

BEFORE THE
UNITED STATES OF AMERICA
DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

* * * * *

PUBLIC HEARING
ON
LOW- AND MEDIUM-VOLTAGE
DIESEL-POWERED ELECTRICAL GENERATORS
PROPOSED RULE

SHERATON SUITES
BALLROOM A
2601 RICHMOND ROAD
LEXINGTON, KENTUCKY

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MARVIN W. NICHOLS, JR.
PRESIDING OFFICIAL

Reporter: Douglas R. Wilson

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P R O C E E D I N G S

MODERATOR NICHOLS: Be seated and we will go ahead and get started.

Let me tell you how this will work. Since this is a separate hearing for Portable Diesel Generators, I will need to read another opening statement into the record so we can -- we want to keep these two records separate.

Is the Court Reporter ready?

COURT REPORTER: Yes, sir.

MODERATOR NICHOLS: Okay.

Good morning. Again, my name is Marvin Nichols and I am the Director of the Office of Standards, Regulations and Variances.

On behalf of Dave Lauriski, the Assistant Secretary of Labor for Mine Safety and Health, I want to welcome you here.

This is the third of four hearing. We held hearings on November the 4th in Salt Lake City, Utah; and on November the 16th in Birmingham, Alabama. The fourth and final hearing will be held on November the 30th in Morgantown, West Virginia.

The purpose of these hearings is to obtain input from the public on a public on a proposed rule

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that was published in the Federal Register on June the 25th, 2004. That rule would allow the use of low- and medium-voltage diesel generators as an alternative means of powering electrical equipment.

The generators are portable and are used to power electrical equipment in, out, and around underground coal mines. Copies of the Federal Register notice containing the proposed rule are available at the registration table.

Let me take a minute to introduce my MSHA Colleagues up here at the Panel.

To my left is Bob Phillips. Bob is a Health and Safety Specialist in our Headquarters Office in -- back in Arlington, Virginia.

Larry Cook. Larry is Supervisory Electrical Engineer in Mt. Hope, West Virginia.

And to my right is Arlie Massey, Electrical Engineer with Approval and Certification Center.

And at the end of the table is Ron Ford with our Office of Standards in Headquarters.

And at the registration table is Pam King. Pam is a Regulatory Specialist with the Standards Office.

This hearing is being held in accordance with Section 101 of the Federal Mine Safety and Health Act.

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As is the practice of MSHA, formal rules of evidence will not apply. Therefore, cross-examination of hearing panel members will not be allowed, but the panel may explain and clarify provisions of the proposed rule.

As moderator of this public hearing, I reserve the right to limit the amount of time each speaker is given, as well as the question of the hearing panel.

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

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

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

We will remain in session today until everyone who desires to speak has an opportunity to do so. Also, if you are not speaking today, we would like for you to sign our attendance sheet so we will have an accurate record of today=s hearing.

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

When I call on you to speak, please come to the speaker=s table and begin your presentation by identifying yourself and your affiliation for the record. If you have a prepared statement or any supporting documents that you would like to submit for the record, please leave a copy with me here today.

You can give written comments on this hearing to us today or you can send them to MSHA=s Office of Standards electronically, by facsimile, by regular mail or hand carry, using the address in the Federal Register notice.

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

A verbatim transcript of this hearing will be made a part of the record and it will be posted on MSHA=S website. If you would like a copy sooner, you can make your own arrangements with the court reporter and the court reporter company information is available at the registration desk.

Before the speakers begin their testimony I would like to give you some background on the proposed

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rule we are addressing here today.

Currently, Title 30 of the Code of Federal Regulations, Section 75.701 and Section 75.901, establish the grounding requirements for electrical equipment and low- and medium-voltage three-phase circuits.

Over the last thirteen years mine operators have been using portable low- and medium-voltage diesel-powered electric generators as an efficient means for providing a portable source of power to move electrical equipment.

However, when using these generators, mine operators are unable to comply with the electrical protection requirements of both these standards. To address their inability to comply, mine operators have requested petitions for modification from existing MSHA standards.

From January, 1990, through October, 2003, there were sixty-three petitions requested and granted under Section 75.701 and Section 75.901, affecting fifty-six underground coal mines.

We may grant a petition for modification of an existing standard as long as the alternative method proposed by the mine operator achieves the same measure of protection afforded miners at all times under the

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existing standard, or the application of the existing standard reduces safety to miners.

When MSHA grants a petition for modification it applies only to the individual mine.

