

# TRANSCRIPT OF PROCEEDINGS

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IN THE MATTER OF: )  
 )  
Underground Coal Mine Ventilation )  
Use of Belt Air )  
 )  
 ) No.: 30-CFR Part 75  
 )  
 )

Pages: 1 through 28  
Place: Grand Junction, Colorado  
Date: April 3, 2003

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## HERITAGE REPORTING CORPORATION

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UNITED STATES DEPARTMENT OF LABOR  
MINE SAFETY AND HEALTH ADMINISTRATION

IN THE MATTER OF: )  
 )  
Underground Coal Mine Ventilation )  
Use of Belt Air )  
 )  
 ) No.: 30-CFR Part 75  
 )  
 )

Mount Garfield Room  
755 Horizon Drive  
Grand Junction, Colorado

Thursday,  
April 3, 2003

9 a.m. The parties met, pursuant to the notice, at

BEFORE: MARVIN NICHOLS  
Director O.S.R.V.

APPEARANCES:

Members of the MSHA Panel:

CARL LUNDGREN, Economist, OSRV  
KEVIN HEDRICK, Electrical Engineer, A&CC  
BILL FRANCCART, Mining Engineer, Technical

Support

HERMAN J. NARCHO, Esquire, SOL  
WILLIAM KNEPP, Acting District Manager  
MARK ESLINGER, Supervisory Mining Engineer

P R O C E E D I N G S

(9:00 a.m.)

1  
2  
3 TITLE NAME: UNDERGROUND COAL MINE VENTILATION  
4 USE OF BELT AIR.

5 MR. NICHOLS: I am Marvin Nichols, the Director  
6 of the Office of Standard Regulations and Variances for  
7 MSHA. Thank you for showing up for the Public Hearing on  
8 Belt Air on this snowy day. I want also to pass on  
9 thanks from Dave Lauriski, our assistant secretary for  
10 MSHA.

11 The official title of this rule, and I could not  
12 get anybody up here this morning to claim credit for it,  
13 is: Underground Coal Mine Ventilation - Safety Standards  
14 for the Use of Belt Air as Intake Air Courses to  
15 Ventilate Working Sections in Areas Where Mechanized  
16 Mining Equipment Is Being Installed or Removed. Now that  
17 is a mouthful and none of these guys will claim credit  
18 for that title. But from now on, we will just refer to  
19 it as: Belt Air.

20 Let me introduce the rest of my colleagues up  
21 here. We have: Mark Eslinger from District 8 in  
22 Vincennes, Indiana. Mark is a District Specialist over  
23 there. Bill Knepp is the Acting District Manager in  
24 District 3 in Morgantown, West Virginia. Bill is also  
25 the Chairman of the Belt Air Committee. We have Bill

1 Francart here. Bill is with the Ventilation Division in  
2 Tech Support in Pittsburgh. We have Kevin Hedrick, who  
3 is with the Electrical Safety Division, Approval  
4 Certification Center with Tech Support; and we have Carl  
5 Lundgren. Carl is with my office back in headquarters.

6 This is the first of five Belt Air hearings.

7 Let say, also, we have Al Davis with us. I know  
8 that most of you know Al. Al is the District Manager in  
9 Denver, Colorado. We thank Al for driving over, or  
10 flying over to be with us. Most of your concerns, you  
11 can take to Al.

12 The next meetings will be on: April 8th at the  
13 Marriott Town Center in Charleston, West Virginian; April  
14 10th at the Holiday Inn at the Meadows in Washington,  
15 Pennsylvania; April 29th at the Holiday Inn at Birmingham  
16 Airport in Birmingham, Alabama; May 1st at the Holiday  
17 Inn in North Lexington, Kentucky.

18 The initial announcement of these rule-making  
19 hearings was contained in the Notice of Proposed Rule  
20 Making published on January 27, 2003 in the Federal  
21 Register. Three of the hearings were rescheduled due to  
22 conflicts with other agencies. The hearings that will we  
23 be holding will be held on: Planned Verification and  
24 Single-Sample Rules for Coal Mine Safety and Health. A  
25 modified hearing location and date notice was published

1 in the Federal Register on March 12, 2003. Both of these  
2 documents are back there on the sign-in desk if you would  
3 like to have a copy.

