

UNITED STATES OF AMERICA

BEFORE THE

MINE SAFETY AND HEALTH ADMINISTRATION

DEPARTMENT OF LABOR

A PUBLIC HEARING

In the Matter of:

HIGH-VOLTAGE CONTINUOUS MINING MACHINES

PROPOSED RULE

Hearing Room B
Sheraton Birmingham Hotel
2101 Ralph Arrington Boulevard
Birmingham, Alabama

Tuesday, November 16, 2004
9:00 a.m.

MARVIN W. NICHOLS, JR., Presiding
SALWA EL-BASSIONI
BOB BORING
RON STAHLHUT

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P R O C E E D I N G S

MR. NICHOLS: Good morning, everybody.

My clock says nine o'clock, so let's start the hearing.

My name is Marvin Nichols, and I am the Director of the Office of Standard, Regulations, and Variances, and on behalf of Dave Lauriski, the Assistant Secretary of Labor for Mine Safety and Health, I would like to welcome all of you today to this public hearing.

This is the second of four hearings. The next two hearings will be held on the following dates at the following locations:

November the 18th in Lexington, Kentucky, that's this Thursday; and

November the 30th in Morgantown, West Virginia.

The purpose of these hearings is to obtain input from the public on a proposed rule that was published in the Federal Register on July the 16th, 2004.

A modified hearing location and date notice, as well as the extension of the post-hearing comment period was published in the Federal Register on August the 12th, 2004.

We have copies of both of these documents at the back registration table if you need a copy.

The proposed rule we are addressing today would include construction and design requirements for approval of

1 high-voltage continuous mining machines under MSHA's Part 18,
2 and mandatory safety and health standards for high-voltage
3 miners in underground coal miner under Subpart (1) of Part
4 75.

5 The proposed rule would also amend Subpart K of
6 Part 75 to allow the use of such machines in permissible
7 areas of underground coal mines.

8 I would like to take a minute to introduce the
9 others I have up here with me from MSHA.

10 To my immediate left is Bob Boring. Bob is from
11 our A&CC Technical Support Center;

12 At the end of the table is Ron Stahlhut. Ron is
13 from our District 8 office in Vincennes, Indiana;

14 On my right is Salwa El-Bassioni. Salwa is a health
15 and safety specialist from the Coal Mine Safety and Health
16 Division in our Arlington headquarters; and

17 At the end of the table is Ron Ford. Ron is an
18 economist from the OSRV office, my office.

19 The hearing is being held in accordance with
20 Section 101 of the Federal Mine Safety and Health Act of
21 1977. It is the practice of MSHA that formal rules of
22 evidence will not apply. Therefore, cross-examination of the
23 hearing panel will not be allowed, but the panel may explain
24 and clarify provisions of the proposed rule.

25 As moderator of this public hearing, I reserve the

1 right to limit the amount of time each speaker is given, as
2 well as the questions of the hearing panel.

3 Those of you who have notified us in advance of
4 your intent to speak will be allowed to make your
5 presentations first. I will call the speakers in the order
6 that the requests were made.

7 Following these presentations, others who request
8 an opportunity to speak will be allowed to do so.

9 We will invite all interested parties to present
10 their views at this hearing, and if you are sitting in the
11 audience now and wish to speak, please sign in at the
12 registration table.

13 We will remain in session today until everyone who
14 desires to speak has an opportunity to do so.

15 Also, if you are not speaking today, we would like
16 for you to sign the attendance sheet so that we have an
17 accurate record of those in attendance.

18 We will accept written comments and information at
19 this hearing from any interested party, including those who
20 are not speaking.

21 When I call on you to speak, please come to the
22 speaker's table and begin your presentation by identifying
23 yourself and your affiliation for the record.

24 If you have a prepared statement or any supporting
25 documents that you would like to submit for the record,

1 please leave a copy with me today.

2 You can give written comments to us in this hearing
3 today, or you can send them to MSHA's Office of Standards
4 electrically, by fax mail, by regular mail, or hand-delivery
5 using the address information in the Federal Register notice.

6 The post-hearing comment period on this proposed
7 rule will end on December the 10th, 2004, and submissions
8 must be received by that date.

9 A verbatim transcript of this hearing will be made
10 a part of the record, and it will be posted on MSHA's Web
11 site. If you would like a copy sooner, you can make your own
12 arrangements with the court reporter. The company
13 information for the court reporter is available at the
14 registration table.

15 Before the speakers begin their testimony, I would
16 like to give you some background on the proposed rule we are
17 addressing here today.

18 The mining industry has been moving toward the use
19 of high-voltage continuous mining machines to increase
20 productivity. This efficiency can be accomplished with a
21 minimal increase in machine size.

22 When paired with more efficient roof bolting and
23 section haulage equipment, a high-voltage continuous mining
24 machine can increase production over a low- or medium-voltage
25 continuous mining machine.

1 These machines use less electrical current, and
2 permit the use of smaller cables. Smaller cables are easier
3 to handle, and can reduce injuries to miners.

4 MSHA's existing regulation 30 CFR 75.1002 applies
5 to the use of electrical equipment and conductors. This
6 regulation does not allow the use of high-voltage conductors
7 or cables, except for high-voltage long walls in or inby the
8 last open crosscut, or within 150 feet of pillar working.

9 Consequently, mine operators submitted 38 petitions
10 for modification that MSHA has granted to use high-voltage
11 continuous mining machines.

12 Since the proposed rule was published, mine
13 operators have submitted additional petitions, some of which
14 MSHA has granted.

15 In developing this proposed rule, we reviewed the
16 granted petitions for modification. The proposed rule
17 includes most of the provisions from granted petitions for
18 modification, as well as some new safety provisions which
19 enhance safety protection from fire, explosion, and shock
20 hazards.

21 The proposed rule would improve the design
22 requirements for high-voltage continuous mining machines
23 consistent with existing requirements, accommodate new design
24 technology that is practical, and lessen burdens on the
25 mining community associated with a petition for modification

1 process, while preserving safety and health protection for
2 miners.

3 To date we have received five comments on this
4 proposed rule. You can view these comments on our web site.
5 And our purpose here today is to further receive information
6 on this proposed rule.

7 Our first speaker will be Mark Fuller with
8 AmerCable, Incorporated.

9 MR. FULLER: Thank you.

10 I am Mark Fuller with AmerCable, Incorporated, and
11 we manufacture the Tiger brand trailing cables, so everybody
12 is clear on that.

13 We of course have been involved very deeply with
14 the 2300-volt miners, and as a cable manufacturer we were
15 there initially when the very first ones came into use in
16 Illinois, and I was an integral part of the specification-
17 writing, and the materials design, and the cable design.

18 And everything has been very specifically laid out
19 in this petition RAN-1219-AB34, and the cable is described
20 very nicely, and some of the steps we went through, so that's
21 very good.

22 One of the things I wanted to focus on, though, was
23 an omission of a certain particular jacket, and the jacket
24 described here has been very consistently used by most of the
25 high-voltage miners, and that is a rubber jacket, or

1 Thermoset material with a colored outer, that being orange,
2 and a non-black and non-orange inner jacket layer. That's a
3 two-pass rubber jacket.

4 The two-pass rubber jacket represents the very best
5 in the wiring cable business. Obviously we aren't the only
6 ones in the wiring cable business, and there are other
7 jackets of similar grade out there available.

8 So the point is that the two-pass rubber jacket
9 with the reinforcing is extruded in two layers with the
10 reinforcing web in between, and that gives us a cut-through
11 resistance with that just like a care tire might with the
12 layer of steel in a car tire case.

