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Oct. 30, 2002

Dave Lauriski
Assistant Secretary
Mine Safety and Health Administration
U.S. Department of Labor
1100 Wilson Blvd., 23rd Floor
Arlington, Va. 22209

Fax to: (202) 693-9421

Dear Assistant Secretary Lauriski,

This is to follow-up to my Freedom of Information Act request, dated Sept. 10, 2002, for the results of the "risk assessment" conducted by the Mine Safety and Health Administration following the Quecreek inundation. I have attached a copy of that original request, for your convenience.

To date, the only response I have received was a Sept. 17 letter from Michael P. Miano, chief of the Division of Safety, which said that the agency is "processing my request" and that the information would be provided "in the near future."

As of today, the information I requested has not been provided. However, some results of the risk assessment were released yesterday during MSHA's mapping symposium in Charleston. As a result of that information release, I wish to repeat my original, Sept. 10 FOIA request and supplement that request to seek some additional documents.

Along with the information requested in my Sept. 10 letter, please provide me with the following:

1. A copy of the Power Point slide presentation delivered by Mr. Ray McKinney of your agency during yesterday's symposium.
2. Fatality investigation reports for the fatalities caused by inundation, as referred to by Mr. McKinney in his presentation.
3. Any MSHA inspection or investigation reports concerning a blowout in the state of Virginia that killed a citizen. This incident was discussed by Frank Linkous, chief of the Virginia state mine safety office, during yesterday's symposium.
4. Copies of public comments received during the comment period on the March 1996 changes to Section 75.388 of the federal mine safety regulations.
5. Copies of whatever reports or data were used to generate the statistics contained on the MSHA symposium flier (For example, "Over the last 3 years, underground coal mines have been averaging an inundation every two weeks").

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In addition, I want to bring it to your attention that I have yet to receive any documents responsive to my Aug. 1, 2002, FOIA request (also attached for your information).

I would like to amend that request to include not simply reports of inundations which occurred over the last 5 years, but all inundations which occurred in the last 10 years. (See No. 7 item of the request).

Further, I want to repeat my request that you expedite the release of these materials. To date, your agency has not informed me of a determination of whether you will expedite my request. As you know, such determinations are required to be provided to requesters within 10 days. (See 5 U.S.C. 552(a)(6)(E)(ii)(1)).

The potential for another mine inundation similar to the one at Quecreek Mining clearly poses a threat to the life or physical safety of individuals. Newspaper reports about this potential could force reforms that would protect mines working in these operations. Therefore, I certify that there is a compelling need for the expedited processing of my requests for information on this issue.

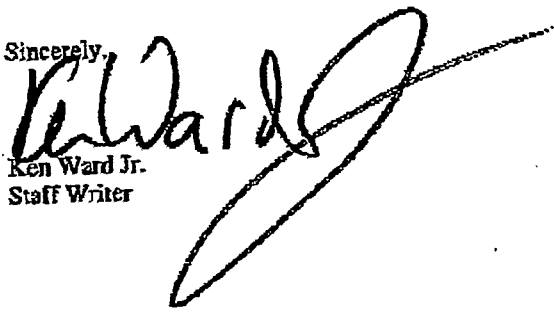
I also hereby request that you waive any copying and search fees that might otherwise be associated with this request, as provided by 20 C.F.R. 70.41. The information I am requesting concerns the operations or activities of government, the disclosure of this information is likely to contribute to a public understanding of those government activities and contribute to the public understanding in a significant manner. The public's interest in the publication of stories based on this information exceeds any commercial interest of mine in obtaining the records.

If you choose not to waive the fees, and they will amount to more than \$100, please contact me before you proceed.

If it would make it more efficient and less costly, I would agree to review the requested records in a nearby MSHA office, such as the one in Mount Hope, W. Va., or at the Mine Academy in Beckley, W. Va.

Should you or your staff have any questions about this request, please feel free to contact me at (304) 348-1702. I look forward to your prompt response.

Sincerely,


Ken Ward Jr.
Staff Writer