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Mark Watson

Vice President – Technical Services

November 28, 2011

Ms. Roslyn Fontaine, Acting Director
Mine Safety and Health Administration
Office of Standards, Regulations and Variances
Mine Safety and Health Administration
1100 Wilson Boulevard, Room 2350
Arlington, VA 22209-3939

Re: RIN 1219-AB65; Comments on MSHA's Proposed Rule on Proximity
Detection Systems for Continuous Mining Machines in Underground Coal Mines

Dear Ms. Fontaine:

The following comments are submitted by Alliance Coal, LLC ("Alliance") regarding the above-referenced proposed rule on Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines ("Proposed Rule"), published in the *Federal Register* for Aug 31, 2011. 72 Fed. Reg. 54,163. Alliance is a diversified coal producer with ten large underground coal mining complexes in Illinois, Indiana, Kentucky, West Virginia, and Maryland. Thus, Alliance's underground coal mines are operating in four MSHA Coal Mine Safety and Health Districts, specifically Districts 3, 6, 8 and 10. Alliance is also a member of the National Mining Association ("NMA"). As such, we hereby adopt the comments of NMA on the Proposed Rule, and incorporate them by reference in our comments as though fully set forth.

Alliance is committed to serving as an industry leader in mine safety technology. As such, Alliance operating companies have supported the development of Matrix Design Group, LLC's ("Matrix") proximity detection technology. In addition to funding the development of the technology since 2005, all continuous mining machines shipped to Alliance operations since October of 2009 have been equipped with Matrix proximity detection systems. Currently, Alliance operations have installed 37 proximity detection systems on continuous mining machines. Alliance is in the process of installing proximity detection systems on its entire fleet of over 80 place-changing continuous mining machines by the end of 2012. Alliance has

installed more proximity detection systems than any other mining company and is at the forefront of using such systems.

The timeframe is not feasible

In order to ensure effective and reliable operation of the machines, proximity detection systems must be installed and tested in a rebuild or original equipment manufacturing shop. Proper installation cannot occur on an idle shift while the machine is located underground. If a proximity detection system is not installed properly, it will not be dependable, nor accepted by the machine operators that the technology is intended to protect.

As such, Alliance's implementation schedule has been dictated by shop availability and the machine rebuild cycle. It will take approximately 39 months for all place-changing continuous mining machines at Alliance operations to be equipped with proximity detection systems.

It is our understanding that the proposed §75.1732(a) would require underground coal mine operators to equip all place-changing continuous mining machines with a proximity detection system within 18 months from the publication date of a final rule. Newly manufactured continuous mining machines would require proximity detection technology within three months of the publication date of a final rule. Our experience has shown that the implementation schedule set forth in proposed §75.1732(a) is not feasible. There are not enough shops and there is not enough time in the rebuild cycle to meet the requirements as proposed.

We recommend that the timeframes for implementation be revised as follows:

- a. Six months after publication of the final rule all newly manufactured continuous mining machines must be equipped with proximity detection technology; and
- b. 36 months after publication of the final rule all continuous mining machines in use must be equipped with proximity detection technology.

The rule does not provide the safest place for operation in every instance

Proposed §75.1732(b)(1)(ii) establishes a unique set of proximity detection system performance requirements when the machine is cutting coal or rock, as opposed to separate performance requirements for when a continuous mining machine is performing other functions. We strongly agree with this differentiation. However, the proposed rule mandates proximity detection system performance requirements that will place restrictions on how machine operators perform their job duties and will unnecessarily expose miners to additional hazards, and would result in the training of at-risk behavior.

MSHA has failed to fully consider the hazards presented by other mobile equipment. Through our experience working with the operators of 37 continuous mining machines equipped with proximity detection systems, we have had the opportunity to develop performance requirements that provide for the greatest practical level of worker protection. We have learned through experience, that strict compliance with proposed §75.1732(b)(1)(ii) will not allow operators to position themselves in the safest possible locations at certain times.

For example, there are many times during the normal daily production cycle where a continuous mining machine is used to load shuttle cars or other types of mobile haulage equipment while turning cross-cuts. During these times, the safest place for continuous miner operators to locate themselves may be behind the bumper and adjacent to the tail of the machine. Given the slow movement of the machine while engaged in the coal/rock cutting phase, coupled with the limited pivotal ability of the machine while the cutting head is wedged within the confines of the coal face, this location provides for a safe and efficient operating location for the machine operator. The same location would not be a safe place for operators to be located while performing other activities, such as repositioning the machine in the mine face or place-changing. Unfortunately, the proximity detection technology that exists today is not capable of determining the precise location or function of a machine (i.e. if it is turning a cross-cut or loading a shuttle car). In order to comply with proposed §75.1732(b)(1)(ii), the proximity detection system would prevent operators from positioning themselves adjacent to the tail of the mining machine any time the machine is operated, even when it is the safest place for the operator to be located.

We recommend that §75.1732(b)(1)(ii) be revised as follows:

"Remotely operating a continuous mining machine while cutting or loading coal or rock."

The rule is not practical in the event of system malfunction

Proposed §75.1732(b)(4) would require that continuous mining machines be removed from service immediately upon determination of a proximity detection system malfunction. Proximity detection is a new and developing technology. Malfunctions will be unavoidable until the technology matures. A requirement to remove machines from service, with no alternatives, is particularly onerous. Furthermore, MSHA has failed to consider the impact of potential production disruptions.

We recommend that §75.1732(b)(4) be revised as follows:

"Prevent high-speed movement of the machine if the system is not functioning properly. A system that is not functioning properly shall provide an audible or visual warning signal, distinguishable from other signals, and disable the machine's

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high-speed tram function. Repairs to the malfunctioning proximity system shall be initiated upon the next maintenance period.”

Additionally, we recommend that §75.1732(c)(3) be revised as follows:

“Designate a qualified person under §75.153 to examine proximity detection systems for the requirements in paragraphs (b)(1) through (5) of this section weekly.”

We appreciate the opportunity to provide you with these comments. Alliance is committed to and stands ready to work with MSHA to help achieve the goal of reducing hazards to miners working in close proximity to continuous mining machines.

Sincerely yours,



Mark Watson
Vice President - Technical Services
Alliance Coal, LLC