13 In the case of the old car tires way back it had
14 polyester, which is very similar to what we apply for the
15 cut-through resistance.

16 So what I'm leading to us the introduction of a new
17 material which was not addressed in this RAN-1219-AB34, and
18 that's the thermoplastic polyurethane, and as its name
19 implies it is a thermoplastic material, and it has a very,
20 very high set of mechanical properties, and we would like to
21 see that included.

22 And the reason I expounded on the rubber jackets,
23 whether it's CPE or Hypelon, is because those are in two
24 paths.

25 This TPU which we will call the thermoplastic

1 polyurethane is extruded in a single pass, and it's simply
2 because the material if we were to extrude it in a two-pass
3 those two layers will not bond even with the very best of
4 adhesives.

5 So this jacket has over 5,000, this TPU jacket has
6 over 5,000 psi tensile strength, which is approaching double
7 that of any rubber jacket, and its tear resistance is over
8 100 pounds per inch. And these are measurable values, and
9 are measured every day by Waring Cable Companies following
10 the industry standard, Insulated Cable Engineers Association
11 S75-381, which is also NEMA Spec WC-58.

12 And so this is consistent from manufacturer to
13 manufacturer; we all do the same things as far as the
14 testing.

15 The thermoplastic polyurethane material has a --
16 there are several suppliers of it. It is available to all
17 wiring cable manufacturers, and I would like to see that that
18 can be added into this document that we're discussing here
19 today as certainly an acceptable alternate jacket in a
20 single-pass, and in a certain color, non-black.

21 And then it would be uniform, if you looked at the
22 cross-section of that cable with the polyurethane jacket, or
23 TPU, you would see instead of the green or blue inner jacket
24 and the orange outer jacket you would just see a solid color.

25 That could be red, you know, it could be any color that the

1 customer desires. And so we would like to see that included.

2 That was my first point on the cable itself.

3 On the second point I would like to discuss on the
4 cable handling, if we're ready to go ahead with that --

5 MR. NICHOLS: Yeah, go ahead and finish your
6 testimony. Then I'll see if any panel members have any
7 follow-up for you.

8 MR. FULLER: All right. Fine.

9 On the cable handling issues, the things, the items
10 that I wanted to mention were that the design of the cables
11 today are so superior in general, whether it's a TPU jacket,
12 or a rubber jacker, a Hypolon, or CPE, over years ago that we
13 have a high degree of confidence in this design as far as
14 handling the cable.

15 We have on this cable, this particular 2300-volt
16 mining cable it's rated 5,000 volts, it has a 5,000-volt
17 rating as listed in the Insulated Cable Engineers Association
18 spec 75-381, it has 100 mils of insulation, which is rated
19 for 5,000 volts and is routinely used at 4,160 in other
20 mines, surface mines and underground, and here in this case
21 of these 2,300-volt miners it's being used at 2,300 volts.

22 And that is approximately 26 times, there's a 26-
23 time safety factor in the insulation compared to where it's
24 used as to where it's built, because when this cable is
25 built, okay, because when this cable is built it's built to

1 withstand 550 volts per mil per 1000th inch of insulation.
2 That's the way we build it.

3 This cable is tested to 13,000 volts AC before it
4 ever leaves the factory, every reel. So you can see there is
5 a very high degree of electrical integrity, and a high degree
6 of mechanical strength also which I haven't mentioned yet.

7 This insulation has 1,700 pounds-per-square inch
8 tensile strength, which is well above the requirements in the
9 ICEA specification, S75-381, and it has a very good
10 elongation, you know, so it's not as tough as the jacket
11 obviously, but yet it's very, very good in that regard, and
12 the insulation has been improved electrically over the years
13 also as well. So we have that built into the cable.

14 On the shielding, we have a semiconductive tape,
15 and that was part of the original design years ago in
16 Illinois when we worked up the first cable, and the
17 particular mine had asked me what's the one thing we could do
18 to assure the best coverage over the insulation, and
19 immediately I said "Well, there's two things, you could go to
20 a full copper braid," and most mining cables, most trailing
21 cables us a nylon/copper or cotton/copper braid over each
22 individual phase conductor.

23 We could use a full copper braid, and that would
24 get us from 60 percent copper coverage up to 84 percent
25 copper coverage, or we could maintain this copper and textile

1 braid and use a semiconductive tape which would give us 100
2 percent coverage, and this particular tape is a fabric-backed
3 tape, and it's laminated with a layer of semiconductive
4 rubber, and it's wrapped on helically over each phase with a
5 10 or 12 percent overlap.

6 So anyway, with those things all incorporated it's
7 my opinion as we look at all these things that in the design
8 and rubber materials, and special shielding, and
9 manufacturing processes make this cable capable of
10 withstanding the extremely rigorous environments of mining,
11 and this coupled with the extremely sensitive ground fault
12 protection described throughout Document RAN1219-AB34
13 indicates the mine operator should be able to handle this
14 2,300-volt continuous miner cable without the use of high-
15 voltage gloves or other special equipment when desired.

16 In other words, what I'm saying is I would hope it
17 could be up to the mine that, you know, viewing what we have
18 today built into the cable as opposed to what we had 20 or 30
19 years ago built into a 480-volt continuous miner cable, that
20 they are light years apart.

21 MR. NICHOLS: Does that complete your testimony?

22 MR. FULLER: Yes.

23 MR. NICHOLS: I'm sorry I mispronounced your
24 company name. It will be correct in the record. It is
25 AmeriCable rather than American Cable.

1 MR. FULLER: Actually it's AmerCable; there is
2 no I.

3 MR. NICHOLS: Okay. Salwa.

4 MS. EL-BASSIONI: I am Salwa El-Bassioni, I have a
5 question for you.

6 I understand your cable, that TPU is used in Shoal
7 Creek Mine. Is it used anywhere else to your knowledge?

8 MR. FULLER: We have the TPU material used in a
9 number of different mines on the 950. In fact, many mines
10 are using TPU and are 950-volt miners, and have for several
11 years.

12 I believe Shoal Creek is the only one currently
13 using the TPU on the 2,300-volt miner.

14 MS. EL-BASSIONI: You also mentioned it's used the
15 4,160-volt equipment. Where is it used?

16 MR. FULLER: Yes. We have Longol Shores [?] with
17 the TPU jacket right here in Alabama, also at Shoal Creek,
18 and then one other mine.

19 MS. EL-BASSIONI: Okay.

20 MR. NICHOLS: Anyone else?

21 MR. BORING: Mr. Fuller, I only have one question.
22 You discussed like a technical comparison between
23 the colored cable and the TPU cable.

24 MR. FULLER: Uh-huh.

25 MR. BORING: Would you care to offer the technical

1 data to the committee and for the record for us to consider?

2 MR. FULLER: Oh, absolutely. Yes, I can leave a
3 copy of that.

4 MR. NICHOLS: Anyone else?

5 [No response]

6 MR. NICHOLS: Do you have anything you want to
7 leave with us?

8 MR. FULLER: I'll go get it out of my briefcase.

9 MR. NICHOLS: Okay. Thank you.

10 MR. FULLER: You're welcome.

11 [Witness excused.]

12 MR. NICHOLS: Our next presenter will be Glenn
13 Loggins with the United Mine Workers of America.

14 MR. LOGGINS: My name is Glenn Loggins with UMWA,
15 health and safety representative, Jim Walter Resources
16 Number 4 Mine.

