

U.S. Department of Labor

Office of the Solicitor
Division of Mine Safety & Health
1100 Wilson Boulevard
Arlington, Virginia 22209-2296



ON APPEAL TO
THE COMMISSION

Via Facsimile and U.S. Mail

April 1, 2009

Lisa M. Boyd
Executive Director
Federal Mine Safety and Health
Review Commission
601 New Jersey Avenue, NW, Suite 9500
Washington, DC 20001
Attn: Docket Office

FEDERAL MINE SAFETY &
HEALTH REVIEW COMMISSION
2009 APR -1 AM 9:57

Re: Secretary of Labor v. Eastern Associated Coal Corp.
FMSHRC Docket No. WEVA 2007-335

Dear Ms. Boyd:

Pursuant to 29 C.F.R. § 2700.75(a)(1), the Secretary hereby notifies the Commission and the respondent that she adopts her Petition for Discretionary Review (filed on February 26, 2009) as her opening brief in the above-captioned case.

Thank you for your attention to this matter.

Sincerely,

Edward Waldman
Attorney
(202) 693-9344

Enclosure

cc: R. Henry Moore, Esq. (via facsimile and U.S. mail)