4 Also, I notified many of you by e-mail on March  
5 7th that we were rearranging the hearings. The purpose  
6 of these hearings is to receive information from the  
7 public that will help us evaluate a proposed rule. The  
8 scope of the issues that we are addressing with this  
9 proposed rule are well defined in the rule; and this  
10 hearing will be limited to soliciting input on these  
11 issues.

12 I would like to give you some background that  
13 led up to this proposed rule. Interest in this proposed  
14 rule is based on: a careful consideration of existing  
15 ventilation rules, a review of belt-entry ventilation  
16 ordered by the MSHA's assistant secretary in 1989, a  
17 Secretarial Advisory Committee in 1992, and MSHA's  
18 experience in granting over 90 petitions for  
19 modifications for Belt Air has been safely used in  
20 underground-coal mines. So, you can see that this rule  
21 has a long history.

22 MSHA published a proposed rule to revise safety  
23 standards for the ventilation of underground coal mines  
24 in January 1988. Included in that proposed rule were  
25 provisions to allow for the use of Belt Air. In response

1 to public comments and information submitted during six  
2 public hearings in June 1988, the Assistant Secretary  
3 called for a thorough review of safety factors associated  
4 with the use of Belt Air. They did that in March 1989.

5 MSHA completed this review and concluded in  
6 August 1989, in the Belt Entry Ventilation Review Report,  
7 that directing belt-entry air to the face can be at least  
8 as safe as other ventilation methods providing carbon  
9 monoxide monitors or smoke detectors that are installed  
10 in the belt entry.

11 After the Belt Entry Ventilation Review Report  
12 was issued, we reopened the ventilation rule-making  
13 record and held a seventh public hearing in April 1990 to  
14 receive public comment on issues raised in the report.  
15 Comments received, during and after the seventh public  
16 hearing, expressed widely divergent views on the  
17 recommendations of the Belt Entry Ventilation Review  
18 Committee. Some commented that use of Belt Air provides  
19 positive ventilation and reduces the possibility of a  
20 methane buildup in the belt entry. Other commentators  
21 maintained that the use of Belt Air reduces safety due to  
22 increased fire hazards and greater dust levels.

23 Due to these divergent views, when the  
24 ventilation rule for underground-coal mines was finalized  
25 in 1992, it did not include provisions that would allow

1 mine operators to use Belt Air. However, MSHA's existing  
2 standards continued to allow for the use of Belt Air on a  
3 mine-specific basis through the petition for modification  
4 process. MSHA decided that the use of Belt Air to  
5 ventilate working places should continue to be evaluated.

6 As part of this effort, the Secretary of Labor  
7 appointed an Advisory Committee in January 1992 and  
8 charged it to make recommendations concerning the  
9 conditions under which Belt Air could be safely used in  
10 the face areas of underground coal mines. This Committee  
11 was designed as the Department of Labor's Advisory  
12 Committee on the use of air and belt entry to ventilate  
13 the production-face areas of underground-coal mines and  
14 related provisions.

15 This Advisory Committee held six public meetings  
16 over a six month period. After reviewing an extensive  
17 amount of material, the Advisory Committee concluded that  
18 Belt Air could be safely used to ventilate working places  
19 in underground-coal mines provided that certain  
20 precautions were taken. These precautions included the  
21 use of new AMS technology. The Advisory Committee made  
22 twelve recommendations to support this conclusion.

23 The Advisor Committee submitted its report to  
24 the Secretary of Labor in November 1992. MSHA published  
25 a December 1992 notice in the Federal Register announcing

1 the availability of the Advisory Committee's final report  
2 and stated that it would review its recommendations.

3 In the Preamble to this proposed rule, we  
4 discuss the recommendations of the Belt Entry Ventilation  
5 Review Report and the Advisory Committee. The proposed  
6 rule also incorporates MSHA's experience with petitions  
7 for modifications under Section 101(c) of the Federal  
8 Mine Safety and Health Act of 1977. In instances where  
9 we have not followed a recommendation made in the Belt  
10 Entry Ventilation Review or Advisory Committee Reports,  
11 or a term and condition from the petitions for  
12 modification, we provide an explanation in the Preamble.

