

To: MSHA DPM Hearing Panel, Louisville, KY  
From: Richard Hamilton, Vice-President, Nally and Gibson Georgetown LLC  
Date: January 13, 2006

Nally and Gibson Georgetown LLC operates an underground limestone mine in Georgetown, KY. We employ 26 miners, 12 of whom regularly work underground.

For the last several years, the DPM rule has had a major effect on our operations. Through careful investigation and investment, we have been able to significantly improve the atmospheric conditions in our mine. While this improvement is greatly appreciated by our miners (myself included), we feel that further tightening of the DPM standard is unnecessary and potentially very expensive.

The existing DPM standards have been very difficult for an operation of our size to meet. Here is a partial list of investments our company has made to help us comply with this rule:

- Eight foot fresh air fan \$125,000
- Eight foot exhaust air fan on a vertical mine shaft \$300,000
- New production end loader \$400,000
- Internal ventilation improvements (brattices, fans, etc) \$50,000

In addition, we have run a biodiesel blend in some pieces of equipment, doubling fuel costs for those pieces.

Some of these investments would have been made in one form or another, with or without a DPM rule. However, investment schedule and selection criteria have been greatly affected by the DPM standard.

Our company believes that the proposed limits will be even more difficult and expensive to attain than the original ones in the given time frame. As time goes on, newer fuels and engine technologies should become available to our industry, making lower DPM exposures more attainable.

We ask that MSHA reconsider the impact on small businesses like ours of more stringent DPM standards. We feel the existing rule adequately protects miners from DPM overexposure and ask that the proposed rule be set aside.

Thank You,



F. Richard Hamilton III