17 I'll go back to kind of how I got what I've got
18 today. On July the 15th, 2003 we had wrote comments on that
19 high-voltage petition, and we had six pages of comments, and
20 then we met with Jim Walters and agreed on all of our
21 comments, and worked out our concerns.

22 It was sent to MSHA, and they took all that we had
23 met with basically out of it, and said that the regulations
24 that Jim Walter wouldn't have to meet with all that we felt
25 that it would take to make a safe high-voltage petition.

1 So then it rocked on, we met with Bob Phillips on
2 February the 19th of 2004 to try to work out our concerns
3 that MSHA felt like wasn't concerns.

4 And basically what he told us was that Jim Walter
5 wasn't no need meeting all we felt it would take to make it
6 safe, that the regulations, you know, that they wouldn't have
7 to do that with the new regulations.

8 Then you go on and read now in the general
9 discussion Part 75, high-voltage continuous mining machines,
10 safety standards, it states moreover to our knowledge there
11 have been no electrical fatalities resulting from using high-
12 voltage equipment under granted petition.

13 Now, why you want to wait to have someone killed to
14 say that there's more that we could do to make it safe for
15 miners. You know, that's the thing can't basically
16 understand.

17 MSHA knows there's more out there that we can do to
18 make it safe. I feel that they should listen to what all the
19 miners have had to say in the past, and consider everything
20 that's been sent to MSHA.

21 That's all I've got.

22 MR. NICHOLS: Okay, Glen. Thank you.

23 Hold on, Glen, Salwa has a question.

24 MS. EL-BASSIONI: The comments you sent in 2003,
25 does this have to do with high-voltage long wall, or the

1 continuous miner?

2 MR. LOGGINS: Continuous miner.

3 MS. EL-BASSIONI: Continuous miner.

4 MR. NICHOLS: Anyone else?

5 [No response]

6 MR. NICHOLS: Thank you, Glen.

7 [Witness excused.]

8 MR. NICHOLS: Our next presenter will be James
9 Blankenship with the United Mineworkers of America.

10 MR. BLANKENSHIP: I am James Blankenship, I'm a
11 safety committeeman with the UMW Local 2245, District 20,
12 United Mine Workers, employed at Jim Walter Resources Number
13 4 Mine.

14 Bear with me, because I got notification about this
15 late yesterday, and I tried to put some comments together.
16 I'm going to try to walk through it as quick as possible.

17 Start on Page 42813 under the right-hand column it
18 says -- almost at the bottom of the column it says:

19 Although the proposed include most requirements
20 that were in the granted PFMs allowed by the high-voltage
21 continuous mining machine, it does not include all the
22 requirements.

23 When I read that I wondered why not, because when I
24 turned the page I saw what you had left out. You know, I
25 felt like if the operators and MSHA at some point in time

1 thought those were undoubtedly needed things in the
2 petitions, why would MSHA take them out now. I couldn't
3 figure that one out, and I'm asking MSHA to put them back in,
4 and I will address why later on in my talk. You know,
5 somebody somewhere thought that was safety parts that needed
6 to be there.

7 And if you turn to Page 42814, it lists the things
8 that you took out, limiting operating voltage, it's not
9 limited to the manufacturer's specification of 2,400 volts,
10 it allows it to go to 4,160 at the drop of a hat.

11 I've got a problem with that for the fact is, you
12 know, an individual one day is handling 2,400 volts, and the
13 next he's handling 4,160 without any procedure to make sure
14 that we've got everything covered, safety aspects or
15 whatever, without us going back through the petitions, or
16 back through a hearing, or whatever we have to do to make
17 sure that the miner, the individual that's handling the cable
18 is protected.

19 And Part 2 of that was the splices. You didn't
20 limit any splices on high-voltage cable.

21 I don't know how many of you all have been
22 underground lately, or this gentleman back here, but splices
23 just by dragging them up and down the entries are damaged,
24 and the more we have in that cable the more likely we're
25 putting a miner into hazard conditions, into a shock hazard

1 of being electrocuted.

2 I think that there should be a number. In our
3 petition I think it was three permanent splices in that high-
4 voltage cable.

5 Allowing a tape splices -- I know it says MSHA-
6 approved kit in here, high-voltage kit and all that. Again,
7 I'm an electrician, I've used MSHA splices every day,
8 approved splices on other cables.

9 And at first they look real good if you leave them
10 sitting on the bucket that you make them on, but when you
11 drag them up and down the entry day after day -- and we run
12 between shifts, the miners continuously run them every day,
13 we don't slow down except to be worked on -- and you're going
14 to have a lot of damage to those splices. It needs to be a
15 vulcanized splice, one that's less likely to be damaged.

16 Our feeder cables are hung from the power center to
17 the feeder on the ribs. They don't lay on the ground except
18 for the slack at the power center.

19 I did an inspection the other day on one of our
20 feeders, found three splices that leads were exposed, that
21 you could see through, for the fact is when they move the
22 feeder up they've got to put the cable down on the ground and
23 drag it, and in time those three splices were damaged.

24 That's what we're doing here to high-voltage cable.
25 We're going to allow it to be damaged, we're going to allow

1 individuals to be handling it, and if we do what this
2 gentleman says we're going to allow individuals to handle it
3 with no protection. That's wrong, that's totally wrong.

4 The next part that was left out was the training
5 requirements. You mentioned the training in the regulations
6 already. It's not sufficient to train an individual on high-
7 voltage.

8 I looked through some of it here, and it talks
9 about new and modified machines. It says equipment and
10 machine operators shall be instructed in safe operating
11 procedures applicable to new and modified machines or
12 equipment to be installed or put into operation in the mines
13 which requires a new or different operating procedure.

14 It says the operator. It doesn't talk about the
15 general inside labor that gets sent up there that day because
16 the operator is on vacation, or a roof bolter, or whoever
17 gets sent up there that day to work on that machine.

18 It needs to be the people, the workers at the mines
19 all need to be trained on high-voltage miner, because we
20 don't know from day to day due to absenteeism, due to running
21 more shifts, or more miner sections that day -- if we've got
22 a lot of extra people and less absenteeism they might run
23 another section, and they make that section up from
24 individuals, general inside laborers, belt people, whoever
25 they've got left over, not specifically a miner operator or a

1 miner helper.

2 Anybody could be on that miner, so we need to train
3 them all, every one of them on the high-voltage miner and the
4 hazards and what you have, and the safety things you have to
5 do when you run that miner.

6 That needs to be part of the annual retraining.
7 Every year you get that, everybody, not just the miner
8 operator and the electricians, everybody at that mine site --
9 union, company, salaried, whoever needs to be trained on that
10 thing, because we don't know who's going to handle that
11 cable, we don't know who's going to be down looking at it,
12 who could get killed, who could be around that machine.

13 Those things that was left out I really think you
14 need to really consider strongly putting them back in.

15 And Page 42818 talks about the training in here.
16 Again I go back to I think it's not adequate what you've got
17 in here, and I really hope you do consider making some
18 changes and having some more training for the individuals out
19 there.

20 If you'll turn to 41820, you talk about an on-board
21 power circuit. It says proposed Paragraph (c) of 75.824
22 would require mine operators to implement certain procedures
23 if a ground phase indicator light was provided on a high-
24 voltage continuous mining machine, and it indicates a ground
25 fault phase.

1 It says if it's provided. We need to make that
2 that it is provided, mandatory that it's provided on there.

3 It can be added to the machine, there's no big to-
4 do to do that. Some machines have them, I know that already.

5 I don't know of any machine that don't have them.

6 But this says if that machine don't come with it
7 they don't have to put it on there. We need that on there
8 for the protection of the miners.