13 MSHA has included definitions of appropriate  
14 personnel, atmospheric-monitoring systems, AMS operator,  
15 Belt Air course, carbon monoxide ambient level and point  
16 feeding in the proposed rule.

17 The proposed Section 75.350 maintains the  
18 prohibition that the Belt Air course cannot be used as a  
19 return-air course and requires that the intake and the  
20 return entries be separated with permanent ventilation  
21 controls. It would allow the use of Belt Air to  
22 ventilate sections so long as certain requirements are  
23 met. These requirements include: installation,  
24 operation, examination and maintenance of an atmospheric  
25 monitoring system or AMS, training requirements, the



1 establishment of designated areas for dust monitoring and  
2 monitoring the primary escapeway for carbon monoxide or  
3 smoke.

4           When Belt Air is used to ventilate the working  
5 section, point feeding would be allowed only under the  
6 following conditions: (1) if the point feed and Belt Air  
7 course are monitored for CO or smoke; (2) there is means  
8 available to remotely close the point-feed regulator; (3)  
9 a minimum velocity is allowed to the point feed; (4) the  
10 location is approved in the mine-ventilation plan; and  
11 (5) an is AMS installed, operated and examined and  
12 maintained.

13           Section 75.351 of the proposed rule also  
14 provides provisions for the following: (1) requirements  
15 for the AMS operator and a designated service location;  
16 (2) minimum operating requirements for the AMS; (3)  
17 location and installation of AMS centers; (4)  
18 establishment of an alert and alarm level; (5)  
19 establishment of CO ambient levels; (6) installation of  
20 maintenance requirements for the AMS; (7) sensors; (8)  
21 time delays; (9) training; and (10) communications.

22           Section 75.352 of the proposed rule specifies  
23 actions by the AMS operator and miners in case of alert  
24 alarms, malfunctions and insufficient air velocity.

25           The proposed rule in Section 75.371 would add

1 six requirements subject to ventilation plan approval,  
2 including: (1) designated areas; (2) location of point-  
3 feed regulators; (3) additional CO centers and Belt Air  
4 courses, if required; (4) time delays; (5) reduced alert-  
5 and alarm- settings; and (6) alternate instruments for  
6 alert- and alarm-levels for monitoring.

7           The proposed rule in Section 75.372 would  
8 require the location and types of all required AMS  
9 sensors on the mine-ventilation map. Section 75.380,  
10 escapeways would be monitored to address the use of point  
11 feeding.

12           The issues surrounding the use of Belt Air are  
13 important to insure -- as I said earlier, they have been  
14 studied for a long time and we welcome comment on the  
15 following issues in particular: (1) the benefits of  
16 integration of slippage-switch monitoring into AMS for  
17 Belt Air mines, the costs of such requirements and any  
18 difficulty operators may experience in accomplishing this  
19 action, if required; (2) whether or not lifelines and  
20 escapeways are needed.

21           If so, what are the associated costs and  
22 maintenance issues? These two issues were discussed in  
23 the January 27th Federal Register document. We will use  
24 the information provided by you to help us know how best  
25 to proceed with this rule making.

1           These five public hearings will give  
2 manufacturers, mine operators, miners and their  
3 representatives, and other interested parties, an  
4 opportunity to present their views on this proposed rule.

5     To date, we have received three sets of written comments  
6 on the proposed rule. You can view these comments on our  
7 Web site at the following address:

8 [MSHA.gov/reg/comments/beltair/beltairdocket.htm](http://MSHA.gov/reg/comments/beltair/beltairdocket.htm).

9           As with all our public hearings, the format will  
10 be as follows: The formal rules of evidence will not  
11 apply and the hearing will be conducted in an informal  
12 manner. Those of you who have notified MSHA in advance  
13 of your intent to speak, or have signed up today to  
14 speak, will make your presentations first. After all  
15 scheduled speakers are finished, others can request to  
16 speak. If you wish to present any written statement or  
17 information today, please clearly identify your material.

18     When you give it to me, I will identify the material by  
19 the title submitted.

20           You can also submit comments following this  
21 public hearing. You can submit them to MSHA by June 30,  
22 2003, which is the close of the post-hearing comment  
23 period. Comments may be submitted to MSHA by electronic  
24 mail at: [comments@MSHA.gov](mailto:comments@MSHA.gov); or by FAX at: 202-693-9441;  
25 or by regular mail or hand delivery.

