

TRANSCRIPT OF PROCEEDINGS

IN THE MATTER OF:)
)
PUBLIC HEARING ON PROXIMITY)
DETECTION SYSTEMS FOR CONTINUOUS)
MINING MACHINES IN UNDERGROUND)
COAL MINES)

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Date: October 18, 2011

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IN THE MINE SAFETY AND HEALTH ADMINISTRATION

IN THE MATTER OF:)
)
 PUBLIC HEARING ON PROXIMITY)
 DETECTION SYSTEMS FOR CONTINUOUS)
 MINING MACHINES IN UNDERGROUND)
 COAL MINES)

Denver, Colorado

Tuesday
October 18, 2011

APPEARANCES

MSHA Panel:

PATRICIA W. SILVEY, DAVE CHIRDON, MATT WARD, JOHN
ARRINGTON, WILLIAM BAUGHMAN

Speakers:

ARIC PRYOR, President, Matrix Design Group
PHILIP ROSENSTERN, Associate Electrical Engineer,
Joy Mining Machinery
MIKE BERUBE, CEO, Strata Worldwide

P R O C E E D I N G S

(9:04 a.m.)

1
2
3 MODERATOR SILVEY: Good morning. My name is
4 Patricia W. Silvey, and I am the Deputy Assistant
5 Secretary for Operations for the Mine Safety and
6 Health Administration.

7 I will be the moderator for this public
8 hearing on MSHA's Proposed Rule on Proximity Detection
9 Systems for Continuous Mining Machines in Underground
10 Coal Mines. On behalf of Assistant Secretary of Labor
11 for Mine Safety and Health, Joseph A. Main, I would
12 like to welcome all of you here today.

13 I would like to introduce the members of the
14 MSHA Panel at this time. To my right, Dave Chirdon,
15 who is with MSHA Approval and Certification Center and
16 Technical Support and is the team leader of the Rule
17 Making Committee. And to his right, is John Arrington
18 with Coal Mine Safety and Health and who represents
19 coal on the committee. To my left, Matt Ward, who is
20 our lawyer on the project with the Department of
21 Labor's Office of the Solicitor, the Mine Safety
22 Division, and to his left, is Bill Baughman, who is
23 with the Office of Standards.

24 In response to requests from the public,
25 MSHA is holding public hearings on its Proposed Rule

1 for Proximity Detection Systems for Continuous Mining
2 Machines in Underground Coal Mines. This is the first
3 public hearing on the proposal. The second hearing
4 will be held in Charleston, West Virginia, on
5 Thursday, October 20th in Washington, Pennsylvania, on
6 the following Tuesday, October 25th; and Evansville,
7 Indiana, on the following Thursday, October 27th.

8 The purpose of this hearing, as many of you
9 know who have participated in MSHA rule making, is to
10 receive information from the public that will help
11 MSHA evaluate the requirements and the proposal and
12 produce a final rule that will improve safety
13 conditions at underground coal mines.

14 As most of you know, the hearings will be
15 conducted in an informal manner. Formal Rules of
16 Evidence will not apply. The hearing panel may ask
17 questions of the speakers and speakers may ask
18 questions of the panel.

19 Speakers and other attendees may present
20 information to the court reporter for inclusion in the
21 rule making record. MSHA will accept written comments
22 for the record from any interested party, including
23 those who do not make oral statements.

24 We ask that everyone in attendance sign the
25 attendance list, and it seems as though everybody has

1 done that.

2 MSHA is proposing to require the use of
3 proximity detection systems on continuous mining
4 machines in underground coalmines according to a
5 phased-in schedule. The rule would help protect
6 miners from pinning, crushing, and striking hazards
7 that result from working too close to continuous
8 mining machines in underground coal mines.

9 The proposed rule would also establish
10 performance and maintenance requirements for proximity
11 detection systems and require training for miners
12 conducting installation and maintenance of these
13 systems. The proposed rule is an important part in
14 the Department of Labor's "Plan, Prevent, and Protect"
15 strategy for protecting workers.

16 MSHA requests comments from the mining
17 community on all aspects of the proposed rule and is
18 particularly interested in comments that address
19 alternatives to key provisions in the proposed rule.
20 Commenters are requested to be specific in their
21 comments and submit detailed rationale and supporting
22 documentation for any suggested alternatives.

23 At this point, I would like to reiterate
24 some of the requests for comment and information that
25 were included in the preamble to the proposed rule:

1 1. As stated in the proposed rule, MSHA
2 proposes to phase in the use of proximity detection
3 systems over an 18-month period. Continuous mining
4 machines manufactured after the date of publication of
5 a final rule would be required to be equipped with a
6 proximity detection system three months after the date
7 of publication of a final rule.

8 Continuous mining machines manufactured on
9 or before the date of publication of a final rule
10 would be required to be equipped with a proximity
11 detection system 18 months after the date of
12 publication of a final rule. The Agency requests
13 comments on the proposed compliance dates, considering
14 the availability of systems, the time necessary to
15 process approvals for proximity detection systems, and
16 projected time needed to install systems.

17 2. MSHA proposes to require the use of
18 proximity detection systems that cause a machine to
19 stop no closer than 3 foot from a miner. The
20 continuous mining machine operator would be allowed to
21 be closer than 3 foot only when the machine is cutting
22 coal or rock. However, the proximity detection system
23 would be required to prevent contact with the machine
24 operator. MSHA considered proposing other specific
25 stopping distances and considered proposing a

1 performance-oriented requirement that would not have
2 included a specific distance.

3 MSHA requests comments on this proposed
4 provision, including whether a greater distance or a
5 performance-based approach would be effective
6 alternatives to the proposed 3-foot stopping distance
7 requirement.

8 3. Some proximity detection systems on
9 continuous mining machines are installed to stop
10 machine tram movement and the conveyor swing function
11 when the system is activated while permitting other
12 machine movement, such as rotation of the cutter head
13 and movement of the gathering arms. MSHA requests
14 comments on whether all movement should be stopped or
15 under what, if any, circumstances it would be
16 acceptable for continuous mining machines to continue
17 moving.

18 4. The proposed rule does not cover full-
19 face continuous mining machines. A full-face
20 continuous mining machine includes integral roof
21 bolting equipment and develops the full width of the
22 mine entry in a single cut, generally without having
23 to change locations.

24 The Agency is interested in whether full-
25 face continuous mining machines should be equipped

1 with a proximity detection system and, if so, why.
2 And, again, please be specific.

3 5. Each of the three proximity detection
4 systems approved for underground coalmines in the
5 United States require use of a miner-wearable
6 component. These systems cannot detect a miner who is
7 not wearing the component.

8 MSHA solicits comments on which miners
9 working around continuous mining machines should be
10 required to have a miner-wearable component.

