
From: April Bott [mailto:abott@bottlawgroup.com]

Sent: Friday, April 15, 2011 9:37 AM

To: zzMSHA-Standards - Comments to Fed Reg Group; Nelson, April E - MSHA 2011 APR 15 A 10:43

Cc: 'Mike Carey'; bwatzman@nma.org; 'Shawn Bennett'

Subject:

Ms. Nelson-

Attached please find a request for the extension of the comment period for MSHA's proposed rule, docketed at RIN 1219-AB64, submitted by the Ohio Coal Association.

Thank you in advance.



April R. Bott
Bott Law Group LLC
6037 Frantz Road, Suite 105
Dublin, Ohio 43017
Main: 614-761-2688
Direct: 614-761-3855
Fax: 614-462-1914
abott@bottlawgroup.com

AB64-COMM-28

17 South High Street
Suite 410
Columbus, Ohio 43215



TEL 614 228 6336
FAX 614 228 6349

April 15, 2011

Via Electronic and U.S. Mail
zzMSHA-comments@dol.gov
nelson.april@dol.gov

MSHA
April E. Nelson
Office of Standards, Regulations and Variances
1100 Wilson Blvd, Room 2350
Arlington, VA 22209

RE: RIN 1219-AB64 (Proposed Rule)
Request for Extension of Comment Period

Dear Ms. Nelson:

On March 8, 2011, MSHA issued a proposed rule, *Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors*, 76 Fed. Reg. 12648 ("Proposed Rule") for public comment. By this letter, the Ohio Coal Association requests that MSHA extend the comment period for the Proposed Rule. Specifically, on October 20, 2010, the National Mining Association ("NMA") submitted a FOIA request to MSHA, seeking documents relevant to the Proposed Rule. On April 8, 2011, MSHA responded and excluded the release of certain documents sought by NMA. NMA has appealed the exclusion of documents to the Solicitor of Labor. Ohio Coal requests that MSHA extend the comment period on the Proposed Rule until such time that the Solicitor of Labor rules on NMA's appeal with an additional sixty days if the relevant documents are released so that the released documents can be reviewed in conjunction with the preparation of comments submitted in response to the Proposed Rule.

Thank you in advance for your anticipated agreement with the extension request under these unique circumstances.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael T.W. Carey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Michael T.W. Carey, President
Ohio Coal Association