1           A verbatim transcript of this public hearing  
2 will be available upon request. If you want a personal  
3 copy of the hearing, you need to make your own  
4 arrangements with the court reporter. MSHA will post the  
5 verbatim transcripts of all the public hearings on its  
6 Web site. Each transcript should be posted there  
7 approximately one week after the completion of the  
8 hearing.

9           Okay. We will begin with the people who have  
10 signed up. So far, we only have one taker and that is --  
11 when you come up to speak, please state and spell your  
12 name and give us the company or association that you  
13 represent.

14           So, Dick Conkle, with the Twenty-Mile Coal  
15 Company, is our first speaker. Dick?

16           MR. CONKLE: Thanks. My name is: Dick Conkle.  
17 That is: C-O-N-K-L-E. I am the Safety Manager for Twenty  
18 Mile Coal Company, located in Oak Creek, Colorado. My  
19 comments today are to supplement those comments  
20 previously submitted by our parent company: RAG American  
21 Coal Holdings Incorporated.

22           I guess you are lucky that I don't have very  
23 many comments. I have about four or five short comments  
24 and that is about it.

25           MR. KNEPP: Well, when the rules were written,

1 this is good, you know.

2 MR. CONKLE: I am going to start with the alert  
3 and alarm levels. Twenty Mile currently uses a 10-part  
4 per million alert level, and a 15-part per million alarm  
5 level with using a 0 ambient. It would like to continue  
6 using this approach under the new regulations. An  
7 operator should be able to choose between a 10-part per  
8 million alert and a 15-part per million alarm with 0  
9 ambient; or choose a 5-part per million alert and a 10-  
10 part million alarm over a determined ambient, as long as  
11 the method chosen is stated in the ventilation plan and  
12 the emergency plan, whichever is appropriate.

13 We are not aware of any documentations of an  
14 actual fire found during an investigation on current  
15 alert levels, which is 10 parts per million and which  
16 also never reached the current alarm level of 15 parts  
17 per million. The alert and alarm levels should only  
18 apply to the belt line and not the intake. An alert  
19 requiring an investigation should be at 25 parts per  
20 million in the intake and requiring an immediate  
21 evacuation if 50 parts per million is reached or  
22 exceeded.

23 A diesel regulation allows for 25 parts per  
24 million or less for a working shift.

25 The next comment: Point Feed Regulators. With

1 the velocity requirement through the regulator, it  
2 shouldn't be necessary to have a remote-closing device on  
3 the intake to the belt-side of the regulator.

4 Point Feed Locations: We assume that if in-take  
5 air is point feed into a belt line at an out-by location  
6 and that air is not coursed through the sections, the  
7 regulator and additional carbon monoxide sensors does not  
8 apply. This could result from two point-feed locations:  
9 one of them remains with the air directed to the return;  
10 and one in a panel or in-by area that goes out-by to a  
11 return and in-by to a section.

12 This requirement appears to be more appropriate  
13 to improving safety for point-feed, in-take air into a  
14 belt line versus addressing the issue of using Belt Air  
15 at the face. It is not a requirement of most existing  
16 petitions.

17 Communication Lines in Separate Entries: This is  
18 not practical since trunk and branch lines of both the  
19 AMS and communication systems must be placed in both  
20 entries. The initial requirement appears to be more  
21 appropriate to improving mine-communication requirements  
22 versus addressing the issue of using Belt Air in the  
23 face. It is not a requirement of most existing  
24 petitions.

25 General Comments: These new rules exceed most,

1 if not all existing petitions. The petitions approved to  
2 date are required to provide a level of protection equal  
3 to the level of protection afforded by the standard being  
4 petitioned. All existing petitions must admit that the  
5 burden and the purpose of using Belt Air to the working  
6 face -- because that hasn't changed.

7 Thank you for the opportunity to comment here  
8 today.

9 MR. NICHOLS: Thank you.

10 (multiple voices)

11 You don't get off that easy.

12 MR. CONKLE: I don't get off that easy?

13 MR. NICHOLS: No. By the way, where is Link?  
14 Is he riding his bike?

15 MR. CONKLE: Link stuck me in here. Link is in  
16 Illinois. His father has his 95th birthday, I think it  
17 is.

18 MR. NICHOLS: Okay. Does the panel understand  
19 Dick's comments? Are there any questions?

20 MR. KNEPP: Just clarify a little bit your  
21 concern about a point feed again? I didn't quite follow  
22 where the issue is.