11 6. Most proximity detection systems alert
12 miners who get within a certain distance of a machine
13 before causing machine movement to stop. This
14 provides an added margin of safety and is consistent
15 with most standard safety practices. The Agency
16 recognizes that the use of a proximity detection
17 system that causes frequent machine stops can result
18 in: Frustration to miners; miners ignoring warnings;
19 and can possibly lead to unsafe work practices. MSHA
20 believes that an appropriate warning signal is
21 necessary to optimize the safety of miners when a
22 proximity detection system is used.

23 MSHA requests comments on this provision,
24 including whether a greater distance or a performance-
25 based approach would be effective alternatives to the

1 proposed 5-foot stopping distance requirement for the
2 warning signals.

3 7. MSHA's estimates of the benefits and
4 costs of the proposal are given in detail in the
5 Preliminary Regulatory Economic Analysis and
6 summarized in the preamble. MSHA requests comments on
7 the proposed estimated benefits and costs.

8 As you address the proposed provisions,
9 either in your testimony today or in your written
10 comments, please be as specific as possible. We
11 cannot sufficiently evaluate general comments.

12 As I said earlier, please include suggested
13 alternatives, including those of a performance-based
14 nature, your rationale, the benefits to miners, any
15 technological and economic feasibility considerations,
16 and data to support your comments. The more specific
17 your information is, the better it will be for MSHA to
18 evaluate and produce a final rule that would be
19 responsive to the needs and concerns of the mining
20 public.

21 You may submit comments following the public
22 hearing by any method identified in the proposed rule.
23 Comments must be received or postmarked by November
24 14, 2011.

25 MSHA will make available a verbatim

1 transcript of this public hearing approximately two
2 weeks after the completion of the hearing. You may
3 view the transcripts of all the public hearings and
4 comments on MSHA's website at www.msha.gov and on
5 www.regulations.gov.

6 We will now begin today's hearing. If you
7 have a copy of your presentation, please provide it to
8 the court reporter. Please begin by clearly stating
9 your name and organization and spelling your name for
10 the court reporter so that we will have an accurate
11 record.

12 Our first speaker today is -- and my paper
13 says no one. It really doesn't say no one, but I
14 don't have anyone on my papers. So with me seeing all
15 these people in the audience -- and you're not putting
16 all this down in your record, I hope. You can stop
17 right there for now. I'll tell you when.

18 (Off the record.)

19 (On the record.)

20 We will go back on the record.

21 MR. PRYOR: My name is Aric Pryor with
22 Matrix Design Group -- that's A-R-I-C, P-R-Y-O-R --
23 Matrix Design Group, and this is Phil Rosenstern with
24 Joy Mining.

25 MR. ROSENSTERN: That's P-H-I-L,

1 R-O-S-E-N-S-T-E-R-N.

2 MODERATOR SILVEY: Thank you.

3 MR. PRYOR: And we, I think like the rest of
4 the audience, came out here to hear what was said
5 today and help prepare our written comments. So we
6 don't have a prepared presentation. We do have some
7 comments that we can share on some of the points that
8 we think are important on the proposed rule. Again,
9 we haven't put this in formal -- in writing, so it may
10 not come off as well as it's going to when we submit
11 the proposal to you so --

12 MODERATOR SILVEY: No, we understand.

13 MR. PRYOR: But just in the interest of
14 being good sports here, we're trying to maybe spark
15 some other folks to talk.

16 A couple of comments. You know, obviously,
17 we've been working on proximity detection, Matrix has,
18 since 2005, partnered with Joy in 2009, now, the
19 system is licensed by Joy. We have a lot of interest
20 in the rule and how it plays out.

21 A few of the concerns -- and, Phil, jump in
22 any time you want or stop me if I say something -- is
23 on the 3-foot -- the absolute 3-foot stopping the
24 machine within 3 foot; we see that as -- as tough to
25 control from our part. You know, we have a system,

1 you know, fairly similar to the competition's when
2 someone gets in, quote, unquote, the red zone, we
3 institute an -- open a relay; we stop function of the
4 machine.

5 What we do right now is the way our relay's
6 wired; we stop the tram and the boom movement. All we
7 can do is when I say stop those movements, is disable
8 the functions of the miner. We cannot control if the
9 miner continues to move. My point on this is if --

10 MODERATOR SILVEY: And when you say "the
11 miner," you're talking about the machine.

12 MR. PRYOR: Yeah, I'm sorry. The machine.
13 I'm sorry.

14 MODERATOR SILVEY: Please -- because this
15 has happened, just so all of you all know, in other
16 situations -- and I know that when you talk about --
17 when you speak to the miner, I know you're talking
18 about the machine, but some people looking at this,
19 lay people, they take it to be the mine -- the person
20 in the mine --

21 MR. PRYOR: Okay.

22 MODERATOR SILVEY: -- and that's the only
23 reason I'm saying that, yeah.

24 MR. PRYOR: We'll make that clear. Okay.
25 So when we --

1 MODERATOR SILVEY: Okay.

2 MR. PRYOR: -- on the continuous miner, on
3 the operation of the machine, when a person or
4 operator encroaches on the red zone, our system
5 disables function of the continuous miner. And what
6 it does, basically the relay opens circuits that
7 inhibit tram function and boom.

8 If the machine is sitting on a bad bottom or
9 uneven grade, we can't control what happens due to
10 physics from gravity, and the machine would keep
11 moving. With this being said, the 3-foot -- we have
12 no way of -- no matter how large our red zone is aside
13 from if the machine has proximity detection, totally
14 never letting it move, we have no way of ensuring that
15 we can stop it from moving.

16 So in our proposed -- we'll propose
17 something back to MSHA on how we think it should read.
18 I don't have that thought out yet as to how it should
19 be written. But the bottom line, we can stop -- we
20 can tell it to quit tramping, but there are higher
21 powers than us that will cause it to keep moving
22 downhill or keep moving if we try to stop it. With
23 that being said again, to reiterate, we could make it
24 a red zone of 50 feet. When someone encroaches upon
25 that red zone, if that machine's on a grade, we can't

1 ensure it stops.

2 So that's -- that's kind of overly --
3 overly -- overbearing on us --

4 But anymore on that, Phil?

5 MR. ROSENSTERN: Yeah, I mean, I would also
6 like to add that, you know, the electromagnetic
7 technology, you know, it's not one hundred percent
8 guaranteed that every time it's going to -- basically,
9 it's going to read the tag the same.

10 The personal-wearable device may be read
11 differently at different times based on environmental
12 conditions or even some height can vary it. That
13 could affect this 3-foot stopping distance even on
14 perfectly level ground.

15 MR. PRYOR: And I think -- I think there are
16 ways around that, and that's basically enlarging the
17 red zone. If it just said you have to disable machine
18 function when the person gets within 3 foot, then 3
19 foot may not be the right number because you're going
20 to have -- the machine's still going to have inertia;
21 it's going to move forward potentially after you
22 breach that red zone.

