

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVENUE, NW, SUITE 520N

WASHINGTON, D.C. 20004-1710

JUL 19 2018

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

v.

POCAHONTAS COAL COMPANY, LLC

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Docket Nos. WEVA 2014-395-R
WEVA 2014-1028
WEVA 2014-854

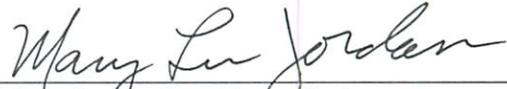
ORDER

On July 10, 2018, Counsel for Pocahontas Coal Company, LLC (“Pocahontas”), filed a motion “under seal” to withdraw its Petition for Discretionary Review (“PDR”) on the grounds that the parties had reached a settlement agreement in the above-referenced cases. On July 17, 2018, the Secretary of Labor filed a response “under seal” in support of Pocahontas’ motion to withdraw its PDR. However, neither party filed a motion to file under seal or provided justification for the Commission sealing what would otherwise be publicly available filings.

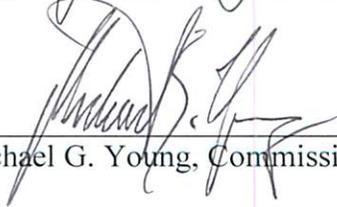
The Commission directs the parties to file a pleading explaining why the motion and response have been filed “under seal.” Parties should explain how sealing these pleadings is consistent with Congressional intent that settlements under the Federal Mine Safety and Health Act of 1977 take place with sufficient transparency so that the public will be aware of the process. The parties’ response must be filed within five (5) days of the issuance of this order.



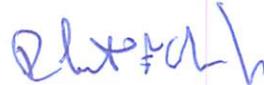
William I. Althen, Acting Chairman



Mary Lu Jordan, Commissioner



Michael G. Young, Commissioner



Robert F. Cohen, Jr., Commissioner

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