Before we granted these petitions we evaluated the use of diesel-powered electrical generator equipment. We recognize that diesel-powered electrical generator equipment with sensitive electrical circuit protections reduces fire, explosion, and shock hazards.

When we granted the petitions, we included in the approval requirements that the operator must follow to maintain the protection afforded by our existing standards.

The three major provisions of the proposed rule will require:

1. The grounding resistor to limit ground fault current to 0.5 amperes under a ground fault condition.

2. The grounded phase protection device to cause the circuit interrupting device protecting the electrical circuits to open and shut down the diesel-powered generator when not more than ninety milliamperes of fault current is detected by the system; and,

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3. The use of equipment testing devices and procedures that are designed to facilitate safe testing of the diesel-powered electrical circuit prior to moving each piece of equipment or performing work.

We believe that this proposed rule increases miner safety by limiting the amount of voltage and current that miners can be exposed to under a ground fault condition, and by reducing the possibility of a fire, shock or burn hazard through the safety features for personnel and equipment required by the standards.

Okay. Our first presenter will be Tim Baker, with the United Mine Workers of America.

* * * * *

MR. BAKER: My name is Tim Baker. I am with United Mine Workers of America.

And first of all, I would like to thank you, Marvin, for scheduling the hearing. I know originally there were no -- no hearing scheduled, and we do appreciate the chance to participate. And also, scheduling the hearing at Morgantown as well on November the 30th.

Having said that, the Union is initially a little concerned with kind of where this rule came from. And to be quite honest with you, there was no proposed rule, or we had no discussions of a diesel-

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powered generator rule, and suddenly it ended up on the agenda, which causes us some concern.

The other thing is, there has been some discussion about fifty-six coal mines having petitioned to operate this type of equipment. In the information I received from the Agency of exactly what locations these generators were at, what I received was a total breakdown of forty approved petitions. So I have a discrepancy here. I have not been able to work on it.

I have written a letter to the Deputy Secretary and have gotten no response at this point.

However, when we actually break down those numbers, what we are dealing with is the twenty-two active petitions, from what I can gather from the information that I received from MSHA.

So I don't see a, you know, a tidal wave of need here for diesel-powered generators, and the Union will absolutely go on record as opposing the use of diesel-powered generators in the underground areas of coal mines.

From a practical aspect I don't see it as a rule relevant necessity. We have the ability to move equipment in and out and around our coal mine by traditional means, whether that is a distribution box or a transformer, and we believe that that is probably

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the safest method that we have at this point.

But at some point in time I would like to have my request, and I believe the request of several months ago -- it was July 9th. If I could get a response to where the sixty-three comes in and the forty that I received. You know, I only have a record of forty petitions ever being received.

MODERATOR NICHOLS: Who did you send that to?

MR. BAKER: Dave Lauriski.

The other thing that we are looking at is where are located. And, to be honest with you, it kind caught us off board because of the information we have, we have a record of one UMWA operation that had petitioned to use these generators.

Upon contacting not only the local union leadership there but also the company, they indicated the opposite; they never had such equipment on the mine property. So, you know, initially we are dealing from kind of behind the eight ball. We are not -- we were not familiar with this as a problem. But we have quickly become familiar with it.

I think the use of diesel-powered generators causes some unique problem. First of all, I think it should be clear that from the proposed rule we are just talking about moving equipment in and out of the mine

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with a high-voltage miner, or a little-voltage miner, or medium-voltage miner, whatever.

We are also discussing, if I am correct, using this equipment -- or using this diesel-powered generator to power equipment in outbye areas.

To my knowledge we do not have, at least in my experience, we do not have diesel-powered equipment running under a tent. Normally it is a scoop, or it is a motor, or some piece of equipment where we have somebody who is running that equipment and is there all the time when it is operating.

To suggest that we would put a diesel-powered piece of equipment underground, turn it on and then work five grades or ten grades to the bolting or to clean up a cave or do whatever it was in, causes us some concern.

This is not like a traditional power center.

I mean, we are dealing with a completely different animal. We don't believe that the problems that arise from overheating, from fire, from those issues is clearly addressed in the rule. Although, that is not to say -- and I want to be real clear on this. That is not say that at this point in time they were better addressed, the indoors use of diesel-powered generators, because we do not.

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The other thing that is of grave concern to the Union is that this system, for all that is being said about this system, while it is a closed circuit system, while it is a self-contained system, it is not a grounded system. The -- clearly the understanding in the mining industry of a grounded system is a system that is grounded to earth. This system is not. You can put a grounding resistor in it and you can call it Fred, but it is not a grounded system.