23 So we'll have to take into consideration the
24 anomalies, the air, and the system to adjust for that;
25 but I think our system is not a lot different from the

1 competition's. It's not a perfect absolute distance
2 to signal measurement all the time. It's very
3 repeatable in certain environments, but it is possible
4 to interfere with it.

5 That brings up another point, the comment, I
6 think it's Number 5, must be installed such that no
7 interference -- hold on. Let me see if I can find it
8 here.

9 Yeah, be installed to prevent interference
10 with or from electrical systems. So that's Number 5.
11 I think I know the intent of that. It sets that it's
12 installed so that it doesn't -- that it still
13 operates. I think that's pretty vague and broad
14 saying that it cannot -- there cannot be any
15 interference from other systems. Because if I install
16 it on this table, there would be interference of some
17 sort. You could get into the science of it and
18 everything's going to interfere with it. Everything
19 on the miner has interference with something else.

20 So, you know, we'll propose verbiage on
21 that, something like, must be installed such that
22 electrical interference from other devices doesn't
23 inhibit functioning or, you know, alter the
24 functioning of it.

25 So that's kind of -- I think I understand

1 the intent of that, and I understand the intent of the
2 3-foot, too. I know it's hard to sit and write a rule
3 like this and cover everything, and that's our purpose
4 back as the inventors and the manufacturers and,
5 hopefully, the operators to comment back on how it's
6 going to tie the hands of the -- tie the hands of the
7 operators.

8 Because when it comes time for MSHA
9 inspector enforcement to be out there, they've got a
10 tough job, too. They're going to have to come out
11 there with a yardstick or a tape measure to measure
12 this, and it's going to be open to a lot of
13 interpretation.

14 So what else is high on our list?

15 MR. ROSENSTERN: Well, the stopping distance
16 for the continuous miner operator. The fact that it
17 is -- the machine must stop before it comes into
18 contact.

19 Currently, we have no way of knowing the
20 position of the conveyor boom. If this -- you know,
21 if it has to stop before it comes into contact with
22 the operator, then either the operator must be
23 completely excluded from the area around the conveyor
24 boom, which is typically where he performs his mining
25 practices and that's where he can get in to see the

1 base. He's also out of the way of the shuttle cars.

2 The other thing is some sort of sensor on
3 the conveyor boom and, right now, there is no such
4 sensor that can be reliably placed there just due to
5 the harsh conditions.

6 MR. PRYOR: All right. That brings up one
7 more comment after Phil.

8 Phil mentioned that, you know, we -- since
9 we've started working on this project and have
10 advertised and preached this to be a training system
11 to train operators to stay out of the red zone, and I
12 think even the intent of MSHA in the rule making by
13 calling it a proximity detection system and not a
14 protection system is clear that somebody at some point
15 thought the same thing.

16 I think there's a lot of -- a lot of people
17 that expect this system to be a fail-safe, always-
18 going-to-work safety system. I think it's important
19 that we treat it as a training tool and we train the
20 operators to stay out of the red zone and not train
21 the machine to stop when someone encroaches on the red
22 zone.

23 The warning zone, I think, is important for
24 that to be that first feedback to the operator that,
25 hey, you're, you know, approaching the red zone, and

1 then the shutdown be the "F" on the report card that
2 means they got into it, and slowly train the operators
3 to not get in that red zone and not rely on the system
4 for a -- it's not a lanyard; it's not a -- I mean,
5 even with a hard hat on, you don't get under -- you
6 don't get under things that could fall on you.

7 Safety glasses don't always protect you. I
8 weed eat my -- around my lake and I can put safety
9 glasses on and inevitably every time I use them,
10 something flies up underneath them. Now, I don't
11 throw them away and say, this system isn't valuable
12 anymore, but I know their limits.

13 So I think it's important that somehow we
14 portray in this rule that it is still up to the
15 operator of the machine to ensure their safety. This
16 system is strictly to help them learn those areas.

17 What else you got, Phil?

18 MR. ROSENSTERN: Oh, in addition, I mean,
19 just by using the system, it's -- you know, he's not
20 going to be in a tight spot where he can start the
21 machine tram towards himself. I mean, there's where a
22 lot of the pinching and fatalities occur is when he's
23 in a tight location up against the rib and he
24 accidentally turns the machine the wrong direction for
25 example. Well, I mean, just by having proximity

1 detection, whether it's 3 foot or it's more or less,
2 he's not going to be able to get into the tight spot
3 where he can enable the machine tram.

4 And one of the other issues we have is the
5 functionality that gets disabled when there's a red
6 zone breach. Currently, we just -- as Aric said, it's
7 just a -- we do the conveyor swing and tram. If every
8 machine movement was disabled, it would cause a
9 significant impact on production, as well as operator
10 frustration.

11 I mean, what would eventually happen, I
12 mean, most likely it would be the drop of a pump.
13 That would require a pump restart and then to turn the
14 cutters back on, there's a pre-start delay on that and
15 there's -- it's several -- you know, probably close to
16 15 to 20 seconds every time, and that would have a
17 significant impact on the production. And then, of
18 course, it would be frustrating trying to find ways to
19 defeat it.

20 MR. PRYOR: Yeah. And we -- you know, miner
21 operators are very, very sharp. They will try,
22 unfortunately, to continue to do their job. If we
23 impact them to where it's detrimental to their job,
24 you know, they're going to -- they're going to get
25 creative. We have to -- I don't think we should not

1 put the system on the machines. I think we just got
2 to be careful and consider all the downside of it for
3 that and treat it as a training system to train them
4 to stay out of the red zone.

5 We're not for shutting off the cutter, you
6 know, and we'll comment on that, too, in our written
7 response. We -- looking at the statistics, we don't
8 see from our study that the accidents aren't happening
9 around the cutter during cutting mode.

10 Now, if you go into the maintenance side,
11 you see the accidents that have happened around the
12 cutter. There's really no way to ensure the person's
13 going to walk up there and work on the cutter on the
14 maintenance side of it. I think the system needs to
15 be a system when the machine is set -- you know, place
16 changing, setting from place-to-place and not
17 necessarily to protect them when they're in
18 maintenance mode. Since the personal-wearable device,
19 like you mentioned, Pat, in your opening comment, you
20 can't tell when the person has it on them or not. It
21 can only protect them if they have it on them.

22 I think we're going to open up ways for
23 people to figure out ways to not have their personal-
24 wearable device when they're doing maintenance so --

25 MR. ROSENSTERN: Well, along those lines, we

1 do require that there's at least one in the area for
2 any --

3 MR. PRYOR: For it to operate.

4 MR. ROSENSTERN: -- you know, to be enabled
5 so that helps deter it. But if there are two people
6 in the area and only one person brings theirs, you
7 know, then only one person can stop the machine when
8 they get nearby.

