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Doris Cash
National Freedom of Information Officer
Mine Safety and Health Administration, U.S. Dept. of Labor
1111 Wilson Blvd.
Arlington, VA 22209

FOIA REQUEST

Fee benefit requested
Fee waiver requested
Expedited review requested

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of any citations MSHA has made for mercury exposure or other mercury-related safety issues against the following Nevada gold mines in the last 10 years: Barrick Goldstrike, Placer Dome Cortez Joint Venture, Jerritt Canyon Joint Venture, Newmont Twin Creeks, Newmont Carlin Mines Complex, Echo Bay McCoy Cove, FMC Gold Co Getchell, Placer Dome Alligator Ridge, Pinson Mining Company's Pinson, FMC Gold Co Paradise Peak. I'd also like any inspection reports in which the issue of high mercury concentrations inside refining facilities or potential mercury exposure to employees was brought up for the following Nevada gold mines: Barrick Goldstrike, Placer Dome Cortez Joint Venture, Jerritt Canyon Joint Venture, Newmont Twin Creeks, Newmont Carlin Mines Complex, Echo Bay McCoy Cove, FMC Gold Co Paradise Peak.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on mercury pollution and mercury contamination in gold mining that is of current interest to the public because of the critical public health implications. This information is being sought on behalf of *The Denver Post* for dissemination to the general public.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. Mercury in gold mining is currently unregulated by federal or state agencies and this article will address the possible public health implications of the current situation as well as how that might change if the EPA chose to regulate the substance.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

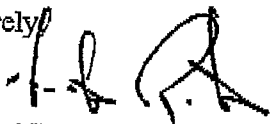
As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited review of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information. The public has an urgent need for information about mercury in gold mining because an Idaho environmental group has recently submitted a notice to sue the EPA within the next 60 days in order get the agency to regulate mercury in gold mining. At the same time it has submitted a petition requesting the EPA to voluntarily include gold mines on the list of regulated industries for mercury, an action which, if taken, would head off that lawsuit. A substantial delay in the release of this information will rob the public of the option to weigh in as the agency considers the appropriate action to take. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,



Michael Riley