

ments indicate that he has given ample consideration to respondents' objections and that he has not abused his discretion in rejecting them or in refusing to make a determination under Section 3.23 (b). Accordingly, *It is ordered*, That the aforesaid applications for review, along with the requests for oral argument, be, and they hereby are, denied.

IN THE MATTER OF
BRITISH OXYGEN COMPANY, LIMITED, ET AL.

Docket 8955. Interlocutory Order, May 29, 1974

Order placing on Commission's docket for review and upholding the administrative law judge's order of April 23, 1974, which grants four respondents' motion for production of certain documents obtained in Commission investigation of industrial gas industry; and directing administrative law judge to accord confidential treatment to sensitive portions of documents in question as set out in Commission's order.

Appearances

For the Commission: *K. Keith Thurman.*

For the respondents: *Paul, Weiss, Rifkind, Wharton & Garrison,*
New York, N.Y.

ORDER GRANTING APPLICATIONS FOR REVIEW

By order dated April 23, 1974, the administrative law judge granted a motion by respondents, British Oxygen Company, Limited, BOC Financial Corporation, BOC Holdings, Limited, and British Oxygen Investments, Limited (hereinafter BOC), for production, pursuant to Section 3.36 of the Commission's Rules of Practice, of certain documents obtained in a Commission investigation of the industrial gas industry. Pursuant to Section 3.23 (a) (1) of the rules, complaint counsel request that the Commission review this order on the grounds that BOC failed to make certain showings required by Section 3.36. Review is also sought by five companies who voluntarily submitted documents in connection with said investigation, and who are not parties to this matter but are participating with the permission of the administrative law judge.

The rulings of an administrative law judge on issues of this kind are entitled to great weight and will be reviewed only upon a showing that he has abused his discretion. *Warner Lambert Co.*, Dkt. 8891 (September 18, 1973) [p.485 herein]. We find no such abuse of discretion in the law judge's ruling on the instant motion to produce and it will be affirmed. We are concerned, however, that the maximum protection

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Order

consistent with a just determination of the issues be afforded to the more sensitive portions of the material in question and will accordingly direct that the law judge accord sensitive information the so-called "Mississippi River" type treatment, *i.e.*, submittal to an independent accounting firm for analysis and aggregation so as to avoid the disclosure of individual firm data of great competitive sensitivity. Accordingly,

It is ordered, That the order of the administrative law judge, dated April 23, 1974, be, and it hereby is, placed on the Commission's docket for review;

It is further ordered, That the administrative law judge's order of April 23, 1974, be, and it hereby is, upheld;

It is further ordered, That the administrative law judge accord the above-described confidential treatment to the sensitive portions of the documents whose production is required by his order of April 23, 1974.

IN THE MATTER OF
EXXON CORPORATION, ET AL.

Docket 8934. Interlocutory Order, June 4, 1974

Order denying respondents' motions for reconsideration of Commission's prior denial of respondents' motions to dismiss complaint.