

Exhibit D

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South, Suite 401
Arlington, Virginia 22202-5452



August 25, 2022

Benjamin Hatch
McGuireWoods LLP
World Trade Center
101 West Main Street
Suite 9000
Norfolk, VA 23510-1655

Re: Freedom of Information Act Request Acknowledgement – Tracking No. 2022-F-11989

Dear Mr. Hatch:

This letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated July 28, 2022, addressed to U.S. Department of Labor (DOL). Your request has been referred to the Mine Safety and Health Administration (MSHA) and has been assigned Tracking Number 2022-F-11989. Please refer to this number in any future correspondence relative to your FOIA request.

In your request, you asked for the following documents, records, or information:

“...a copy of any and all documents related to interviews conducted by MSHA’s Inspector General, or other MSHA employees, with former MSHA employee Jack Kuzar, both during and after Kuzar’s employment with MSHA. This request includes all interview notes, memoranda, summaries, preparatory materials, internal communications, and any other documents related to any and all interviews of Kuzar.”

On August 3, 2022, you clarified your request and indicated you are seeking interview materials maintained by MSHA and DOL’s Office of the Inspector General (OIG) related to Mr. Jack Kuzar and the 2010 Upper Big Branch Accident.

Due to the unusual circumstances surrounding the records you are seeking, the statutory time limits for processing your request cannot be met. There is a need to search for and collect records from separate offices; search for, collect, and examine a voluminous amount of records; and consult with another agency. Based on these unusual circumstances, we estimate that you will receive a response within 60 working days of the date of this letter. Your request has also been assigned to the OIG for a separate response.

If you have any questions or wish to discuss narrowing the scope of your request or an alternative time frame for the processing of your request, you may contact at Kimberlee Proctor at 202-693-9477 or proctor.kimberlee@dol.gov or the DOL FOIA Public Liaison, Thomas Hicks, at (202) 693-5427 or hicks.thomas@dol.gov. Alternatively, you may contact the Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA) to inquire about the mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration

8601 Adelphi Road, College Park, MD 20740-6001
Phone - (202) 741-5570
Toll free - (877) 684-6448
Fax - (202) 741-5769
Email - ogis@nara.gov

Please note that FOIA applies to existing records and does not require agencies to conduct research or generate documents based on that research. The FOIA requires that agencies generally disclose records unless agencies are authorized or required to withhold requested records, either in whole or part due to one or more of the nine established exemptions.

Pursuant to 29 CFR Section 70.19(e) and 70.40, by filing your initial request, you have agreed to pay up to \$25 in satisfaction of certain fees associated with gathering the information you have requested. If we estimate that your fees are likely to exceed \$25 or another amount that you have already consented to pay, we will notify you. Reference 29 CFR Section 70.42(c).

For information about FOIA practices and procedures, please visit our website at www.msha.gov or visit the DOL website at www.dol.gov.

Sincerely,



Timothy R. Watkins
Deputy Administrator for Mine Safety and Health Enforcement
Mine Safety and Health Administration