

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVENUE, NW, SUITE 520N

WASHINGTON, D.C. 20004-1710

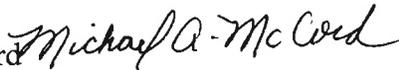
OFFICE OF THE GENERAL COUNSEL

January 29, 2015

Memorandum

To: Acting Chairman Nakamura
Commissioner Cohen
Commissioner Althen
Counsels

From: Michael A. McCord
General Counsel



Subject: General Counsel's Sunshine Act Certification and Tally Sheet

A Commission meeting has been called to consider *Secretary of Labor v. Brody Mining, LLC*, Docket Nos. WEVA 2014-82-R, et al., at 10:00 a.m. on Tuesday, February 10, 2015.

This is to certify that, in accordance with section 3(f)(1) of the Government in the Sunshine Act, 5 U.S.C. § 552b(f), and the Commission's rules under the Act, 29 C.F.R. Part 2701, the meeting at which the Commission will consider the case set forth above may properly be closed to the public on the basis of the exemption in 5 U.S.C. § 552b(c)(10) applicable to the consideration or disposition of a "particular case of formal agency adjudication."

Attached is a tally sheet for Commissioners to record their respective votes on whether to open or close the meeting in whole or in part. Please return the tally sheets no later than **2:00 p.m., today**. Your cooperation is appreciated.

TALLY SHEET

I. Agenda item: Commission meeting on **February 10, 2015**, to consider *Secretary of Labor v. Brody Mining, LLC*, Docket Nos. WEVA 2014-82-R, et al.

II. General Counsel's certification: Attached

III. Vote



Commissioner

1/29/14

Date

___ *Secretary of Labor v. Brody Mining, LLC*, Docket Nos. WEVA 2014-82-R, et al., to be conducted in **open session**.

___ *Secretary of Labor v. Brody Mining, LLC*, Docket Nos. WEVA 2014-82-R, et al., to be **closed in part** pursuant to 5 U.S.C. § 552b(c)(10).

___ *Secretary of Labor v. Brody Mining, LLC*, Docket Nos. WEVA 2014-82-R, et al., to be **closed in its entirety** pursuant to 5 U.S.C. § 552b(c)(10).

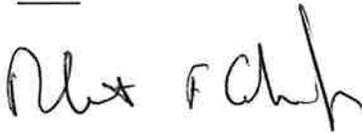
IV. Comments:

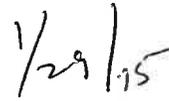
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