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SOL (MSHA) V. MID-CONTINENT RESOURCES
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDINGS

Docket No. WEST 88-230
A.C. No. 05-00301-03548

v.

Docket No. WEST 88-231
A.C. No. 05-00301-03549

MID-CONTINENT RESOURCES, INC.,
RESPONDENT

Dutch Creek No. 1 Mine

ORDER SEALING PORTIONS OF TRANSCRIPT

During the hearing in the above cases certain matters were heard in camera as the evidence presented involved sensitive, proprietary and confidential information concerning the respondent's business operations.

Inasmuch as the appeal process favors a public transcript the in camera proceeding of December 1, 1988, is dissolved except for certain portions of the transcript which should remain sealed.

Accordingly, the following order is appropriate:

1. The following portions of the transcript are hereby sealed to be opened only by order of the presiding judge or by order of the Commission. These portions are as follows:

| Page | Line Number(s) |
|----------------|----------------|
| 5 | 11 through 25 |
| 6 | 1 through 12 |
| 7 | 25 |
| 8 | 10 through 22 |
| 10 | 4 through 11 |
| 15 | 21 through 22 |
| 16 | 19 through 24 |
| 28 | 7 through 25 |
| 30 | 1 through 6 |
| 31 | 13 through 16 |
| 32 | 6 through 22 |
| 33 | 23 through 24 |
| 34 | 1 through 24 |
| 35 | 1 through 17 |
| 38 | 6 through 13 |
| 39 | 12 through 18 |
| 40 | 7 |
| 42(FOOTNOTE 1) | 14 through 22 |

The material under seal consists of the following:

Two copies of the in camera proceedings in its entirety and two copies marked with a yellow highlighter to identify the portions excised from the transcript.

2. The public transcript containing sealed and unsealed evidence is altered by excising the sensitive, proprietary and confidential evidence portions from each page. Further, a copy of the entire in camera proceeding, as altered, is attached to this order.

Each page of the public transcript altered by this order shall contain a statement which shall identify the portion excised. Each portion so removed shall state it was excised by order of the presiding judge dated March 22, 1989.

3. A copy of the in camera proceedings, as altered by this order, is attached hereto and a copy is forwarded to each party.

4. I further direct counsel for the parties to seal the sensitive, proprietary and confidential evidence in their possession as identified by this order. Said evidence shall remain sealed until further order of the presiding judge or the Commission.

John J. Morris
Administrative Law Judge

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FOOTNOTES START HERE

~FOOTNOTE_ONE

1. The portion excised on page 42 is a comment on the evidence by counsel and it is excised because the evidence relating thereto has been sealed.