23 MR. CONKLE: Well, I think the issue is: Whether  
24 that air moves on into the face or whether it moves away  
25 from the face because it could split at that point? I

1 think that is the -- it might go in and not go to the  
2 face is what I am saying.

3 MR. KNEPP: Yes.

4 MR. CONKLE: If it goes in and then goes to the  
5 face, then, yes, I understand that point.

6 MR. KNEPP: Well, in that case, that wouldn't  
7 be, you know, Belt Air being easy to face and --

8 MR. CONKLE: Right. But we will watch to make  
9 sure that the line that --

10 (multiple voices)

11 MR. KNEPP: Well, I just wanted to make certain  
12 that that was clarified.

13 MR. NICHOLS: Okay. Thanks. I think that the  
14 other person that has -- would anybody else like to come  
15 up and offer some comments?

16 MR. TURPIN: My name is Lavon Turpin. That is:  
17 L-A-V-O-N T-U-R-P-I-N. I am a Safety Advisor for  
18 Mountain Coal Company, West Elk Mine, in Summerset,  
19 Colorado.

20 I appreciate the opportunity to address the  
21 Committee today. We fully support Belt Air for face-  
22 ventilation purposes at West Elk Mine; and we have used  
23 Belt Air for more than 10 years. We do have several  
24 concerns about the proposed regulation, which will be  
25 expressed today and additional comments will be expressed



1 in writing sometime in the future and submitted to the  
2 Agency.

3 The first concern is regarding point-feed  
4 regulators, specifically in 75.350 C3 of the requirement.

5 It requires the means to close the regulator without  
6 entering the air system. Other than using hydraulic or  
7 electric-powered doors in the stopping, we are not aware  
8 of any means that can be used to comply with this  
9 regulation. We question the Agency: Are you aware of any  
10 means acceptable out there that can be used to close  
11 those doors from a remote location?

12 If doors are used, not personal doors per se, or  
13 equipment doors, will the Agency accept a single door  
14 versus double doors, as required in the current  
15 ventilation regulations?

16 Second concern is concerning 75.351 A. This  
17 requires that the AMS operator on duty at a location  
18 where signals from the AMS can be seen and heard by the  
19 operator -- we believe that the regulation should state  
20 that the operator on duty at that location where the  
21 signal from the AMS could be seen or heard -- we do  
22 believe that it is necessary for a person to be stationed  
23 at a computer monitor -- let me backup here.

24 We do not believe that it is necessary for a  
25 person to be stationed at a computer screen simply to see

1 any changes, but that a monitoring person can efficiently  
2 perform other tasks as long as he is in the position to  
3 respond to the alarm. By replacing the word "and" with  
4 "or" in 75.351 A, it appears to comply with 75.351 B2,  
5 which requires the AMS operator to promptly respond to  
6 all signals from EMS.

7           Concerning 75.351 J, which requires establishing  
8 carbon-monoxide ambient levels, we suggest that the mines  
9 with existing belt petitions be allowed to continue with  
10 the established ambient levels currently approved in the  
11 ventilation plans. That way, we can avoid additional  
12 rework.

13           Concerning 75.351 O2, which requires a person to  
14 enter their name, title, date and signature in the record  
15 book when specific functions are completed on the AMS  
16 system, we don't believe that the title entry is  
17 necessary, nor does it provide any relevant information.

18       In many cases, employees do not have titles other than  
19 production or maintenance. As such, we do not believe  
20 that entering a title provides sufficient information and  
21 results in unnecessary paper work.

22           Concerning 75.351 R, which requires voice-  
23 communication systems to be installed in separate entries  
24 from the AMS system, we believe that the mines with  
25 existing petitions be granted, or grandfathered, from

1 this requirement. It would require several miles of  
2 communication cables to be moved and, as stated by the  
3 person talking before, it is impossible because, at some  
4 point, those trunk lines have to go through and cross in  
5 the same areas.

6 As previously stated, we have safely operated  
7 using Belt Air for over 10 years without incident with  
8 the communication AMS Systems routed in the same entry.  
9 As such, we believe that it is safe to grandfather the  
10 existing installations.

