

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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Falls Church, Virginia 22041

May 18, 2000

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. PENN 94-23
Petitioner	:	A. C. No. 36-05466-03980
v.	:	
	:	Docket No. PENN 94-166
CYPRUS EMERALD RESOURCES,	:	A.C. No. 36-05466-03990
Respondent	:	
	:	Emerald No. 1 Mine

DECISION APPROVING SETTLEMENT ON REMAND

Before: Judge Hodgdon

This case is before me on remand from the Commission to assess a penalty for the only citation remaining in the case. *Cyprus Emerald Resources Corp.*, 22 FMSHRC 285 (March 2000). The Secretary, by counsel, has filed a motion to approve a settlement agreement. A reduction in penalty from \$3,000.00 to \$1,000.00 is proposed.

Having considered the representations and documentation submitted, I conclude that the proffered settlement is appropriate under the criteria set forth in section 110(i) of the Act, 30 U.S.C. § 820(i). Accordingly, the motion for approval of settlement is **GRANTED** and the Respondent is **ORDERED TO PAY** a penalty of **\$1,000.00** within 30 days of the date of this order.

T. Todd Hodgdon
Administrative Law Judge

Distribution:

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