9 And the other major issue that we have is
10 the time line. Three months is a stretch. It's not
11 impossible. The 18 months would be impossible to get
12 all -- to install the system properly. It requires
13 significant fabrication work, as well as cabling
14 requirements. That's to make the system licensed in
15 performance functions.

16 We can't get all miners out of the machines
17 for rebuild within that 18-month period. The mines --
18 you know, a lot of machines are in there for four or
19 five years sometimes; and if they have just shipped
20 recently, there's not going to be any practical way to
21 install the system on there.

22 MR. PRYOR: Yeah, I think those point on the
23 three months. I know we kind of saw some eyebrows
24 raise, but that one's not as arduous as the 18 months.
25 We can manufacture the product. We can manufacture as

1 many as we need to put it on every machine in the 18
2 months.

3 The problem is shop time, scheduling of
4 getting it through the shops. I think even if you
5 have not looked at all of our competitors' capacities,
6 but between Bucyrus, Phillips Rebuild and all the
7 different rebuild shops and Joy, I don't think it's
8 feasible to even run them all through a shop in 18
9 months. Even if they were scheduled to be through, I
10 don't think you could get it done.

11 So -- and I say here, I don't think that. I
12 haven't sat and put the numbers down and ran all the
13 calculations, but in my simple brain, it doesn't seem
14 like it's feasible.

15 MR. ROSENSTERN: I mean, I can say that
16 we're just about out of rebuild slots anyways for the
17 next 18 months. And that's -- I mean, we're only
18 talking a couple hundred machines that will be coming
19 through.

20 That's all we could install then. I mean,
21 we could do it on every machine that comes through but
22 that's -- I think if worked out, we could install
23 about 30 to 40 percent from a manufacturing
24 standpoint.

25 Now, from a training standpoint and

1 commissioning and verification standpoint, it's going
2 to be even less. I mean, we have a large service base
3 and training base that, you know, goes out in the
4 field. But to train properly for the systems used and
5 to even train our service guys to service the systems
6 and maintain it, it's going to end up taking
7 significantly longer than 18 months for all machines.

8 MR. PRYOR: I can't think of anything else,
9 can you? I don't see people standing in line behind
10 us to talk. Hopefully, we warmed --

11 MODERATOR SILVEY: Thank you.

12 MR. PRYOR: Hopefully, we warmed it up for
13 somebody.

14 MODERATOR SILVEY: Yeah. I have a few
15 comments.

16 MR. PRYOR: Sure.

17 MODERATOR SILVEY: First of all, and as an
18 overall comment, thank you for coming up, but -- and
19 the second one would be -- and you did say this at
20 various points. When you made various points and that
21 is when you send in your written comments, please be
22 specific if you propose an alternative.

23 For an example, to the 3-foot -- to the
24 phase-in schedule. Please be very specific.

25 And, right now, I'm going to talk about the

1 phase-in because I'm thinking about it. And when you
2 are specific, you said, I don't have the numbers, but
3 you just think. But if you could include the numbers
4 to support why you think the 18 months is impossible,
5 including all the requirements that would have to be
6 done including the training and the -- as you said,
7 the retrofitting, the time, you know, there are so
8 many units out there -- so many machines -- continuous
9 mining machines. Now, I'm talking about that are
10 manufactured prior to date of the rule, these would
11 need to be retrofitted. They would take so much time.
12 They would need to be scheduled over a certain amount.

13 I'm telling you now, but include all those
14 things in. The training would have to be done
15 because, otherwise, we cannot -- as I said in my
16 opening statement, we cannot do a property valuation
17 of your comments if you don't have all those things in
18 there for us to take into consideration.

19 Now, back to your specific comment -- and
20 I'm going to use a word you said on the second page.
21 You used "absolute" where you're still talking about
22 the 3-foot distance. And I -- that's funny. I wrote
23 that down on my first page. And I was saying, in a
24 way, you are more -- when you were talking about the
25 machine, you can't control the machine movement if the

1 machine is sitting, depending on where the continuous
2 mining -- was depending on where it's sitting.

3 Then I wrote down that you were treating the
4 -- you were talking about the 3 foot as an absolute.
5 But in terms of the example you gave me that the
6 continuous mining machine may proceed with some
7 movement after, you know -- after you have told it to
8 stop, in my humble opinion, I'm thinking that you --
9 that this movement is a de minimis movement. Is that
10 you or not -- and I guess in most situations -- let me
11 put it this way, and I'm not sure -- in most
12 situations, it would be de minimis movement. It would
13 not be any movement that would be a lot of movement
14 generally. Or am I wrong?

15 MR. PRYOR: I think for the most part that
16 that's true.

17 MODERATOR SILVEY: Uh-huh.

18 MR. PRYOR: But there are times, and it's
19 probably a very small percentage of times, I throw out
20 the number of 95 percent of the time, the machine's
21 going to stop within a certain distance based on, you
22 know, inertia and, you know, it's not going downhill
23 all the time.

24 MODERATOR SILVEY: Right.

25 MR. PRYOR: But there are times -- and I've

1 seen the machine stop. You try to stop them and they
2 just -- and they shift sideways. They slide. They --
3 you -- we just can't control -- my point is we can't
4 control where the machine's sitting and the bottom --
5 the conditions of the bottom or the -- the degree of
6 angle that the bottom is. So it makes that tough.

7 So I'm just saying most the time, we can put
8 criteria around it to say, okay, we'll take into
9 consideration the errors of the system, the potential
10 anomalies; we'll move our red zone out a foot or two
11 to adjust for that. Now, our red zone may be 5 feet
12 from it, but there will be times that we can't -- it
13 might be very few, but there will be times we can't
14 control how far it goes once you tell it to stop.

15 MODERATOR SILVEY: And not to put anybody on
16 the spot here, but in terms of the units that you
17 have, in terms of the continuous mining machines where
18 you have your systems on them, I assume you have
19 some -- and I probably should have known this before I
20 asked -- I assume you have some in the U.S. mines.

21 MR. PRYOR: Correct. We have between us and
22 Joy, 41.

23 How many do you guys have, four?

24 MR. ROSENSTERN: We have eight.

25 MR. PRYOR: You have eight installed until

1 now? So 37 -- we have 45 systems installed in the
2 U.S.

3 MODERATOR SILVEY: Okay.

4 And in terms of this first issue that you
5 raised, and you said you can't control the stopping
6 distance. As I said, I wrote down when you look at 3
7 feet, you are thinking about that as an absolute, 3
8 feet, like hypothetically, if an inspector were to
9 come out at the very moment that you had to activate
10 the system. But with respect to the ones that you
11 have in use in mines, how often do you see that
12 happening in terms of that movement and percentage
13 wise of the time --

14 MR. PRYOR: Well --

15 MODERATOR SILVEY: -- like 5 percent of the
16 time or --

17 MR. PRYOR: -- I think we're going to have
18 to study that because, right now, what we do is we
19 build the red zone around the machine. We, as Matrix
20 and Joy, decide what that red zone is based on our
21 best knowledge of how the system works and because the
22 operator, the customer, who has the machine, they
23 don't really want to tell what the red zone is, nor do
24 they like the red zone that we tell them either.