11 In regards to the question earlier of  
12 maintaining lifelines in the in-take escapeways, we feel  
13 that this is an impossible task to try to maintain. The  
14 majority of the mine -- the primary escapeways are also  
15 your main travel ways in and out of the mine. To try to  
16 maintain a lifeline that is accessible to the employees  
17 in that entry would be very burdensome and I do not think  
18 that it can be done.

19 Okay. That is all the oral comments that I have  
20 at this point in time. As stated earlier, we will have  
21 some written comments on some other parts of the  
22 regulation in the future. Thank you.

23 MR. NICHOLS: Thank you, Lavon. Any questions  
24 for Lavon?

25 MR. KNEPP: The only thing that would differ --

1 also, any documentation that you have that would support  
2 either historic information on alert- and alarm-settings  
3 that you can provide for the record please do so. Even  
4 comments like the lifelines, if there is some other  
5 information that could help us draw some conclusions on  
6 why the maintenance would be a problem, that kind of  
7 thing that would be relevant to the record, please  
8 include that kind of background when you submit  
9 additional information.

10           And for any other future comments: If you have  
11 alternative remainder, see modifications, it helps if you  
12 can kind of justify those with maybe some kind of  
13 historic facts or some kind of information that we can  
14 kind of hang our hat on.

15           MR. NICHOLS: Okay. Anybody else? If you have  
16 thoughts on this, you need to voice them either here  
17 today or before the comment period closes. As I said in  
18 my opening statement, this issue goes back well over a  
19 decade and the Assistant Secretary planned to take the  
20 best-available information and finish this. So we really  
21 need any thoughts that you have on it.

22           Come on up.

23           MR. OLSEN: Bill Olsen, B-I-L-L O-L-S-E-N.  
24 Mountain Coal Company's West Elk Mine. Just concerning  
25 your comments, Bill, on the lifeline. Specifically, at

1 our mine where we use diesel for all transportation in  
2 and out of the mine, putting the lifeline throughout that  
3 entry is impossible because we have to change out. We  
4 have one way in and that is also our way out. That  
5 lifeline would have to go into every cross cut. You have  
6 to allow equipment to pull in and out of there, so it is  
7 impossible to put a lifeline in that entry and still have  
8 diesel equipment change out in every cross cut.

9 MR. KNEPP: Yes. Things like make sense. That  
10 is why we didn't jump right on board this thing. All of  
11 a sudden when you first look at it, you think this is  
12 wonderful. We grab the lifeline and get out of the mine  
13 but there are other problems with that too. If it is not  
14 being able to be maintained that could be worse than not  
15 having one.

16 MR. OLSEN: We have large equipment shields that  
17 we haul in. I see that lifeline being hit frequently and  
18 being very difficult to maintain and impossible in the  
19 cross cuts.

20 MR. NICHOLS. Okay. Off the record.

21 Thanks, Bill. Anybody else?

22 MR. NICHOLS: Okay. It is just past 9:30. We  
23 will go off the record and we will come back at 10  
24 o'clock. Then, some of us will stay around here pretty  
25 much up until about lunch time in case we have people

1 coming in late. Then, when we come back at 10, if,  
2 during your break, there are conversations that you want  
3 to give us some comments on, we will take them. So, we  
4 will go off the record until then.

5 (Whereupon, a short recess was taken.)

6 MR. NICHOLS: It is 10 o'clock. Did anybody  
7 have any thoughts over the break that they want to share  
8 with us?  
9 Okay. We have one thought that we want to clarify on,  
10 the point being -- come on up.

11 MR. POULSON: You guys keep pushing me. My name  
12 is Jim Poulson, P-O-U-L-S-O-N. I work with Skyline  
13 Mining in Scoffield, Utah. I am the Safety Director  
14 there. Before we get started, the first thing that I  
15 would like to comment on is this lifeline. We are  
16 totally opposed to the lifeline and I want that on the  
17 record. Okay?

18 MR. NICHOLS: Yes.

19 MR. POULSON: Another issue is: I think that the  
20 lifelines would be extremely hard to maintain due to the  
21 fact that there is equipment going in and out and  
22 everything else, shields and diesel equipment, and things  
23 like that. So, we are totally opposed to it.

