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MSHA/OSRV

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May 8, 2006

M.S.H.A.
Office of Standards, Regulations, and Variances
1100 Wilson Blvd.
Room 2350
Arlington, VA 22209-3939

Re: Comments Emergency Temporary Standard RIN 1219-AB46

Dear Administrator:

Bowie Resources LLC has the following comments on the ETS as the proposed rule.

It is our understanding that the ETS serves as the proposed rule in the process of making a final rule. If this is correct then Bowie must object to some of the comments and "thoughts" expressed by MSHA in the preamble to the ETS.

An example of this is expressed by MSHA on page 12260 where 50.2 (h) (6) is considered for revision based on comments on the ETS. This is improper without a proposed rule being published and the rule making process being followed. If the language of 50.2 (h)(6) is changed due to comments during the ETS proposed rule process the public will be deprived of the process of making comments on the exact wording of 50.2 (h)(6) before it becomes a final rule.

This is true of any additions that MSHA is considering that is not the exact wording of the ETS. The opening statement of MSHA at the public hearing in Denver seemed to invite comments on several subjects that were beyond the contents of the ETS.

75.1714-4(d)

This regulation requires revision as to what is "readily accessible by each person in the mine" This regulation requires that SCSR's are stored and yet must be "readily accessible". The regulation does not address how an operator is to provide for outby persons such as a Fireboss or Beltman who may be required to travel long distances during their shift. An additional SCSR for these people may have to be carried in order for them to be in compliance.

Sincerely

Ernal A. Shaw
Manager of Safety

AB46-COMM-6