



JAN 03 2006



(Name removed)

Dear Mr. [REDACTED] (Name removed)

This is in response to your letter dated August 10, 2005, on behalf of the MARG Diesel Coalition. In your letter, you request that the Mine Safety and Health Administration make corrections to the information used in developing the June 6, 2005 rule, "Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners" (70 Fed. Reg. 32868-32968) and the January 19, 2001 rule, "Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners" (66 Fed. Reg. 5706-5755).

I have reviewed your letter as a correction request pursuant to the Department of Labor's (DOL) "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by the Department of Labor." The information addressed in your complaint relates to the diesel particulate matter (DPM) final limit, the Estimator, the 31-Mine Study, sampling, the analytical method, economic and technological feasibility, the risk assessment, and Elemental Carbon/Total Carbon ratios. This information is contained in the rulemaking record that will be considered by MSHA as the agency develops the DPM final limit for underground metal and nonmetal mines. In accordance with the DOL Guidelines, I have decided that the information quality issues raised in your complaint should be handled through rulemaking procedures, and I have placed your letter in the DPM rulemaking record. MSHA will respond to your information quality comments in the preamble to the DPM final rule, which is expected to be published by May 2006.

You have the right to appeal this decision by written letter directed to Mr. Jay Mattos, Deputy Director, Program Evaluation and Information Resources, MSHA, 1100 Wilson Boulevard, Arlington, VA 22209-3939. In the alternative, you may file your appeal by email to Mattos.Jay@dol.gov. You must include an explanation of the basis for your

appeal at the time that you file the appeal. The appeal procedures may be found in the Department's Information Quality Guidelines, which are available online at <http://www.dol.gov/cio/programs/InfoGuidelines/informationqualitytext.htm>

Sincerely,

A handwritten signature in cursive script that reads "George M. Fesak".

George M. Fesak
Director, Program Evaluation
and Information Resources