24 With respect to your comment on a designated  
25 person to monitor the system there, we feel like this

1 designated person can also serve dual duties. They may  
2 be a warehouse monitor or somebody else. Nobody should  
3 be obligated to sit in front of a monitor 24/7 to monitor  
4 the system. If we have another person who is there and  
5 they can act in response to an alarm, whether the alarm  
6 be visual or audible, then, that person should be able to  
7 do such.

8           Now, on the alarm levels: I think that they need  
9 to be established on a individual basis on a mine-to-mine  
10 issue. This could be established with the assistance of  
11 the district and the local level. The reason for  
12 synchronicity is because of the volume of diesel  
13 equipment that is used in mines, the placement of the  
14 sensors, the velocities of air and different things of  
15 that nature that should be taken into consideration when  
16 the levels of alert and alarm are to be established.

17           Automatic closing doors: Whether hydraulic,  
18 mechanical or electrical, or whatever other means that we  
19 are talking about using here; they are prone to failure.

20           I think that human intervention in opening these doors  
21 is something that needs to be put into the wording here  
22 and that should be optional for the mines to be able to  
23 use.

24           This ruling supersedes all petitions: I strongly  
25 disagree with that. Mines ought to be able to continue

1 operating under current approved Belt Air petitions and  
2 that ought to be part of this.

3 That is all I have.

4 MR. NICHOLS: Okay, Jim. Does anybody have any  
5 questions of Jim?

6 MR. POULSON: Thank you.

7 MR. NICHOLS: Okay. Thank you.

8 We want to -- okay. Come on up.

9 MR. JARMAN: My name is Jeff Jarman. I am at  
10 the Deer Creek Mine for Energy West, an AMWA mine. I am  
11 here representing 251 Union miners.

12 First, I would like to start off by stating some  
13 concerns that we have on the amount of emphasis placed on  
14 belt maintenance. I can't speak for other mines but we  
15 feel like this is a major issue; and we don't feel like  
16 that has been addressed properly in the regulation.  
17 There ought to be more in place to maintain cleaner belts  
18 and better rock dusting.

19 Also, we feel like the belt applications need to  
20 be approved on a mine-to-mine basis rather than a blanket  
21 policy. The use of Belt Air to ventilate these working  
22 areas: We feel like that creates a lot of hazards that we  
23 are not currently faced with and we don't like the  
24 direction that it goes. We feel like these hazards could  
25 be mitigated by incorporating specific safety controls



1 into the plant operation. We are not taking the position  
2 that these hazards be eliminated by additional safety  
3 precautions, but rather that these hazardous conditions  
4 be controlled by MSHA rather than just left up to the  
5 mine operator.

6 Also, I want to go on the record as stating: In  
7 the Preamble there were two reports cited to make the  
8 determinations for this regulation. About 12 years ago,  
9 the AMWA objected to this report and the validity of it  
10 in the Belt Entry Ventilation Review. We feel that it is  
11 a lot more relevant today than it was then and we don't  
12 feel that this report has matured with age. So, we don't  
13 feel like that is a good basis for this regulation.

14 That is all I have.

15 MR. NICHOLS: Okay, Jeff. Anybody have any  
16 questions of Jeff?

17 Do you know if you have any more members coming  
18 in later today?

19 MR. JARMAN: I don't think so.

20 MR. NICHOLS: All right, thanks. Anybody else?

21

22 Okay. Mark wants to clarify something on Point  
23 B.

24 MR. ESLINGER: I think when we started talking  
25 about the point-feeding aspect and whether it applied to

1 only those mines that took Belt Air to the working face -  
2 - okay, that this rule applies to all point feeding, no  
3 matter where the Belt Air goes, whether you take the Belt  
4 Air in the in-by direction to the working section, or if  
5 you take it out-by. The construction of the rule, as it  
6 is written here, basically applies to Point B. So, if  
7 you wish to make Point B a belt entry from the intake,  
8 the rules concerning Point B in 350 apply.