9 If you read on through there it talks about what
10 they'll do if that light comes on, they'll back it into a
11 supported top, and then find the repairs, find out why that
12 light came on.

13 Without that light, that miner is still possibly
14 going to run, and you've got individuals up there that could
15 possibly come in harm's way due to that fact.

16 It's simple. Make them have the light, and if the
17 light comes on they do what you say in the regs as far as the
18 procedure to take care of it.

19 If you turn to 42821 you talk about an interlocking
20 device, it's on the third column, second paragraph down, you
21 talk about -- it says if possible in Paragraph (f) we would
22 also consider revising the requirements that the interlock
23 de-energize high-voltage circuits when covers and barriers
24 are removed by adding an exception for trouble-shooting
25 control circuits.

1 I don't think any exception should be made that
2 interlocks jumped out or whatever. In this article you
3 talked about a switch that you could turn to do away with the
4 interlocks and take the covers off and whatever.

5 It don't need to be on there, because if it's on
6 there it's going to be run like that. Not intentionally, it
7 could be by accident or whatever. Somebody could forget to
8 turn the switch back, and then an individual goes over there
9 and pulls the covers off thinking that when he pulls it off
10 even though he got the power off the equipment already
11 anything could happen. He could pull his covers off, and the
12 power could actually be still in that box. We don't need
13 that.

14 If an individual has to go in a box to trouble-
15 shoot, he needs to lock and tag it out, he needs to take the
16 cover off, make sure there's no power, then he can put the
17 power back on under a controlled situation where he can
18 trouble-shoot what he has to.

19 We don't need to allow an individual to pull a
20 cover off with power in there. If he drops that cover and it
21 slides taking it off, it could slip out of his hand, fall in
22 the box, he's got the cover in his hand and the cover touches
23 energized wires he's electrocuted. We don't need that. We
24 don't need to take that chance.

25 We need to make sure that all power is off the

1 machine, and there's no way to do away with the cover
2 interlocks, that they will work, if the cover is removed it
3 will also make sure that there's no power in that box.

4 We do it now. I mean all the equipment we've got
5 now we have to knock the power lock tag out, take the covers
6 off, make sure there's no power, everything is right, we put
7 the power back on and then we trouble-shoot. We find the
8 problem, we kill the power, we fix it.

9 It's no different than this. Why take the chance.
10 Don't do it, please.

11 If we go to 42822 it talks about cable guarding.
12 In our petition at Jim Walters from the miner, where the
13 cable enters the miner back we asked for, and the company
14 said they would be glad to do it, a guard on that piece of
15 cable. 75 feet is what we asked for.

16 That's the piece of cable that's going to be
17 handled the most by miners from the miner about 75 feet.

18 Why can't we require management, or require the
19 operators to put a guard, a rubber, a piece of gasket or
20 whatever on that first 75 feet. That's the part that goes
21 across -- when the miner is moving across the heads, that's
22 the part that the miner helper or the miner operator is
23 standing around when they're working that's the part they're
24 move with their hands most of the time. Probably 80 percent
25 of the time that'll be what they handle.

1 Why can't we cover it with something else, conduit
2 or whatever for the first 75 feet. That way we're assuring
3 that there's some extra protection there.

4 That's the part that's most likely to be hit by a
5 ram car, or the miner is going to back up on, that's the part
6 that's going to be damaged. Why take the chance. With
7 something so simple we can require that it's guarded -- it's
8 simple. We put a little bit more protection on an
9 individual's life.

10 And if you turn to 48823 it talks about handling
11 cable. I totally, totally disagree with this gentleman about
12 handling any high-voltage cable, no matter how good they
13 build it, without protection, because for one thing it's man-
14 made and it will fail. Everything down in that mine is man-
15 made, and there's a likelihood at some point in time it will
16 fail, it will not do what it's supposed to do, and we all
17 know that.

18 I mean we're all human, we can't make anything
19 that's perfect, so we need to make sure that if that incident
20 does occur that an individual has got some more protection,
21 and that's way beyond rubber gloves.

22 In reading this last night I saw -- and you read it
23 today, Mr. Nichols -- about the cables would be smaller. We
24 don't have a high-voltage miner in our mines, but I have
25 talked to some individuals from Jim Walter Number 7 mines

1 that their miner cable was actually bigger, not smaller,
2 bigger than the 995 miners.

3 I'm a pretty big fellow, I can probably take a pair
4 of rubber gloves and pick that cable up and do what I want to
5 with it at arm's length, but there's a lot of people in the
6 mines, women, men that's not as big as I am, not as strong as
7 I am who are going to have to have that cable in close to
8 them to pick it up, supporting it against their chest, their
9 shoulders, or whatever to get that cable to where they need
10 to put it, whether they're hanging it, putting it on the
11 miner head, or whatever.

12 We need to make sure that those individuals are
13 protected. We need to require management to have chest
14 protectors, face protectors, the rubber gloves, hooks,
15 prongs, whatever we've got to have to be there available for
16 the individuals to use when they need them. Not just be
17 there to have, require them to have them.

18 In our plan that we had that was the only stick we
19 couldn't, the only thing we couldn't agree on. We agreed on
20 everything else, the guarding and everything except the
21 handling the cable.

22 We've got a lot of women that works in our mines.
23 There's no way on earth they can pick that miner cable up out
24 here with gloves and do what they've got to. They've got to
25 get it in to them, it's got to touch their body, and let them

1 do what they've got to do with it. We need to protect them.

2 We need to protect them, we need to require management to
3 have all that stuff there.

4 It's out there. I mean I'm not claiming to be an
5 expert on what's out there to protect them, but I know some
6 stuff is out there. So we need to get it, we need to require
7 management to have it; we need to require them to have people
8 to use it. It's going to protect their life some day.

9 Hopefully nobody ever gets hurt with this thing,
10 but there's always that possibility.

11 Like Glenn said, Mr. Phillips, we met with him and
12 every time we brought up the issue his thing was "Well,
13 nobody has been killed so far." That's great. Let's don't
14 wait until they are, let's don't wait until we've got a death
15 and say "Oh, yeah, let's change this law and put this
16 protection in here." Let's do it now.

17 It's not going to hurt anybody, it's not going to
18 cost a lot of time or trouble. It's not going to cost a lot
19 of money. Once the initiation of getting everything in
20 there, we take care of it and we're okay, we can do it.

21 On the same page, 48823 you introduce high-voltage
22 diesel generators into the mines with this to move the miner.

23 In the other regulations I was reading last night
24 it was talking about low- or medium-voltage diesel
25 generators. I'm not sure about why we're doing high-voltage

1 in here.

2 We're giving management the opportunity to -- and I
3 know in this thing it says typically high-voltage generators
4 can't run the miner to produce coal and all that, and that's
5 true, but all management has got to do is make a phone call
6 and say "Make me one that does," and somebody will make it
7 for them.

8 If there's a need, somebody will make it, somebody
9 will make that money, and we'll have a diesel-powered
10 generator down there that's capable of running that miner.

11 And I'll give you a good example. The hurricane
12 that came through Alabama a month or so ago, I was standing
13 talking to Fred Cozul, vice president of operations of Jim
14 Walter Mines, and Keith Shelby, the mine manager at Jim
15 Walter Number 4.

16 Everybody was predicting power outages and all that
17 stuff for the state of Alabama through our area, and out of
18 their mouth, out of Fred Cozul's mouth "If I only had a
19 diesel-powered generator that would run everything would be
20 okay."

