U.S. Department of Labor

Office of the Solicitor
Washington, D.C. 20210

July 12, 2001

Mark J. Langer, Clerk
United States Court of Appeals
for the District of Columbia Circuit
U.S. Courthouse, Rm. 5423
3rd & John Marshall Pl., N.W.
Washington, D.C. 20001

Re: Kaspar Wire Works, Inc. v. Elaine L Chao, U.S. Sec'y of Labor, & Occupational Safety and Health Review Comm'n, D.C. Cir. No. 00-1392

Dear Mr. Langer,

Enclosed please find, in final form, an original and fourteen copies of the Brief for the Secretary of Labor in the above-captioned case. This revises, following the filing of the deferred Appendix, the version that the Secretary originally filed on June 8, 2001. *Circuit Rule 31.*

Please note that the Review Commission must be named as a Respondent pursuant to Fed.R.App.P. 15(a), but it is not an active party in these proceedings. *See Martin v. OSHRC*, 499 U.S. 144, 154 (1991) ("Congress intended to delegate to the Commission the type of nonpolicymaking adjudicatory powers typically exercised by a *court* in the agency-review context" (emphasis in original)). Opposing counsel of record has been served, as noted below.

Thank you for your attention to this matter.

Sincerely,

John Shortall

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