25 But -- so we prescribe that to them and then

1 we don't really study much how far the machine keeps
2 moving. We just -- we keep logs of how often they've
3 encroached on the red zone and breached the system,
4 but we'll have to study that to get that number. Now,
5 we have done studies --

6 MODERATOR SILVEY: Okay.

7 MR. PRYOR: -- on how far the machine moves
8 once you disable tram, and it varies whether it's on
9 concrete in the shop, rock in the parking lot, or mine
10 bottom. So we'll come up with some numbers on that.

11 MODERATOR SILVEY: Okay. And even how far
12 it moves after you disable the tram, even if you could
13 give us that too, that will be useful. Okay.

14 MR. ROSENSTERN: And we've done -- we've
15 included those -- you know, how far would it nominally
16 move into our calculation of a red zone plus, you
17 know, additional margin of distance, but it's not
18 going to cover for 100 percent of the scenarios.

19 MODERATOR SILVEY: Yeah.

20 MR. PRYOR: You've got a question, Dave?

21 MR. CHIRDON: Can I ask one?

22 MODERATOR SILVEY: Uh-huh.

23 MR. CHIRDON: You said that you have the
24 data available that when the proximity detection
25 system initiates stopping of the tram movement, how

1 far that machine travels after that activation occurs?

2 MR. PRYOR: We don't have -- we've just done
3 tests on our shop floor but --

4 MR. CHIRDON: Oh, okay.

5 MR. PRYOR: -- we're -- what we do have -- I
6 mean, I don't see any reason we can't share it. I
7 mean, it just -- it's the machine -- you know, it's a
8 little different on a DC machine and every machine's a
9 little different based on where and the resistance of
10 the tracks, the whole dynamics of the system. It
11 doesn't travel that far but --

12 MODERATOR SILVEY: Yeah, I understood what
13 you were saying to think that you weren't talking that
14 far. But in terms of a requirement, a requirement is
15 a requirement.

16 MR. PRYOR: But it is easy to say that if
17 the machine's in high speed tram, I know for a fact
18 that it will travel a few feet to stop.

19 MODERATOR SILVEY: Yeah. Okay.

20 MR. PRYOR: You know, it's a big, heavy
21 machine --

22 MODERATOR SILVEY: -- machine, right, sure.

23 MR. PRYOR: -- moving. And granted, there
24 is a lot of resistance; there are a lot of things
25 helping it to slow down. You know, it is a big heavy

1 machine so --

2 MODERATOR SILVEY: Right.

3 MR. PRYOR: But back to some of the comments
4 in the discussion of the rule making on how to test
5 that 3 feet, you know. One way is mentioned in there,
6 hanging that personal-wearable device from the ceiling
7 or from the roof and moving the machine into it and
8 then measuring how far it is. That would obviously
9 take into account the movement of the machine. The
10 other way would be, don't move the machine; walk up to
11 it and measure 3 feet and see if it moves. Those are
12 two totally -- they're going to give you two totally
13 different results on the size of the red zone.

14 So I think when this comes out, it's going
15 to have to be clearer to enforcement how this is to be
16 tested and how we are to set that red zone up because
17 we can make the red zone any size we need to, you
18 know, to an extent. You don't want to get it so large
19 the guy can't operate, or the person can't operate,
20 without moving himself or herself into harm's way of
21 the shuttle car.

22 MODERATOR SILVEY: Yeah.

23 MR. PRYOR: So -- and that's -- you know, I
24 spent a lot of time with the West Virginia Task Force
25 over the last few years working on this. One of the

1 big concerns was when we put a rule in place that
2 makes this big bubble around the tail of the machine;
3 it's going to now move this operator out and we're
4 going to start seeing accidents from shuttle cars that
5 we haven't seen.

6 So, you know, we'll see the miner accidents
7 go down; we'll see shuttle cars go up and that is a
8 concern. And I'm not saying that will happen, but it
9 is something to think about there.

10 MODERATOR SILVEY: Phil, I think you raised
11 the issue of the personal-wearable device may be read
12 differently, you said, due to physics. Now, I'm going
13 to ask you -- and I understand a little bit about
14 physics, not a lot. Are you -- when you say may be
15 read differently, are you talking about just a little
16 difference, again, like a de minimis difference, or
17 are you talking about it could be a lot?

18 MR. ROSENSTERN: Generally, it's not going
19 to be major --

20 MODERATOR SILVEY: It's not going to be a
21 lot.

22 MR. ROSENSTERN: -- differences, but it
23 could be enough that, you know, it's going to affect
24 the machine stopping distance by 6 inches or a foot.

25 MODERATOR SILVEY: Do you all have -- in

1 terms of the machines you have, do you have any data
2 on that?

3 MR. ROSENSTERN: Yeah. We've done --
4 basically, on all eight machines that we have right
5 now, we've done tests underground and on the surface
6 of stopping the machine, you know, having a high-speed
7 tram and then having the unit in the fixed position,
8 measuring stopping distances, and the variations in
9 the stopping distances, and that can be both to bottom
10 conditions and, you know, the system response. And it
11 does vary over a range of about 2 feet generally --

12 MODERATOR SILVEY: But can you provide --

13 MR. ROSENSTERN: -- for stopping distances.

14 MODERATOR SILVEY: -- some of that to it and
15 us would be -- really, when it comes to the 3-foot
16 issue and to this one, if you could provide us the
17 data. But if you could provide along with the data
18 the kind of conditions cause this thing to happen,
19 that would be useful to us, too. All of that would be
20 useful to us in crafting a final rule.

21 MR. ROSENSTERN: Okay.

22 MODERATOR SILVEY: That would be better for
23 our enforcement people, too. So we don't want -- we
24 obviously don't want to -- we do not want to craft a
25 rule that gives us unintended results, I guess that's

1 what I'm trying to say. Because we want one that's
2 going to be, you know, the most that provides for the
3 optimum safety, but does it in a way where it's
4 feasibly implemented.

5 MR. PRYOR: Well, back to your opening
6 question to us about being specific. We will -- our
7 intent isn't just to fire back and say, no, we don't
8 like that; yes, we like that. We do want to give you
9 something to work with so we'll work hard to do that.

10 MODERATOR SILVEY: Okay. We appreciate
11 that.

12 MR. ROSENSTERN: Going back really quickly
13 to your comment about, you know, time that it takes to
14 install and train --

15 MODERATOR SILVEY: Yeah, I was -- I'm going
16 to get to that again.

17 MR. ROSENSTERN: -- for -- well, yeah, I
18 have a number. I mean, I can give you a number on
19 what we determined we can train for. That's 206
20 miners over the 18-month period.