That creates a unique set of circumstances, I believe, for miners who are going to be around this equipment, because at some point in time we believe, based on how this equipment is going to be used, that there is the great possibility that the individual miner becomes the ground. And that is not a risk we are willing to take.

I understand from reading the rule that the agency believes, based on resistors for grounding systems they put in and the under-voltage, over-voltage protections that they have on this equipment, that it should be sufficient. We do not believe that to be the case.

I am unaware, except for fans on the surface, of any system allowed in an underground coal mine that is not grounded to earth. So this could be a unique

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first grasp of it, and we are not prepared to endorse such a system.

And by the agency=s writings, I guess it is really the US Bureau of Mines. They recommend clearly that no system that is not grounded to earth be committed to use in an underground coal mine. So we are along -- we are going along that same track.

And where I am getting this information is from the information circular, Mining 258, which I have here, which was written by the Bureau of Mines.

From a practical perspective, I am not sure of the need. I do not see that need to power this equipment in this manner.

From the diagrams that are contained in the rule, and you can correct me if I am wrong, but basically what it looks like to me, if I have a miner, or a generator hooked to a miner, cable is going between, and if I need a transformer to just run the motors or whatever, that I can do that. So I am dragging kind of a sulky-thing unit.

The other concern we have is, while we have respect for many of the operators who may be considering using this piece of equipment, there is not that much trust among others. I am not so certain that I couldn=t find a nine hundred and ninety volt miner

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lying somewhere, or an electric, or a diesel-powered generator with some coal, or cleaning up a case on the -- it is a great concern.

And I think that from a realistic standpoint now, we can't discount that. Stranger things have happened. We are just not willing to acquiesce and then say, well, we don't think it will, or we are going to look the other way. We believe that could be a realistic.

The comments that we will have in Morgantown, and again where now I have to present to you, but I think I just kind of want to give you an overview.

We are, I guess to say at best, adamantly opposed to this. And while you can look at the situation and say we have forty or fifty-six or whatever we have in the mining industry who have indicated no problems, I am not certain that that is true. And on the other hand, I was unaware until the rule came out and -- because none of our local operations; otherwise, I would have at least some inkling of what we are doing.

But that is basically, at this point, that is the Union's position. That is what we are looking at.

The rule, I think, was -- the rule came from nowhere, to be honest with you. It caught us

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completely off guard. Normally in these discussions, you know, we are looking at this, we are looking at that. There was none of that. This just kind of surfaced from, from out of your desk.

This is a concern that kind of lends itself to make us wonder what is the driving force behind the rule, itself. Or who is the driving force, maybe is an even a better question. But we will be trying to get into that also.

But, generally speaking, that is the comments that we have and we will continue to uncover this to whatever level we need to.

MODERATOR NICHOLS: Okay. The idea for the rule came out of the re -- a review of the petitions. And it went on the regulatory agenda with at least six months lead time before we issued a proposed rule.

MR. BAKER: When it hit the agenda, was it a final rule, proposed final rule? Unless I missed it, because I went back to 2001.

MODERATOR NICHOLS: This is a proposed rule. It is not a final rule.

MR. BAKER: Proposed final?

MODERATOR NICHOLS: No. You have got proposals, comment period, a round of hearings, and then a final rule could result from this round of

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hearings.

MR. BAKER: Well, then -- and I know I am not supposed to question the panel, but I can put the question out and you can answer it or not.

But initially there were no hearings scheduled on this rule. So am I to assume that if no hearings had been held that this would have gone from there to the end without any discussion?

MODERATOR NICHOLS: No. There would have been a written comment period.

MR. BAKER: But does that -- well, and that lends itself -- in our opinion, that lends itself to muting the voice of rank and file miners, because generally speaking, you have got to be honest about it.

And unless it is a hearing situation, you normally will not get comments from a lot of rank and file miners. At least that is my experience with my membership.

Hearings is where we turn those people on and they discuss the issues they are concerned with. So I think that, you know, you limit their ability to voice their concern. And I am afraid that had the hearings not occurred, and I do, like I said, appreciate it. Had the hearings not occurred, or had we not requested those, it would have gone on as if we just endorsed the

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status quo and were happy with the diesel generator, which obviously we are not. Obviously we are not.

