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ENERGY FUELS V. SOL (MSHA)
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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 89-296-R
Citation No. 3077175; 5/11/89

Docket No. WEST 89-288-R
Citation No. 3077183; 5/11/89

Southfield Mine
Mine I.D. 05-03455

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

v.

ENERGY FUELS COAL, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. WEST 89-449-A
A.C. No. 05-03455-03569

Southfield Mine

DECISION APPROVING 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

The parties, through the Secretary of Labor, have submitted a motion to approve their settlement which resolves the two citations remaining in Penalty Docket WEST 89-449-A. Pursuant to the settlement reached, Respondent agrees to pay in full the \$79 penalty originally assessed for Citation No. 3077183. As to Citation No. 307715, the parties agree that the violation described therein is not "significant and substantial" and that the penalty therefor should thus be reduced from the original \$98 to \$50. Based on approval of this agreement, Respondent withdraws its contests in the two captioned contest proceedings. The settlement is reasonable and part of an overall settlement of many dockets reached by these parties. Accordingly, it is APPROVED.

Order

1. Citation No. 3077175 is MODIFIED to delete the "significant and substantial" designation thereon and is otherwise APPROVED.
2. Contestant/Respondent Energy Fuels shall pay to the Secretary of Labor the total sum of \$129 as and for the civil penalties agreed on and here assessed within 30 days from the date hereof.
3. Contest Docket Nos. WEST 90-288-R and WEST 89-296-R are DISMISSED.

Michael A. Lasher, Jr.
Administrative Law Judge