

# **Exhibit 5**

**U.S. Department of Labor**

Mine Safety and Health Administration  
1100 Wilson Boulevard  
Arlington, Virginia 22209-3939



JUN 12 2018

Mr. Howard Berkes  
NPR  
1565 Garfield Ave.  
Salt Lake City, UT 84105

Re: Freedom of Information Act Request Acknowledgement – Tracking No. 859334

Dear Mr. Berkes:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request dated May 11, 2018. Your request has been referred to the Mine Safety and Health Administration (MSHA), Directorate of Program Evaluation and Information Resources (PEIR) and has been assigned Tracking Number 859334. Please refer to this number in any future correspondence relative to your FOIA request.

You have requested “the quarterly summation of employee hours and coal production reported by mine operators for each quarter in a calendar year, by subunit and mine ID beginning on 1/1/1986 and continuing through 12/31/1999. The subunit code identifies the location or operation of the mine relating to the: (01) Underground; (02) Surface at underground; (03) Strip, quarry, open pit; (04) Auger; (05) Culm bank/refuse pile; (06) Dredge; (12) Other mining; (17) Independent shops or yards; (30) Mill operation/preparation plant; (99) Office workers at mine site.”

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 consult with another agency or two or more agency components. 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 for a fee waiver has been granted.

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 Steven Grubb at (202) 693-9731 or by email at [grubb.steven@dol.gov](mailto:grubb.steven@dol.gov) or the DOL FOIA Public Liaison, Thomas Hicks, at (202) 693-5427 or [hicks.thomas@dol.gov](mailto: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:

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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](mailto: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.

For information about FOIA practices and procedures, please visit our website at [www.msha.gov](http://www.msha.gov) or visit the DOL website at [www.dol.gov](http://www.dol.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Syed Hafeez", with a long horizontal line extending to the right.

Syed Hafeez  
Director, Program Evaluation and Information Resources