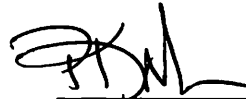




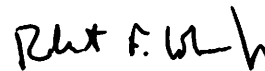
Records of the Department of Labor's Mine Safety and Health Administration ("MSHA") indicate that the proposed assessment was delivered on March 26, 2013, and became a final order of the Commission on April 25, 2013. Frontier asserts that it mailed a contest to the payment center on May 20, 2013. The Secretary does not oppose the request to reopen, but notes that the contest form MSHA received at its St. Louis, MO, payment center, was postmarked May 7, 2013. MSHA mailed a delinquency notice on June 10, 2013. The Secretary urges the operator to take steps to ensure that future penalty contests are timely filed and mailed to the Civil Penalty Compliance Office in Arlington, VA.

Having reviewed Frontier's request and the Secretary's response, in the interest of justice, we hereby reopen this matter and remand it to the Chief Administrative Law Judge for further proceedings pursuant to the Mine Act and the Commission's Procedural Rules, 29 C.F.R. Part 2700. Accordingly, consistent with Rule 28, the Secretary shall file a petition for assessment of penalty within 45 days of the date of this order. *See* 29 C.F.R. § 2700.28.




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Patrick K. Nakamura, Acting Chairman



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Robert F. Cohen, Jr., Commissioner



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William I. Althen, Commissioner

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