21 MODERATOR SILVEY: Okay.

22 MR. ROSENSTERN: That's how many we could
23 get operators trained for, maintenance personnel of
24 the mine trained for, as well as verifying system
25 performance.

1 MODERATOR SILVEY: Okay. Now -- but make
2 sure you all include all of that. This is good. On
3 that issue, you just gave me the number of miners to
4 be trained. That's a good segue into another question
5 we asked, and that question was with respect to the
6 amount of wearable components. I think if I remember
7 correctly -- we asked how many -- which miners did you
8 believe should wear the miner-wearable component,
9 because that will tie right into the miners who
10 need -- who should be trained.

11 MR. ROSENSTERN: Okay.

12 MODERATOR SILVEY: So if you -- you know,
13 I'm not asking you for that now, but if you could give
14 that to us.

15 MR. PRYOR: Yeah. And that's going to be
16 honestly coming from the manufacturer's side. That's
17 going to be a tough one for us to call.

18 MODERATOR SILVEY: Yeah. Yeah, and you
19 probably --

20 MR. PRYOR: That's probably going to be one
21 you're going to hope that the --

22 MODERATOR SILVEY: -- the operators give us
23 some comments on that --

24 MR. PRYOR: -- the -- yeah, the coal
25 companies and the operators.

1 MODERATOR SILVEY: You -- no, you're
2 absolutely right. That's absolutely right. Or -- and
3 I don't know how -- maybe you all are working with
4 them but you are absolutely right. I can see that
5 now. That's going to be one probably that the
6 operators would have to provide for us, yeah. Okay.

7 MR. PRYOR: You know, if I had to right now
8 make a statement, it -- there's only a few people that
9 work around the machine and they definitely need it,
10 you know, you have the --

11 MODERATOR SILVEY: Right.

12 MR. PRYOR: -- cable handler and the -- or
13 the helper and the operator and then you could argue
14 who else should be around it.

15 MODERATOR SILVEY: Yeah.

16 MR. PRYOR: So it kind of goes back to
17 the -- you know, the miner bolter -- there's a whole
18 lot of things that are kind of a gray area that --

19 MODERATOR SILVEY: Yeah.

20 MR. PRYOR: -- you know, is there much
21 benefit to adding.

22 MODERATOR SILVEY: Adding, yeah. Yeah. And
23 with -- and, obviously, the one that you talked about
24 being installed to, and you sort of gave it in your be
25 installed to prevent interference with or from

1 electrical systems if you provide an alternative
2 suggestion, alternative to that one.

3 We talked about the training. On the
4 training one, do you all have a training module or a
5 training program that you provide to the operators for
6 your system?

7 MR. ROSENSTERN: Yeah, we have a program in
8 place right now and we're looking -- I mean, we're
9 going to have to expand it drastically.

10 MODERATOR SILVEY: Are you? When you say,
11 drastically; what do you mean?

12 MR. ROSENSTERN: Well, right now, we're just
13 training the operators on the use of the system and --

14 MODERATOR SILVEY: You mean, the continuous
15 mining machine operator?

16 MR. ROSENSTERN: Continuous mining machine
17 operator, yeah --

18 MODERATOR SILVEY: Right.

19 MR. ROSENSTERN: -- on how the system
20 functions and, you know, how to -- basically, how it's
21 going to perform and the limitations to the system and
22 also some basic diagnostics, you know, what it will
23 indicate if there's a problem.

24 But we haven't done any mine maintenance
25 personnel training to the effect of, you know, this is

1 how you replace this, and this is when you replace
2 this component if -- you know, if it's telling you
3 this and this.

4 There are a lot of different things, as well
5 as pre-shift checks. I mean, we have some stuff we
6 give them but we don't have, you know, to the extent
7 of what the proposed rule indicates, the pre-shift,
8 the seven-day checks and such.

9 Right now, we've been handling it through
10 our service guys and that's -- I mean, we can't do
11 that as we go forward with everything. That's
12 something we have to branch out for the mines and it
13 takes a good bit of training at the mine level.

14 MODERATOR SILVEY: We probably would want to
15 hear from the operators on training, too, then, to be
16 honest. So for all of the operators who are in here
17 and who -- you know, whether you talk today or whether
18 you provide comments before the record closes, we will
19 probably -- I say light, and light is kind of putting
20 it mildly. We will probably need to hear from you on
21 training because you have experience with your miners
22 being trained.

23 I mean, I assume that -- I'm thinking now --
24 installation and maintenance. You know, the
25 maintenance could be done by an agent of the

1 manufacturer or the maintenance could be done by, I
2 guess, an employee of the operator. I mean, I don't
3 know how it's done.

4 MR. PRYOR: What we're hoping is that the
5 operators -- the coal companies take ownership and
6 what we call -- what I would call first-level support
7 because when you get this many systems out there --

8 MODERATOR SILVEY: You can -- you don't have
9 enough people.

10 MR. PRYOR: -- and now it's such that the
11 system has to be operational or they can't run that
12 unit they can't run that machine. They're not going
13 to want to wait. Even if we're two hours away,
14 they're not going to want to wait two hours to get
15 somebody there.

16 Right now, we have -- just a real quick side
17 on how Matrix and Joy operate. Matrix is a wholly
18 owned subsidiary of Alliance Coal. So all of Alliance
19 Coal Systems come from Matrix --

20 MODERATOR SILVEY: Oh, okay.

21 MR. PRYOR: -- it's the same system that Joy
22 is putting on, minus a few things on the way that the
23 diagnostic lights are but the exact same components;
24 so, right now, Matrix has staff that supports Alliance
25 Coal.

1 MODERATOR SILVEY: I got you.

2 MR. PRYOR: It's pretty -- it's fairly
3 arduous to support them; however, they only have 70
4 miners. Now, Joy's going to be putting it on,
5 hopefully, a lot of miners. It's going to be a very
6 tough job to support all those. So, right now, we're
7 getting with the 37 machines we have in the field --
8 or 38 actually it is, 37 or 38, it's full-time. We've
9 got guys underground on third shift all the time just
10 going down, checking with the operators: How is it
11 working? What's your feedback? It's a full-time job.

12 MODERATOR SILVEY: Okay.

13 MR. PRYOR: And it's going to be -- it's
14 going to be tough. So that's another thing I think
15 you're going to hear from operators, the coal
16 operators, the coal producers that the absolute of, if
17 the system isn't functioning, is the miner down until
18 it's up and running again. I think you're going to
19 see some push back there, maybe a grace period.