MODERATOR NICHOLS: That is not the case. I mean, I can't imagine a rule moving forward without some at least written comments from the UMWA. We have had it before, a lot of increase in penalties. We had a rule again that came out of a review of the petition process for the battery gluglock, and you guys gave us comment from that.

We had no hearing, so it --

MR. BAKER: Well, and I attempt very hard to make sure that I am giving back always comment. I mean, I --

MODERATOR NICHOLS: Well, I think your record -- I think you are batting a thousand.

MR. BAKER: By attending the hearings?

(Laughter.)

MR. BAKER: I hope so. I hope so.

But what I am looking at is not necessarily just the comments that I submit.

MODERATOR NICHOLS: You are just -- you are too suspicious then.

MR. BAKER: Well, sometimes that is not a bad thing. But --

MODERATOR NICHOLS: Okay.

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MR. BAKER: -- it is not necessarily comments I submit. You know, it is those rank and filers that is important.

MODERATOR NICHOLS: No. And when we had granted sixty-three petitions on a rule that appeared to be simple, straightforward, we thought that the written comments would suffice. But, as always, if we do not schedule a hearing, somebody requests one, then we review that request.

And in this case it was pretty nice to hook it up with the high-voltage continuous miner rule, so it was, you know -- there was no intent to try to slip a rule through, which seems to be what you are implying.

MR. BAKER: No, not what I am implying. And I wouldn't imply --

MODERATOR NICHOLS: Okay. Then, Bob, can you speak to the discrepancy in numbers between us and Tim?

MR. PHILLIPS: Yes. Bob Phillips. Time, just for clarification purposes, I personally drafted the response to your request. The information that was sent to you was generated from our data base file without going through all the files in our file base.

I have made copies of those additional files and, when I drafted that, it went forward for

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signature.

Now if it is hung up in the system somewhere, and if memory serves me right, it was around the first week of August that that response was developed.

So it may be -- you said you hadn't received it. It may be hung up in the system, or it may be at your office. I don't know.

MR. BAKER: And I will check ours. I was in last week and didn't see it. And, you know, I will be honest with you, I am certain I am going to get the response. It is just it makes it a little easier to discuss where we are at if I had that final information.

So that will be fine. And I will check my office and if I have it there, Bob, I will give you a call.

MODERATOR NICHOLS: We will check and see if it went out.

MR. PHILLIPS: Yes.

MODERATOR NICHOLS: I mean, sometimes things get -- not often, but, I mean, you can lose things. When you --

MR. BAKER: I know, on both ends of this --

MODERATOR NICHOLS: Yeah. When you need information you ought to just write Bob Phillips,

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Marvin Nichols, or Ray McKenny, and we can cut out a layer of the process here.

MR. BAKER: All right. And I will check on my end.

MODERATOR NICHOLS: Okay. Any questions for Tim?

(No questions from the panel indicated.)

MODERATOR NICHOLS: Thank you, Tim.

MR. BAKER: Thank you.

* * * * *

MODERATOR NICHOLS: James O=Neal, for the UMWA.

MR. O=NEAL: I am James O=Neal, representing the United Mine Workers of America. I was a rank and file miner for twenty-four years. Part of that time non-union, part of it union. And I hope to share with you the viewpoints of an underground coal miner, because that is what I have done nearly all of my adult life.

I worked twenty-four years underground for Load Star Energy. And I am a little bit leery of this.

What I want to do is share some things from my experience, because I am not an electrical expert by no means.

But when I was working for Load Star, we had

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something similar to this. It sounds about the same thing already, and that has been a few years back. And we had numerous problems with it.

And, like I said, it is probably not the exact same thing. But what we did, or what the company did, we had a compressor, diesel ran compressor, that was used for to run aerosols on belt lines and in old works and things of that nature.

And some of the problems that we did have, a lot of times that would be placed outside of a section, like on a supply road, and they would run the air line full gratis and use their aerosols on the birettas (phonetic) line, and the emissions would go onto the section and it created a lot of problems.

So a lot of times what they would do would be to knock a hole into a barratus where that would dump into the belt line itself. Probably a lot of times going right over the people that were working there. The bad air would dump into a return somewhere, you know.

So they would have to do that to keep it from going to the section. Whether or not that was okayed through MSHA, I really can=t say, you know. But I do know that I was a fire boss at sometimes, and I would go to sections or leave sections, and people off the

unit, who I don=t know, those emissions were so great sometimes that I found a lot of man doors propped open so they wouldn=t have to breathe those emissions at the face. That caused a problem.

