

CCASE:  
CYPRUS PLATEAU MINING CORP. V. SOL (MSHA)  
SOL (MSHA) V. CYPRUS PLATEAU MINING CORP.  
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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
1244 SPEER BOULEVARD #280  
DENVER, CO 80204-3582  
303-844-5267/FAX 303-844-5268

October 17, 1994

CYPRUS PLATEAU MINING	:	CONTEST PROCEEDING
CORPORATION,	:	
Contestant	:	Docket No. WEST 92-371-R
	:	Order No. 3588140; 3/12/92
v.	:	
	:	Star Point No. 2
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	Mine I.D. 42-00177
ADMINISTRATION (MSHA),	:	
Respondent	:	
	:	
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEST 92-485(B)
Petitioner	:	A.C. No. 42-00171-03633
	:	
v.	:	Star Point No. 2
	:	
	:	
CYPRUS PLATEAU MINING	:	
CORPORATION,	:	
Respondent	:	

DECISION AFTER REMAND

Before: Judge Morris

On August 26, 1994, the Commission issued its decision in the above cases reversing the Judge's conclusions on S&S and unwarrantability. The Commission further remanded the cases for a recalculation of the civil penalty.

On October 5, 1994, the parties filed a stipulation of appropriate penalty.

The original proposed penalty for the violation of 30 C.F.R. 75.220(a)(1) was \$2,600.00 and the parties agreed on reman that, based on the evidence at the hearing, as well as the penalty criteria set forth in the Act, an appropriate penalty would be \$1,820.00.

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The parties further agree that stipulation agreed to by Cyprus Plateau does not constitute a waiver of Cyprus Plateau's right to seek review of the Commission's decision in the United States Court of Appeals when the decision becomes final after the imposition of a penalty.

Discussion

I have reviewed the stipulation and I find that is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER AFTER REMAND

1. The stipulation is APPROVED.
2. A civil penalty of \$1,820.00 is ASSESSED.

John J. Morris  
Administrative Law Judge

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