20 And I think if we treat it as a training
21 system, maybe there is room for a grace period that --
22 log it when it goes down; you can operate it for "X"
23 time before it's up and running again and let them run
24 it. I know right now it can be bypassed as such that
25 it can be moved out to be worked on.

1 MODERATOR SILVEY: Right.

2 MR. PRYOR: I think that's going to be
3 tough. I think we're going to see a drastic decrease
4 in coal production and my competitors here may argue
5 that they're never down. Our system will go down. I
6 mean, if a shuttle car comes flying in and runs into
7 one of our components on the machine, they're
8 protected fairly well, but they're not -- they're not
9 bullet proof. They're almost bullet proof, but
10 they're not coal miner proof, I guess, so --

11 And then that goes back to what Phil
12 mentioned earlier too about installation. You know,
13 we are not recommending anybody install our system in
14 the field, and I know a lot of people are pushing to
15 have field-installed systems. We can install ours in
16 the field --

17 MODERATOR SILVEY: Okay. When you say you
18 do not recommend anybody installing them in the field,
19 you mean either you or the mine operator?

20 You -- what do you mean --

21 MR. PRYOR: I mean, it needs to come through
22 a rebuild shop to be installed properly.

23 MODERATOR SILVEY: That's what I -- that's
24 what I understood you to mean. You mean, it should be
25 taken out and installed.

1 MR. PRYOR: And I'm not going to say it's
2 going to be impossible to install it underground
3 because coal miners are very ingenious; we could
4 figure out a way to do it. It's going to be extremely
5 difficult.

6 And the reason we want to do it in a shop is
7 we want to make sure it's installed properly, the
8 cable's protected, and the system's protected
9 properly.

10 We could drape our system on a machine right
11 here in this room and in a few minutes, hang things on
12 it, but it wouldn't last the rigors of the mine, you
13 know, of roof falling on it, machines running into it.
14 And that's very important that the system be
15 functional and not have nuisance faults because of
16 cable issues or system failures.

17 You know, it needs -- we've got a machine
18 running at Mettiki Mine that's got 80-plus weeks of
19 operation with zero component failure. Nothing's
20 failed. Period. Now -- and we've got some that we've
21 had some failures that, you know, electronics fail,
22 but it's all because of the way it's installed. I
23 guarantee you our system, Joy System, won't last like
24 it should if it's slopped on there.

25 So that's very important to us that we're

1 going to push our customers to take the time to do it
2 and, unfortunately, with the time frame on this, it
3 makes it hard to not want to say, hey, let's retrofit
4 them. So --

5 MR. CHIRDON: Do you have data available on
6 how long -- based on your experience with your system,
7 I think your oldest one's been installed for about two
8 years now.

9 MR. PRYOR: Two years at Riverview.

10 MR. CHIRDON: Do you have malfunction data
11 available?

12 MR. ROSENSTERN: We do have all that. Randy
13 has all that in an access database.

14 MR. CHIRDON: That would be helpful.

15 MR. ROSENSTERN: And I can speak from the
16 eight machines that Joy has in the field right now,
17 and it's been very few failures.

18 MR. PRYOR: And usually when they're
19 failures, it's out-of-the-box component failure or --

20 MR. ROSENSTERN: Well, visible damage
21 failures. I mean, we've had really only one mine
22 where we've had -- out of those eight where we've had
23 visible failures and that's due to -- they run ram
24 cars, and they ram into the back of the machine hard
25 and will hit it in a bad position.

1 MODERATOR SILVEY: And all -- and back to
2 the phase-in period, because this is very important
3 with respect to the phase-in period -- the proposed
4 period for retrofitting for the machines that -- for
5 the continuous mining machines that are in service on
6 the date of the final rule prior to -- on the date or
7 prior to the date of the final rule.

8 As I said, please be specific on any
9 alternative time frame that you suggest, but in so
10 doing, please include your rationale, which would
11 include whatever requirements you think are necessary
12 to do that and why.

13 MR. PRYOR: Okay. We'll be on that. We'll
14 research the industry -- or the numbers of the
15 industry, but most of it's going to be based on what
16 Joy knows as Joy, not taking into account all the
17 other machinery builders. There are pretty good
18 statistics out there of how many machines are being
19 rebuilt in the total industry and what Joy's part of
20 that it is. So it's going to be hard to pinpoint
21 exactly the number we can come up with, but we'll be
22 specific.

23 MODERATOR SILVEY: Okay. I don't have
24 anything.

25 MR. PRYOR: Phil, have you got anything else

1 you just can't wait to say?

2 MODERATOR SILVEY: Well, Aric, thank you
3 very much; and, Phil, this has been very useful,
4 really, to us. We look forward to your written
5 comments and also the specific follow-up information
6 in support of your written comments.

7 But, again, thank you.

8 MR. PRYOR: Well, thank you.

9 MR. ROSENSTERN: Thank you.

10 MODERATOR SILVEY: Okay. Anybody else who
11 would like to speak?

12 Anybody else?

13 If nobody else wishes to speak right now,
14 I'm going to take a 10-minute break. We'll come back
15 in 10 minutes and we'll either hear from somebody else
16 or -- let's see, okay.

17 (Off the record.)

18 (On the record.)

19 MODERATOR SILVEY: Okay. I know that
20 somebody wants to ask a question of the panel, or at
21 least has a comment so you can --

22 Can you come up and make -- have your
23 comment?

24 (Off the record.)

25 (On the record.)

1 MR. BERUBE: Thank you. My name is Mike
2 Berube from Strata Proximity Systems. Last name is --

3 MODERATOR SILVEY: Oh, my goodness. I knew
4 a Mike Berube once.

5 MR. BERUBE: You did?

6 MODERATOR SILVEY: Yeah.

7 MR. BERUBE: B-E-R-U-B-E.

8 MODERATOR SILVEY: Oh, no, not that
9 spelling. Not that spelling.

10 MR. BERUBE: So, in general, we're okay with
11 the majority of the proposed rule and we'll submit
12 detailed comment in writing. But I just have one
13 clarifying question.

14 Can you explain the difference between
15 specific and performance-based with regard to the
16 stopping distance?

17 MODERATOR SILVEY: So, for everybody in the
18 room, his question is: Can I explain the difference
19 between a specific and a performance-based requirement
20 with respect to the stopping distance?

21 And I'm going to give you an analogy first,
22 and then I'll go to the specific, which may seem to
23 everybody here like a long way around, and somebody
24 might have heard this.

25 I'm trying to remember the name. Are the

1 UMWA people gone? They have gone. They may have
2 heard it, as well as Earnest Shaw. Is he still here?
3 Yeah.

4 I've made this comment at rule making
5 hearings a long -- I remember a long time ago, I said
6 this.

7 It would be as if I would say to one of you,
8 I want you to make me a chocolate cake. And I'm going
9 to give you -- the performance-based requirement would
10 be I telling you, bake me a chocolate cake, but I
11 don't tell you how to do it. Just my end result is; I
12 want a chocolate cake. And maybe I might even say a
13 chocolate layer cake, but that's it.