Also, another problem was that once our safety committee, you know, inspected it and got involved with that piece of equipment, you know, there was no fire suppression. There was nobody monitoring that piece of equipment. So we went to MSHA, and along with their help, the company did agree to put somebody there at all times to monitor that piece of equipment.

I feel that if I had been in a non-union mine where we didn=t have a safety committee to put pressure on the operator and go to MSHA, that might not have happened. So it is a great concern, because I am here not only speaking for union coal miners across this state, but all coal miners across this state. That really bothers me.

Then the next thing getting into that, if we are using this piece of equipment to move, say one of these high-voltage miners, it is my understanding that would be one of the purposes to like move it from one section to another, however.

And you correct me if I am wrong, but I know it is not the same as maybe a face with the amount of

voltage, but it is still high-voltage. It is classified as high-voltage.

To me, isn't that just about like moving an energized sub? You know, when you still have that voltage between there and that miner that you have got to take care of, I mean, maybe I am confused here. If I am, maybe somebody up there knows a lot about -- more about it than I do.

But to me, that is on the same line of moving an energized power box on a section, you know. And I know that we have had a lot of problems, and I think we have had some fatalities with things of that nature.

Another problem that I have, that is with this being a piece of mobile equipment, from my experience in the mine. A lot of times a piece of mobile equipment like that gets, you know, left out as far as maintenance goes. You know, other things take priority to it, because it is here, there and everywhere. You know, that is a big concern.

If it was in a perfect world, you know, if we lived in a perfect world, I could understand, you know, that maintenance would be taken care of. It would be a first priority. But it is not that way underground. Things get left out, and I am worrying about that, especially with the grounding problems that could occur

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and things like that.

I know a generator is grounded within itself, supposedly. But I am really worried about things like, you know, for a -- and it is my understanding that you wouldn't use one of these high-voltage miners to say load rock, or am I winding (inaudible) man, outby. You would just use it to move from one place to another.

But you could use this piece of equipment, say if there was a fall in the intake area or return area and you were using a roof bolter off of this thing, I am very concerned about the grounding method with that, because if you will check the records, we have had enough fatalities inby the last open crosscut where miners have become the ground because things haven't worked exactly like they are supposed to.

And with a piece of mover equipment like this where we are taking into consideration the grounding system and everything and making sure that it is right all the time, it is just my opinion that we are putting the coal miners in the State of Kentucky on death row, because there is going to be serious accidents with this thing.

They have been used. They haven't been -- they haven't been working exactly like the operators want it to, so they file petitions to do other things

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with it.

And I appreciate the opportunity to speak with you, and I hope you will really consider this and think about the miner that has to use it.

Thank you.

MODERATOR NICHOLS: Thank you, James. Anybody want to comment --

MR. PHILLIPS: One comment.

MODERATOR NICHOLS: Wait, James. Wait a minute.

MR. PHILLIPS: Bob Phillips. This standard proposed rule addresses low- and medium-voltage --

MR. O=NEAL: Right.

MR. PHILLIPS: -- diesel generators, not high-voltage.

MR. O=NEAL: So the miners --

MR. PHILLIPS: You know, miners would be -- the low- and medium-voltage miners that -- you know, miners would be the low- and medium-voltage mines would be covered under this regulation.

MR. O=NEAL: So it doesn't mean then -- it doesn't go in hand with the high-voltage miner, to use it for that?

MR. PHILLIPS: No.

MODERATOR NICHOLS: Well, this rule doesn't,

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but now there is a provision in the high-voltage continuous miner rule that would allow --

MR. O=NEAL: I thought I had read something on it. Like I said, I am not an expert on it.

MODERATOR NICHOLS: To our knowledge there is not any in use right now.

MR. PHILLIPS: None that I am aware of, no, sir.

MODERATOR NICHOLS: But we don=t want to mislead, because the other rule contains the high-voltage miners.

MR. O=NEAL: Thank you.

MODERATOR NICHOLS: Thank you.

* * * * *

MODERATOR NICHOLS: Bob Cox?

MR. COX: Yes. Bob Cox, representing United Mine Workers, President of Local Union 3000.

And, again, I thank the Panel for allowing us to input here today.

And, as I said before, I come from a mining community with thirty-five years underground, introduction, safety, mine examinations for many years, belt lines, O-works (phonetic), fire boss and whatever.

I have served in numerous capacities during my years, but the first thing that comes to my mind,

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you know, is air quality when we are talking about something like this.

