

SHELDON WHITEHOUSE
RHODE ISLAND

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JUDICIARY

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November 9, 2017

Robert E. Murray
Chairman, President & CEO
Murray Energy Corporation
46226 National Road
St. Clairsville, Ohio 43950

Dear Mr. Murray:

In the PBS *Frontline* documentary “*War on the EPA*,” you stated that you had given to President Trump “an action plan, very early, about three and a half pages about what he needed to do in his Administration.” *Frontline* reported that at the top of the list was repealing the Clean Power Plan. As you know, President Trump has nominated longtime Murray Energy lobbyist Andrew Wheeler to serve as Deputy Administrator of the Environmental Protection Agency. The Senate Environment and Public Works (EPW) Committee held a hearing this week to consider Mr. Wheeler’s nomination, at which he testified that he had seen the plan but did not have a copy in his possession.

So that I and other members of the EPW Committee may have all relevant information to consider Mr. Wheeler’s nomination, I request a copy of your “action plan” not later than November 16, 2017. Since it has been shared with President Trump, it is hard to imagine there is any valid privilege for withholding the document.

Further, although it is also unclear that there is a valid privilege to be asserted against questioning Mr. Wheeler about his knowledge, or role in development, of the plan, to the extent that Murray Energy believes that its privileges may be implicated, I also respectfully request that the Company release Mr. Wheeler from any attorney-client or work-product privilege that may limit his ability to answer such questions.

Thank you for your prompt attention to this request.

Sincerely,



Sheldon Whitehouse
United States Senator

Cc: Senator John Barrasso, Chairman, Senate Environment and Public Works Committee
Senator Tom Carper, Ranking Member, Senate Environment and Public Works Committee