14 You go out and you do it in the manner in
15 which you think it should be done, as opposed to me
16 telling you -- and I'm making this in a real
17 simplistic way. As opposed to me telling you to make
18 me a chocolate cake, then give you all the ingredients
19 to put in it, then to say make it three layers and
20 then put icing on it. The latter would be the
21 specific design requirement, and the former is I
22 telling you a chocolate cake is the performance-based
23 requirement.

24 Now, to the specific question you asked,
25 stopping distance, stop the machine -- the stopping

1 distance, let's go to that now, no closer than 3 feet
2 -- I think, if I'm not mistaken, the proposed rule
3 says that 3 feet from the person. No closer than 3
4 feet for a miner with the exceptions. That's pretty
5 much design-oriented, specific.

6 A performance base would say -- would
7 prevent machine movement or cause the machine to stop
8 without -- I'm making this up, okay, right now. You
9 asked me and I'm making it up -- without contacting a
10 person. The end result is you don't want the
11 continuous mining machine to contact a person and
12 cause injury or death to a person. So, however, you
13 want to word a performance-oriented standard to result
14 in that performance, and that is to prevent the
15 continuous mining machine from contacting a person
16 that's in close proximity to use proximity detection.
17 That's when the person that's within close proximity
18 to the machine to prevent that person from being hurt.

19 MR. BERUBE: Okay.

20 MODERATOR SILVEY: And that's the
21 difference.

22 MR. BERUBE: Okay. I mean, the other way
23 that it could be looked at, which is maybe even more
24 specific, is to not look at the stopping distance but
25 the red zone. Say red zone shall be "X" feet away

1 from a continuous miner in different modes because
2 depending on the mode, whether it's, you know, cutter
3 heads and coal or rock or it's in medium tram or high
4 tram, those distances vary.

5 MODERATOR SILVEY: You could do that, but
6 then you're going to introduce another element because
7 you're going to have to define the red zone. Then
8 you're going to hear people saying, well, what about
9 this and what about this? I'm just saying, I can see
10 it coming.

11 MR. BERUBE: Okay.

12 MODERATOR SILVEY: So that's kind of just so
13 everybody -- and if anybody has, you know, any
14 comments or questions, feel free to say it.

15 MR. BERUBE: Okay. And then the other
16 question, and this is it, and it's just because I
17 didn't see it in the proposed rule but interested in
18 how -- what your view is, in a super section where you
19 have two continuous miners, do you see it necessary
20 for a single personal-wearable device to work on both
21 of those continuous miners or a specific personal-
22 wearable device per a continuous miner?

23 (Off the record.)

24 (On the record.)

25 MODERATOR SILVEY: Yeah. I assume, in the

1 scenario you gave, you're going to have a system on
2 both continuous mining machines, right?

3 MR. BERUBE: Correct.

4 MODERATOR SILVEY: And one person, you know,
5 in -- one person in proximity to both machines?

6 MR. BERUBE: Yeah, potentially you could
7 have a miner operator that moves from one machine to
8 the other in a super section.

9 MODERATOR SILVEY: Okay. Then you would
10 have one --

11 MR. BERUBE: You would, like, one device --

12 MODERATOR SILVEY: Right.

13 MR. BERUBE: -- that would work on both
14 machines.

15 MODERATOR SILVEY: Right, right.

16 MR. BERUBE: Okay. That's all.

17 MODERATOR SILVEY: Yeah.

18 MR. BERUBE: Thank you.

19 (Off the record.)

20 (On the record.)

21 MODERATOR SILVEY: Right.

22 Okay. Now, Aric, okay, would like to come
23 up and have a clarifying comment. Matrix. Thank you.

24 MR. PRYOR: Yeah. Aric Pryor, Matrix Design
25 Group.

1 I want to clarify something that was -- I
2 said in the -- when we were up here earlier. I made
3 the comment of installation and it was on the record
4 that during -- that I believe installation should only
5 be done in the shop and a rebuild, and I want to
6 clarify my intent on that, that if it is forced that
7 this time frame is met, we will have to come up with
8 alternatives to install in the field. I am for that
9 if it's done in a manner that it is installed
10 properly.

11 I think my point that I was trying to get
12 across is installation and the way it is installed on
13 a machine is very crucial to the performance of the
14 machine.

15 Right now, we've had the liberty -- because
16 of our time frame, we haven't had many of them being
17 installed. We haven't had to put them on in the
18 field. If we do get to that point, it's going to be
19 definitely a difficult task. I think that the point
20 being is we have to think about how it's done in the
21 field, the field installation. I would support that,
22 and I think Joy would support that also if it's done
23 properly.

24 So, I wanted to make that clear that I'm not
25 saying I'm totally against that. I'm just against it

1 being slopped on so --

2 Any questions to that clarification?

3 MODERATOR SILVEY: I don't have any.

4 MR. PRYOR: Okay. Thank you.

5 MODERATOR SILVEY: Thank you. Okay.

6 Does anybody else have any comments?

7 Anybody else?

8 Okay. If nobody else wishes to make a
9 presentation, then I am going to tentatively close
10 this hearing.

11 We will be around until about noontime so --
12 but, right now, which means that I'm going to
13 tentatively close it.

14 If nobody either wants to discuss or has any
15 -- or shows prior to noon, then I, at least, don't
16 have to go back on the record.

17 So at this time, I would like to say that
18 the Mine Safety and Health Administration appreciates
19 your participation at this public hearing.

20 I want to thank everybody who made a
21 presentation, as well as those who were in attendance
22 who may not have presented but came to this hearing
23 today, because the ones who were in attendance and may
24 not have presented, that evidences to us of your
25 interest in this rule making and we appreciate that.

1 I want to emphasize that all comments must
2 be received or postmarked by November 14, 2011.

3 As you know, we have three hearings left, as
4 I stated earlier, in Charleston, West Virginia, this
5 Thursday; next Tuesday in Washington, Pennsylvania;
6 and next Thursday in Evansville, Indiana. MSHA will
7 take your comments and your concerns into
8 consideration in developing the Agency's final rule.

9 I want to encourage you to continue to
10 participate throughout this rule making process and in
11 all MSHA's rule making.

12 At this point, the public hearing is
13 concluded. Thank you very much.

14 (Hearing concluded at 10:19 a.m.)

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REPORTER'S CERTIFICATE

CASE TITLE: Public Hearing on Proximity Detection
Systems for Continuous Mining Machines In
Underground Coal Mines

HEARING DATE: October 18, 2011

LOCATION: Denver, Colorado

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

Date: October 18, 2011

ANTHONY & ASSOCIATES, INC.



ROGER MEYERS (MKW)
(Official Reporter)