21 That's his thinking. So if you give him the
22 opportunity in this law to get a high-voltage diesel-powered
23 generator he will get one. The man wants to make money, he
24 wants to make that mine make a lot of money which is fine.
25 I agree with him on that a hundred percent, but not this way.

1 This is dangerous. We need to really consider this and how
2 it's going to be implemented.

3 There's no language in here that restricts them.
4 It just says they can't do it because it won't do it now.
5 There's nothing in here that I can find -- like I said, I
6 didn't get this until yesterday, and I was up at three
7 o'clock this morning trying to read through it, but I don't
8 find any language in here that says you cannot do this. It
9 just says it won't do it.

10 Somewhere out there somebody will make one that
11 will do it. We need to make sure that that's covered. And
12 if I missed it, I apologize, but I couldn't find it in there.

13 We'll move on to Page 42824, again that's where it
14 talks about the diesel generators and typically they won't
15 run a miner enough to produce coal and all that stuff.
16 That's the other part of the page.

17 And on the same page it talks about on-board set-up
18 transformers. It says proposed Paragraph (c)(2) of 75.829 --
19 this is on the right-hand column, bottom paragraph -- is
20 derived from granted PFMs for the use of high-voltage
21 continuous mining machines. It will allow the use of a
22 temporary on-board set-up transformer. The transformer would
23 convert low- or medium-voltage to power the continuous mining
24 machine.

25 There's nothing saying how that's going to be

1 attached, how it's going to be done safe to the miner.

2 When you look back at the drawings at the back of
3 the regs there you've got the set-up transformer setting on
4 the boom of the miner. Is that really safe? Is that a good
5 location for it?

6 I don't think so. There's a possibility of that
7 boom swinging and it could get knocked off or whatever.

8 You also talk on Page 48825, it says that the
9 generator will be securely installed on board the continuous
10 mining machine preventing it from falling off the machine to
11 maximize vibration. How's that going to be done?

12 We need to specify that. I mean sitting on the
13 back of the boom, I just don't see that being a safe place to
14 put it, I don't see it being where it cannot be knocked off,
15 or drug off, or whatever.

16 We need to specify in a section where it be bolted
17 to, strapped to, some way that we're going to guarantee it
18 doesn't come flying off there.

19 Okay. Move on to on that same Page 825 again we
20 talk about the high-voltage generators. We need to look hard
21 at that. I mean it's mentioned in here several times that
22 they can use it, and what they can do with it, but it don't
23 say what they can't do with it. We really need to look at
24 that hard, because if there's money to be made and that's the
25 way they can do it it will be done.

1 If it can be done safely, then let's go it safely,
2 but there's nothing in here that says that. If that's
3 something we're going to look at, let's redo the thing and
4 look at it on what safety aspects we have to do.

5 On 42826, again this is the splices that we talked
6 about, I talked about earlier. Again, like I said there's no
7 limit, and it talks about how they're made as the MSHA-
8 approved high-voltage kit, but there's no talk, no language
9 in here about training.

10 It says in the kit there's instructions. There's
11 instructions in every kit down there, but not everybody looks
12 at them. This is where some more training needs to come in
13 to the electricians in their annual retraining.

14 Before the equipment comes underground the people
15 that's going to be making those splices need to be trained on
16 how to make that splice. If that's what we're going to stay
17 with, we need to make sure that we get that done as proper as
18 we can, and as safe as we can.

19 I hope we don't do that. I hope we go to a
20 strictly vulcanized splice. We do on the long wall, they
21 come in and vulcanize it. Actually our electricians
22 vulcanize it now. We can do that on our side, I mean our
23 electricians are capable of doing that. We've got the
24 equipment, and we've done it on the long walls.

25 So we need to make sure we need to do that part of

1 it, but if we don't, if for some reason it doesn't get to
2 that we will need to make sure that there's training, and
3 it's addressed, and it will way you'll do it, and it'll say
4 when you'll do it, and you'll do it prior to the machine
5 going underground, you'll do it in every annual retraining,
6 every electrical refresher training, or whatever. It needs
7 to be done.

8 If we move on to 42829 it talks about trailing
9 cable inspections. It says that a qualified person once each
10 production day will de-energize the cable and make the visual
11 checks from the power center to the miner, and it says each
12 production shift a responsible person designated by the
13 operator will check the cable 150 feet from the miner back,
14 from the miner back 150 feet.

15 Well, that's good, but there needs to be some more
16 added to it. You're talking about production. They're not
17 the only people handling that miner.

18 Let's talk about idle shifts. They come in, you
19 run that miner two shifts, they come in to do the setup, do
20 the maintenance on the miner, you know, set the section up
21 for the next shift. They have to move that miner from 4
22 entry to 1 entry. That cable still needs to be checked that
23 time.

24 It needs to say when the miner is being moved, when
25 the miner is being worked on, or some language like that, not

1 just a production shift, because there's more people around
2 that miner than just production people. There's more times
3 that miner is moved and handled than just production. We
4 need to make sure that's covered.

5 And the production shift a responsible person, I
6 would like to see a qualified person, an electrician or
7 somebody that knows what they're actually looking for, that
8 will recognize a bad splice if they see one, "I know this is
9 bad and we need to do something about it," that knows --

10 This gentleman talked about the colored cables, and
11 I understand that they'll change colors if there's a bad
12 place in it, or something like that, that they'll know what
13 they're looking for. Not just a responsible person, somebody
14 that's qualified to do that job.

15 Again, please consider the idle shifts that have to
16 handle that cable and handle that miner. They have to handle
17 the cable just as much as the operator does when they move it
18 across the sections. We need to address that with them, not
19 just production.

20 And, you know, once each production day walking the
21 whole cable, I know it probably won't happen, but I'd like to
22 see it once each shift they walk the whole cable and check
23 it, because if I check it at seven o'clock Monday morning and
24 I don't check it again until seven o'clock Tuesday morning,
25 and all the slack we've talked about either hanging or

1 putting in a barricade in the unused entry or whatever could
2 have got damaged in those 24 hours since I was there the last
3 time as an electrician.

4 So why not every shift? It wouldn't take that long
5 for an electrician to start the power center and walk the
6 miner cable, visually look over it and make sure everything
7 is okay.

8 That's something I would like for you to consider.

9 Okay. Let's go to 42830 which is where the section
10 was that talks about the gloves, the protective equipment.
11 Like I said earlier, we need more than gloves, and we
12 definitely, definitely don't need to have nothing.

13 And I understand this gentleman is proud of his
14 work, and I appreciate that, and I'm glad he's doing good
15 work, because my people are the ones handling that. Friends
16 of mine are handling those cables.

17 My son works at Oak Grove, he handles those cables;
18 I don't want him killed.

19 But it's man-made, it will fail. Everything in
20 this system will fail at one time, we know that, and I know
21 there's all kinds of backups, and all kinds of circuits and
22 all this stuff built into it, but again it's man-made, it
23 will fail.

24 It might be ten years, but it will fail. So we
25 need to make sure when it does, or if it does the people

1 that's handling that cable are protected fully with
2 protective equipment as far as gloves, chest providers,
3 shoulders, face guards, whatever it takes to make sure if
4 something happens they don't get electrocuted, or burned, or
5 whatever down there.

6 I guess I've kept you long enough. In closing I'd
7 just like to reiterate a little bit about there's better
8 plans.

9 I know our location in Jim Walter Number 4
10 management sat down and worked out a better plan than what
11 you've got here to protect the miners and get what the
12 company wanted as far as the high-voltage miner.

13 It can be done. It can be done safely, and it can
14 be productive for everybody.

15 I'm asking you to consider what I've said today. A
16 lot of what I've said is in our plan, or was in our plan
17 before it got destroyed by Mr. Phillips or whoever done it.