From day one when we started mining through the mountain, air quality was a very, very important thing to that mine, because there is not any air down there. You have to send some down there. The further you go the more you have got to send. And it is easy to pollute with dust, whatever, gas, fumes, anything. You know, it is a major concern underground, because air is limited. So that is the first concern.

And the next one is, with all the safety standards applied, so what do you think the air is in the mines?

I can see where portable power would be awfully handy. But would it be used to circumvent the safety laws that we have now in Kentucky by it, you know. How would it be handled? Where would it be used? You know, all that has to be considered, because obviously you would want to generate places where you didn't have any power. And a lot of times there is a reason you don't have any power there. So that is a major concern, you know, there.

Like I say, my only concern is the miners. I don't want to hamper production, and I agree with those who have -- I heard of a few mines opening tomorrow. I

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would be willing to help them, because the miners have got to be looked out after.

I know the feeling when you are down there three or four miles and nothing between you and the outside but big rollers. And it just gives you a kind of funny feeling, and somebody has to be looking out for you. I guess that is where I come in part of the time.

And whether it is you all, appreciate what you all do, getting all these passed and everything. But it has to all be considered, you know. And the -- but I know if you blew tare board, or you circumvent the safety standards, if there is nobody watching the thing, all this has to be taken into consideration. And I know you all can gather information, and I hope you come to a reasonable conclusion.

And really, that is about my talk for it, to do that.

MODERATOR NICHOLS: Thanks, Ron.

Any questions for Ron?

(No questions from the Panel indicated.)

* * * * *

MODERATOR NICHOLS: Okay. Anyone else in the audience who wants to speak on portable diesel generators? Anyone in the --

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MR. JONES: I will.

MODERATOR NICHOLS: Okay. Come on up here.

MR. JONES: I am David Jones, United Mine Workers, President of Local Union 9800.

My -- you know, I am just the rest. I am against this proposal. And I think my major concern is in years to come would be permissioned for these underground mines.

We may have similar problems that we have had with black lung, with the miners= lungs, and that is not a major concern.

And that is all I have got.

MODERATOR NICHOLS: Okay. Thanks, David.

* * * * *

MODERATOR NICHOLS: Anyone else?

MR. EARLE: I have got a short one.

Steve Earle, United Mine Workers of America.

I will be brief, brief with my comments.

I have a concern -- I want to regress and go back to 19 -- I think it was 1978. One of the possible causes of a fire that killed I think twenty-three miners at Robard was a portable generator, and I have got some concerns about those generators overheating.

MODERATOR NICHOLS: Okay. Any questions?

(No questions from the Panel indicated.)

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MODERATOR NICHOLS: Okay. Anyone else?

(No one else indicated.)

MODERATOR NICHOLS: Okay. Anyone in the audience want to speak on high-voltage continuous miners?

(None indicated.)

MODERATOR NICHOLS: Okay. We will go off the record until Noon. We will come back on the record to see if anyone is present to give comments on the high-voltage continuous miner. If not, we will close the record, and then we will keep the portable diesel generator record open for some period after one o'clock.

So thanks, everybody.

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(THE TIME BEING APPROXIMATELY 11:05 A.M., THE HEARING WAS TEMPORARILY ADJOURNED.)

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(THE TIME BEING 1:00 P.M., AND THE PANEL MEMBERS PRESENT AS INDICATED HERETOFORE, THE HEARING WAS RECONVENED.)

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MODERATOR NICHOLS: This is Marvin Nichols. We are back on the record for the portable diesel generator rule. It is about one o'clock.

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We have no people present to want to give us comments, so we will go back off the record and come back at two o'clock.

If we have no people present at that time to give comments, we will close the record.

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(THE TIME BEING APPROXIMATELY 1:02 P.M., THE HEARING WAS AGAIN TEMPORARILY ADJOURNED UNTIL 2:00 P.M.)

* * * * *

(THE TIME BEING 2:00 P.M., AND THE PANEL MEMBERS PRESENT AS INDICATED HERETOFORE, THE HEARING WAS RECONVENED.)

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MODERATOR NICHOLS: This is Marvin Nichols. We are going back on the record for the portable diesel generator rulemaking hearing.

We have not had any additional persons show up to give us comments. So it is about two o'clock, so we are going to close the record on the hearing.

* * * * *

(THE TIME BEING APPROXIMATELY 2:02 P.M., THE HEARING RECORD WAS CLOSED.)

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