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February 9, 2012

The Honorable Hilda Solis  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Dear Secretary Solis:

I write to request, again, documents and communications related to Jack Kuzar's separation from the Department of Labor's Mine Safety and Health Administration (MSHA) and the Upper Big Branch internal review team. The Department of Labor's response to my December 16, 2011 request, dated December 23, 2011, was grossly incomplete. The two documents provided did not allay my concerns regarding Mr. Kuzar's departure and its effect on the completion of the Upper Big Branch internal review.

As stated previously, it is highly unusual, if not unprecedented, for the head of an internal review team to depart in the midst of such an important examination. The fact that this departure occurred 16 months into the review, as the final report was nearing completion, and that it took three weeks to appoint a new technical leader is troubling.

The timely completion of the internal report is essential to miner safety. Nothing should jeopardize the integrity and completion of this internal report. Accordingly, I again ask that you produce the following to the committee no later than February 23, 2012:

1. All documents and communications related to Mr. Kuzar's separation of service from MSHA and the internal review team;
2. All documents and communications related to the transition following Mr. Kuzar's departure;

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3. The identity of the individual who is or will lead the internal review of MSHA's actions related to the 2010 Upper Big Branch disaster, including the date of his/her appointment as team leader and an outline of his/her qualifications to serve in this capacity;
4. All documents and communications related to the change in leadership directing MSHA's internal review of the 2010 Upper Big Branch disaster; and
5. A timetable for the expected completion and issuance of the internal review of MSHA's actions related to the 2010 Upper Big Branch disaster.

Additionally, please provide any revisions made to the 1992 internal review protocol provided to committee staff, along with the section(s) revised and the dates of the revision(s). The attached document should guide your staff as to the scope of the request and the manner in which it should be provided to the committee. Any documents within the scope of this request that are not included in the production should be listed separately with an explanation for their exclusion. If your staff has any questions regarding this request, please contact Loren Sweatt of the committee staff at 202-225-7101.

Sincerely,



JOHN KLINE  
Chairman

Enclosures