18 And don't wait to what Mr. Phillips said, "Show me
19 somebody that's been injured or killed with high-voltage and
20 then we'll look at it."

21 I had a good friend killed at 4160, it shot out of
22 the cable, hit him in his partial, killed him. Never tripped
23 the power.

24 That was in the '70s I grant you. I know things
25 have changed, but in the '70s at that time with that

1 technology we didn't think that would happen, and it did.

2 Well, times have changed, technology has got
3 better. We don't think it will happen, but it will. I mean
4 it will happen. We need to make sure that we protect them.

5 One problem I had with this petition and the
6 generator petition, we had a cost savings thing in there. I
7 don't understand that really why MSHA is worried about the
8 cost to operate.

9 I can't put a price on a life, and I hope y'all
10 can't either. Trust me, I want Jim Walter to make a fortune
11 because I've got a job, I've got kids in college, or actually
12 I've got bills to pay because they've graduated from college,
13 but I don't want that at the expense of somebody's life.

14 And I can't put a price on life. Our contract does
15 only \$40,000. That's not good.

16 So we need to make sure that -- we've got the power
17 here to make sure that there's other things in this thing, in
18 this petition that says, okay, we're going to give you every
19 protection humanly possible that you don't get hurt, or don't
20 get killed.

21 And I appreciate your time, and I wish I could have
22 been a little bit more, but it was just kind of short notice
23 on me.

24 MR. NICHOLS: That's okay, James. This comment
25 period does not close until December the 10th, so if you come

1 up with additional thoughts or comments, send them to us.

2 MR. BLANKENSHIP: Sure will.

3 MR. NICHOLS: Does anyone have any questions? Yes,
4 Salwa.

5 MS. EL-BASSIONI: I just wonder if you're going to
6 submit any of your comments that you covered today in
7 writing, because you've covered a lot of ground.

8 MR. BLANKENSHIP: I'm not prepared today, but I
9 will. I will mail them to you, because like I said I was up
10 until three o'clock this morning trying to read this -- both
11 of them actually, the diesel and this, and I just made some
12 notes and highlighted some stuff in the plan here, and talked
13 from the heart a lot of it.

14 But I will, I'll get my wife to write it and type
15 it up so she'll get it to you.

16 MS. EL-BASSIONI: Thank you.

17 MR. NICHOLS: Okay. Anybody else?

18 [No response]

19 MR. NICHOLS: Thank you, James.

20 Keith, how tight is your schedule?

21 MR. FLOWLER: I'm fine.

22 MR. NICHOLS: Okay. Let's take a break until
23 10:10. Be back in at ten after.

24 [A brief recess.]

25 MR. NICHOLS: Okay. Why don't we get started back.

1 Our next presenter will be Keith Fowler from the
2 United Mineworkers of America.

3 MR. FLOWLER: Good morning.

4 MR. NICHOLS: Good morning.

5 MR. FLOWLER: My name is Keith Fowler, I'm
6 chairman of the health and safety committee for the United
7 Mineworkers Local 2397, District 20, employed by Jim Walter
8 Resources Number 7 mine in Brookwood, Alabama.

9 I would like to start off by saying I appreciate
10 the opportunity to be here today, even though it was
11 yesterday morning before I got notice of this hearing today.

12 I guess you can look around and see there's not
13 many people here, so even though we know it was posted on the
14 Internet, okay, we didn't receive anything, I guess any mail-
15 outs or anything.

16 We knew about the one that had got canceled prior
17 to the election that was scheduled.

18 MR. NICHOLS: What happened was we had a request
19 from the Mineworkers to schedule a hearing in Morgantown, and
20 they weren't opposed to us switching that one in Pittsburgh,
21 so that's what we did, but we had to rearrange the schedule.

22 We sent out a separate notice, and we also notified
23 the UMW headquarters.

24 MR. FLOWLER: Okay. So some of the fault might lie
25 on our headquarters ourselves.

1 But I appreciate the local MSHA, some of the local
2 MSHA inspectors. That's how we found out about it yesterday
3 morning notifying us.

4 But anyway, needless to say, I'm here today first
5 off to tell you that as a representative of the Mineworkers
6 we strongly oppose this regulation as written.

7 We do not think that it provides the level of
8 safety that some of the current petitions for modifications
9 that's already out there in existence.

10 I happen to work at a mine where we currently have
11 a petition for a high-voltage miner, and even though maybe
12 there might be some parts, small parts of it that we
13 disagreed on, we pretty well worked out most of the language
14 between management and the union on that petition.

15 I guess it's been working pretty fairly for us
16 without many complications. We've had some minor problems
17 that we've addressed on a local basis and had them take care
18 of.

19 In the new regulations that's proposed I see that
20 you all haven't taken into account several of the safeguards
21 that was in the original petition, and it appears to me today
22 that MSHA is coming out trying to have a one-size-fits-all
23 regulation instead of what I think the Mine Act's intentions
24 was from the 101(c) petition that was put in there was to
25 address mine-specific regulations, or mine-specific mining

1 methods.

2 And I still think that's the right way to do it is
3 to be back to the mine-specific instead of having one total
4 regulation out there, because conditions in mines change
5 drastically from the same height to types of coal seams that
6 they mine throughout the nation.

7 And one of the I guess other concerns I have was
8 with this regulation along with some of the last few
9 regulations that's been proposed and put into law by MSHA is
10 that it seems like the only regulations that MSHA is looking
11 at now is the ones that's industry-driven.

12 And when I say industry-driven, I mean that's
13 established to make profits for the coal companies, and not
14 looking at extreme safety for the miners that work down
15 there.

16 You know, there's no doubt that we need to produce
17 coal, there's no doubt that we should move forward as
18 technology moves forward out there. But also at the end of
19 the day I think it's MSHA's responsibility to look at safety
20 number one prior to production, and I think that they have
21 not done that in this proposed rule. That is my opinion.

22 Also before I forget I will assure you that we will
23 be addressing comments in written form later on. I do not
24 have them today.

25 I know the Mineworkers and I might myself attend

1 some other hearings that you've got scheduled, I think in
2 Lexington there's one. So we'll be maybe more familiar to
3 address some more of our concerns at that time. But I am
4 prepared today to address some of the concerns that we have
5 outlined, and I'll try to do that.

6 Bear with me as I read some of this out, but I do
7 want it into the record so I'm going to read it.

8 The proposed rule does not continue the practice of
9 limiting the voltage, and instead permits operators to
10 increase voltage up to 4,160 volts with input from MSHA or
11 the miners' representatives.

12 This creates an extremely hazardous situation. To
13 the union's knowledge there are no trailing cables that
14 contain this amount of current. Therefore, it is difficult
15 to determine the effects that routine wear and tear will have
16 on such energized cables.

17 Further, handling cables on a continuous basis as
18 will be required by the very nature of the equipment being
19 energized containing such high voltages has never been a
20 practice because of the obvious danger it presents to miners.

21 Finally, site-specific safety enhancements which
22 are extremely important will be eliminated in favor of the
23 one-size-fits-all approach contained in the proposed rule.

24 One of the things that the new regulation does not
25 address is the specific height from the mine floor that the

1 cables can be suspended while traveling under them. It talks
2 about guarding cables, or hanging cables to travel under them
3 or over them, and I know the -- I guess if you go back to
4 your regular high-voltage regulation it talks about the six
5 and a half feet above the mine floor for people to travel
6 across under.