9           If you look at 350, 350 talks about Belt Air  
10 course ventilation, okay. There are provisions in there  
11 where you take Belt Air to the face and you don't take  
12 Belt Air to the face. Therefore, as it is written or  
13 proposed right now, I know that this is not a final rule  
14 and we are going to go back and we are going to work on  
15 this rule, the point being that we will be controlled by  
16 this rule as it is stated like it is today. I think that  
17 it was Mr. Conkle who raised the question and, then,  
18 there was a response to it. I don't think we are being  
19 as specific as maybe we should have been on it.

20           During the break, we discussed it and basically  
21 said that the way that we look at the rule right now, the  
22 rule on Point B applies whether the Belt Air goes to the  
23 working section or not. Okay.

24           Also, I think the commentators here talked about  
25 the working face, or the face, or to the face.

1 Basically, if you look at the rule -- because if you take  
2 Belt Air onto the section, whether it gets to the working  
3 face or not, you have to comply with the CO monitors and  
4 all the things that apply to them. Okay? So, if you  
5 look at the rule, the rule talks about -- you take it  
6 onto the section, so the line is in back, no.

7 MR. NICHOLS: Okay.

8 MR. ESLINGER: Maybe I am confusing people  
9 again. I get a lot of --

10 MR. NICHOLS: There is a point-feeding issue  
11 with something that has been out there for a long time  
12 and is not clearly addressed. It was a grey area from  
13 the legal standpoint, in all honesty. Could you talk  
14 about the separation of the in-take air from the belt  
15 entry?

16 MR. ESLINGER: Well, we all know also that  
17 somewhere you have to give that belt some air or it is  
18 going to leak and what do you do?

19 (Pounding sound.)

20 What is that? Is that your heart beating? Any  
21 way this does address that issue and what I said may have  
22 been misleading to start with. It only applies sort of  
23 when the Belt Air is going through the working section.  
24 But this addressed the separation issue for everyone in  
25 any situation where you are putting in-take air into the

1 belt entry.

2 (Pounding sound continues.)

3 MR. NICHOLS: It is not this. I turned it off.

4 We could be under attack in a few minutes.

5 (Laughter)

6 Anybody else?

7 (No response.)

8 Okay. Let me give you some idea of how this  
9 reel will unfold. As I mentioned in the opening  
10 statement, we have four more public meetings. Then, we  
11 have a comment period that closes on June 30th; and,  
12 then, the Committee will start reviewing all the comments  
13 and we will make a decision on how to proceed as we go.  
14 Our plan right now is to go to a final rule and to do it  
15 this year.

16 With all the comments that have been raised, I  
17 think most of you understand how this MSHA rule making  
18 works. We will address all the comments and if we have  
19 not done that, it will be obvious. If we do not, we will  
20 explain the rationale for not doing it; or if we adopt  
21 some part and not the other, we will explain that too.  
22 But the charge we have is: To complete this issue this  
23 year.

24 So, what we are going to do now is go back off  
25 the record; and, then, we will stay around here until

1 about 11 o'clock in case we have someone who is  
2 travelling in who wants to make comments. If we do not  
3 have anyone else by 11 o'clock, we will end the hearing.

4 So, thanks again for your attendance and we will go off  
5 the record.

6 MR. KNEPP: Let me again remind you in an  
7 attempt with the mine workers included, if you have,  
8 again, documentation to back up your concerns that will  
9 help us a lot when we take a look at your comments in  
10 trying to analyze things. That issue has come up on  
11 health maintenance. The general feeling of our group is  
12 that there are regulations in place now; and, when  
13 properly addressed, I think will address many of those  
14 issues.

15 Are there any other comments to be considered?

16 MR. NICHOLS: Okay. We will go off the record  
17 until 11 o'clock. Do we have anyone in the audience who  
18 has shown up since our last break?

19 Okay. I thank everybody for showing up. We  
20 will be back out here in May for the dust hearings. See  
21 you then.

22 (Whereupon, at 11: 00 a.m., the hearing in the  
23 above matter was concluded.)

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REPORTER'S CERTIFICATE

DOCKET NO.: 30-CFR Pact 75  
Matter of: Underground Coal Mine Ventilation Use of  
Belt Air  
HEARING DATE: April 3, 2003  
LOCATION: Grand Junction, Colorado

I hereby certify that the proceedings and evidence  
are contained fully and accurately on the tapes and notes  
reported by me at the hearing in the above case before  
the  
Mine Safety Health Administration.

Date: April 3, 2003

Marjorie Bryant

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