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SOL (MSHA) V. WESTMORELAND COAL
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEVA 83-170
A.C. No. 46-03140-03507

v.

Hampton No. 3 Prep. Plant

WESTMORELAND COAL COMPANY,
RESPONDENT

ERRATA

Before: Judge Kennedy

The first sentence on page 3 of the decision in this matter issued October 28, 1983 should be deleted and the following substituted therefor:

The operator, of course, has the burden of persuasion with respect to rebutting a prima facie showing that a violation is S&S. Miller Mining Co. v. FMSHRC, 3 MSHC 1017 (9th Cir. 1983); Old Ben Coal Corp. v. IBMOA, 523 F.2d 25, 39 (7th Cir. 1975).

Joseph B. Kennedy
Administrative Law Judge