7 Well, this regulation does not specifically address
8 that, and I know from dealing with the various operators and
9 agencies that I've dealt with are going to say if you've got
10 this regulation it does not pertain to your regular high-
11 voltage regulations.

12 So I think that needs to be definitely added into
13 there with the height requirements that the cable has to be
14 suspended where you can travel under it.

15 Another thing, due to miners having to handle the
16 high-voltage cable on a regular basis I'm going to read out
17 some of the following language that's strictly straight out
18 of our petition that should have been adopted, and I haven't
19 seen it in the regulations.

20 This guy talked about the cable, the two layers,
21 and I haven't seen a lot of it talked in this new regulation,
22 and some of the things that's in our petition says a
23 protective jacket shall consist of two layers, an outer and
24 an inner protective jacket insulation. The single-jacketed
25 cable suitable for use in underground mines may be permitted

1 by the district manager when the tear strength of the outer
2 protective jacket is more than 100 pounds per square inch.
3 The color black shall not be used for either of the two
4 protective insulation layers, and the innermost layer of the
5 two-layer insulation jacket shall be colored a distinctive
6 color from the outer jacket to allow easy recognition of the
7 danger areas to the outer protective jacket.

8 And we just feel like that that's been of good use
9 for us in our petitions and it should be added into the
10 regulations as stated.

11 Another thing, on the splice that we feel like
12 should have been added to the regulations or the petition is
13 each splice or major repair shall be made so that all cable
14 components are in place with similar components. Repairs
15 should be considered major if there is any damage to the
16 metallic shielding, the semiconductor tape, inner conductor
17 insulation, or the conductors.

18 And I don't think the regulations really spell out
19 in detail what would consist of a damaged cable having to be
20 repaired or spliced, and I think that was some pretty good
21 language in our petition that we got through from
22 negotiations between management and union to try to put in
23 there to identify when it has to be in place.

24 Also I think one of the other guys has already
25 addressed one of the things about the regulations not

1 addressing how many splices are allowed in this miner cable.

2 Anyone that's ever worked in the mining industry
3 knows that whether you vulcanize a splice, or make a splice,
4 no matter how good you do it's not going to be to the same
5 added protection that you get when you get the cable from the
6 manufacturer. If you did, they would come in with splices
7 all the time.

8 So why would MSHA set up a program where you could
9 put unlimited amount of splices. You've got to realize that
10 miners will be having to handle this cable from time to time,
11 so there should be a limited number of splices, and our
12 petition did have a limited number of splices in it.

13 And I think the regulation did address how close to
14 the entrance to miner the splice could be made, but did not
15 address how many, or how often they could be.

16 So there should be some limit on how many splices
17 you're going to have down there. You don't want a miner
18 cable down there with just an unlimited amount of splices
19 with miners handling it all the time.

20 Another thing you talked about is handling this
21 cable. We've got miners that's getting elderly, their
22 strength is not the way it was. I think James addressed some
23 of this. There are different types of miners down there,
24 everything from a small miner, to ladies, to a strong miner,
25 and some cannot lift this cable.

1 We definitely need to look at either having
2 something in the regulation of how it's going to be handled
3 by what means, or how many people are going to handle it, or
4 as some type of protection to keep them from coming in
5 contact with their body handling this cable.

6 You know, you get out here in the industry and you
7 see a cable laying down through here, it looks pretty clean
8 and everything else, but I assure you there's not a mine in
9 Alabama -- and I can that because I've been in every one of
10 them now in Alabama -- that does not have muddy conditions,
11 the cable does not get clogged up with mud and everything
12 else, which increases the weight of the cable while the miner
13 is having to pick it up and handling it, so there should be
14 something addressed in there, either another device to handle
15 the cable when you're hanging it, or specified that it shall
16 not come in contact with the body at any time, and therefore
17 maybe we could have some type of regulation saying that we
18 would have to have enough people to handle that cable so that
19 one person wouldn't be coming in contact, lifting it and
20 coming in contact with their body. There's nothing addressed
21 in there about that.

22 Another thing, it talked about hanging the cable on
23 insulated hangers, and it might be in there but I didn't look
24 -- if it was, I overlooked it while I was briefly going
25 through, but this cable should not be hung from the power, or

1 should be hung from the power center all the way to the last
2 cross-cut on insulated hangers, and I think that's in the
3 regulation.

4 What I did not see is that I feel like the
5 regulation should state that this cable should be hung prior
6 to power being put on, or the cable being energized.
7 Therefore, you're limiting the people that have to handle
8 this cable while it is energized.

9 Another thing it does not address is if the cable
10 gets tore down, if you've got it hung on insulators and it
11 gets tore down, or for some reason the hangers fall, can you
12 just go back there with these gloves and hang it back up for
13 a distance of 1,200 feet, 1,400 feet.

14 So I feel like we should start off with it de-
15 energized, hung up to the last double cross-cut, or within
16 150 feet of pillar workings, whichever one you're doing, and
17 if it's retreat mining prior to it being energized.

18 Once again I'll go back to training. Our petition
19 specifically spells out miners being trained. Even though it
20 doesn't go into as much detail as we would like for it to, we
21 do not feel like depending on another section of the law to
22 cover training is adequate. If you're going to set up new
23 regulations pertaining to high-voltage miners, what's the
24 problem with adding in the training part of it instead of
25 relying on another section of the law.

1 We feel like that anyone that's going to be working
2 around that miner cable should have to be properly trained on
3 the handling of the cable, all the parts of the regulations
4 that deals with handling it, hanging it, and even checking
5 it, and what you do and what equipment you have to wear.

6 And I do not understand -- it probably wouldn't
7 have taken another little paragraph to add this regulation to
8 talk about the training and why we want to depend on another
9 regulation. Why not add it in as we go with the new
10 regulations.

11 Another thing I didn't see is anything addressed in
12 there -- and once again I apologize if I overlooked it -- but
13 that talked about how long this cable can be, the total
14 length of the cable.

15 I know there's a lot of petitions I've seen out
16 there that limits you to 1,200 feet length of cable, and I
17 think that's very important so that you don't end up with
18 cable laying all over your section or everywhere.

19 So there should be some type of a total overall
20 length that the cable can be provided on these miners.

21 The more cable you've got, the more you've got to
22 deal with storing it, and the more likelihood of increasing
23 the damage to the cable with people running over it or coming
24 in contact with it.

25 Once again, prior to closing I just want to make

1 sure that the record is clear that even though I appreciate
2 the opportunity to be here today, I think we should go back
3 to the drawing board on this regulation. The regulation
4 should not be approved or written as is stated in the
5 proposal, and that you go back and look at the petitions,
6 there's a lot of safeguards that's been added into petitions
7 over the years that miners out there working with the cable
8 as miners' reps and as operators have sat down and worked out
9 conditions, and as far as I know nobody has had any problem
10 with I guess loss of production living within the petitions.

11 So myself, I think you should leave it to a
12 petition mine-site-by-mine-site basis, but at the very least
13 if you're not going to leave it as a mine-site approval
14 petition at least incorporate all the safeguards that's in
15 the petition that's out there.

16 That's all I've got. I appreciate your time.

17 MR. NICHOLS: Okay, Keith, thanks.

18 Salwa.

19 MS. EL-BASSIONI: I just have a few questions or
20 clarifications.

21 You mentioned that we failed to address the
22 specific heights for hanging cables.

23 MR. FLOWLER: That's right.

24 MS. EL-BASSIONI: Are there any provisions in the
25 petitions that you're aware of regarding heights?

1 MR. FLOWLER: Yes, ma'am. It addresses the six-
2 and-a-half-foot, that the cable has to be hung six and a half
3 foot if you're going to cross under the cable.

