not previously done so, shall pay
the Secretary within 30 days from the date of this decision the
total sum of \$324 as and for civil penalties as reflected below:

Citation Number	Penalty
2930776	\$ 74
2931275	74
2931277	42
3077194	42

3077196	42
2931276	50
Total	\$324

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2. Citation No. 2931276 is MODIFIED to delete the "Significant and Substantial" designation thereon and is otherwise affirmed.

Michael A. Lasher, Jr.
Administrative Law Judge