

CCASE:
CONTESTS OF RESPIRABLE
DUST SAMPLE ALTERATION
CITATIONS
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
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FALLS CHURCH, VIRGINIA 22041

IN RE: CONTESTS OF RESPIRABLE Master Docket No. 91-1
DUST SAMPLE ALTERATION
CITATIONS

ORDER

The Commission remanded this matter to me by its decision issued June 29, 1992, for a ruling on the Secretary's claim of attorney work product privilege to support her refusal to disclose documents 3, 365, 366, 367, 401 and 424. The Commission also directed me to rule on whether Rule 6(e) of the Federal Rules of Criminal Procedure bars disclosure of folders 11 and 12 of document 406. 14 FMSHRC _____ (1992).

To assist me in carrying out the terms of the remand, I direct the Secretary to resubmit documents 3, 365, 366, 367, 401 and 424 to me on or before July 10, 1992, for inspection in camera. Contestants may on or before the same date file a motion for in camera inspection of any other document concerning which the Secretary's claim of privilege was upheld. I also direct the Secretary to respond to my letter of June 18, 1992, concerning the present status of any grand jury investigation.

Finally, I direct that the parties file on or before July 15, 1992, memoranda in support of their respective positions on the Secretary's work product privilege claim, and on the applicability of Rule 6(e) of the Federal Rules of Criminal Procedure.

James A. Broderick
Administrative Law Judge