4 MS. EL-BASSIONI: Okay. You also mentioned that we
5 omitted from the petition some provisions regarding cable
6 designs. Can you be specific on that?

7 MR. FLOWLER: Would you ask that again?

8 MS. EL-BASSIONI: You mentioned that we omitted
9 from the proposed rule some provisions that were in the
10 petitions regarding cable designs.

11 MR. FLOWLER: My address I think on that was the
12 layers, the two layers, inner and outer jacketed cable, the
13 color-distinctive of the cable, it not being black where that
14 you could tell if you had a problem with the inner jacket or
15 outer jacket I think what I was addressing on the cable
16 design.

17 MS. EL-BASSIONI: Okay. Have you looked at Part
18 18? Are you aware that we addressed some of these provisions
19 on Part 18?

20 MR. FLOWLER: No, ma'am, I have not, I cannot say
21 that I have looked over that. That's what I'm saying, I
22 might have made a mistake on not seeing some of that.

23 MS. EL-BASSIONI: I think most of them are
24 addressed in Part 18.

25 MR. FLOWLER: The distinctive colors, and having

1 two layers, the outer and inner jacket.

2 MS. EL-BASSIONI: And Bob maybe can elaborate on
3 that. Do you have some of these provisions?

4 MR. BORING: Yes, we do.

5 MS. EL-BASSIONI: Okay. That's all I have.

6

7 MR. NICHOLS: Ron, go ahead.

8 MR. STAHLHUT: You mentioned the single jacketed
9 cable in the petition.

10 MR. FLOWLER: Yes.

11 MR. STAHLHUT: Could you clarify? Were you
12 recommending that be included in the regulation?

13 MR. FLOWLER: No. I was saying a single-jacket
14 should not be.

15 MR. STAHLHUT: Okay. I just wanted to clarify what
16 you were saying there.

17 MR. FLOWLER: Should not be. I want to make that
18 clear.

19 MR. NICHOLS: Anybody else?

20 [No response]

21 MR. NICHOLS: Okay. Thanks, Keith.

22 MR. FLOWLER: Thank you.

23 MR. NICHOLS: Our next presenter will be Rob
24 Dzorino, Jim Walter Resources. Rob.

25 MR. DZORINO: Good morning.

1 I am Rob Dzorino from Jim Walter Resources Number 7
2 Mine.

3 I like the previous speakers didn't really find out
4 about this until late yesterday afternoon, so we will
5 probably submit some written comments or whatever at a later
6 date, but I didn't have a whole lot of time to go through
7 this.

8 Just a few comments that I wanted to make about a
9 few of the proposed regulations and a few of the sections.

10 First off I guess under 75.828, or proposed 828,
11 talking about the cable handling and pulling issue, as the
12 gentleman earlier at the table spoke about how safe the cable
13 is and the requirements for it.

14 We currently use, in our petition we currently use
15 high-voltage gloves, and we're not advocating that we don't,
16 but I think the operators ought to be given the choice, you
17 know, possibly given the choice whether to or not, depending
18 based on the fact of the safety of the cable.

19 As far as the gloves themselves, I wanted -- and I
20 guess that goes into 75.833 I believe talking about the
21 requirements of the gloves a little bit, Part (b) in 833
22 talks about Class I gloves 7,500 volts rated or greater,
23 which we don't have any problems with that.

24 The section talks about leather protectors saying
25 that you've got to have the leather protectors, and the

1 amount of time that you have to electrically test these every
2 30 days, the manufacturer of the gloves states in their
3 recommendations that if you go up on a higher-class glove to
4 a Class II glove the leather protectors are not needed,
5 necessarily needed, the leather provides no electrical
6 protection, it's there to protect the rubber glove.

7 So, you know, we would like the rules to reflect
8 that if you did go up to follow the manufacturer's
9 recommendations and if you used Class II gloves you wouldn't
10 necessarily have to use the leather protectors, that would be
11 your choice to do that.

12 As far as currently what's in our petition, under
13 75.818 I think where it talks about that these gloves, the
14 rubber portion of the gloves will be tested every six months,
15 the proposed petition is talking about every 30 days.

16 Now, it's not just one individual that's handling
17 these cables, there are several individuals that are handling
18 these cables, so there are several sets of gloves that are
19 out there per shift, you know, times three shifts a day, and
20 depending on how many sections you've got with these types of
21 miners on it.

22 The other issue that comes into handling here I
23 guess is the fact that you've got Miner A, you know, he's got
24 his hands in a set of gloves, Miner B does not want to put
25 his hands in the same gloves that Miner A did, you know, from

1 a health standpoint, let me say it that way.

2 So you've got numerous sets of gloves here. To
3 turn these around to electrically test them, you know, they
4 have to be sent off either in this area I think to Atlanta or
5 Mississippi to be tested. That's generally a two- to three-
6 week turnaround time to get these gloves, so we're talking a
7 logistical problem here I think as far as testing these
8 gloves on such a fast frequency.

9 As far as the safety aspect of it, as safe as the
10 cable is I don't think the testing on every 30 days is
11 actually adding any enhanced safety ability to it on that.

12 The six months I think is far superior, or is far
13 adequate I should say as far as the testing on them.

14 The other issue that I wanted to talk about a
15 little bit, the requirements that the previous speaker talked
16 about, the splicing and repair of the cables.

17 The cable itself, there's no definition actually in
18 the regulations under 830 that defines what a high-voltage
19 splice is as opposed to a repair, and I think that that needs
20 spelled out, you know, actually defined in the regulations,
21 that this is what constitutes a splice, this is what
22 constitutes a repair spot. And it's not very clear in there.

23 As far as any of the other protective devices that
24 have been brought up or talked about, first of all the cable
25 was a one-ought cable, is actually smaller and weighs less

1 than a 995 miner cable does, it's physically smaller, and
2 does weigh, so handling is not any more difficult picking it
3 up than it is a 995 miner which, you know, trailing cables,
4 so from that standpoint we feel that the gloves are adequate
5 to do the job.

6 And I think those are the only comments that I'm
7 really prepared today to talk about, and we will reserve any
8 more for in writing in the future.

9 MR. NICHOLS: Okay, Rob. Like we mentioned with
10 the other presenters, the record closes on the 10th of
11 December, so keep reading and keep commenting.

12 MR. DZORINO: Okay.

13 MR. NICHOLS: Does anyone have any questions for
14 Rob?

15 [No response.]

16 MR. NICHOLS: Okay. Thanks, Rob.

17 Is there anyone else in the audience that wants to
18 give us comments on the high-voltage continuous miner rule?

19 [No response.]

20 MR. NICHOLS: Okay. What we're going to do here,
21 and I have worked it out with Len, we're going to switch
22 gears and go ahead and start taking comments on the portable
23 diesel generator rule.

24 What we will need to do is take about a 15-minute
25 break, I'll need to switch panels here, and anyone that wants

1 to give comments on the portable diesel generator rule go to
2 the desk and sign our speaker's sheet, and we'll get started
3 back -- we'll try to get started back at ten until eleven.

4 [A brief recess.]

5 MR. NICHOLS: This is Marvin Nichols, we are going
6 back on the record for the high-voltage continuous miner
7 rule.

8 There have been no additional people show up to
9 give testimony, so we will now close the record on the high-
10 voltage continuous miner rule.

11 We will reconvene at one o'clock to continue the
12 hearing on the portable diesel generator rule.

13 [At 12:00 noon the public hearing was concluded.]

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