

TRANSCRIPT OF PROCEEDINGS

IN THE MATTER OF:)
)
PUBLIC HEARING ON PROPOSED RULE)
FOR PROXIMITY DETECTION SYSTEMS)
FOR MOBILE MACHINES IN)
UNDERGROUND MINES)

Pages: 1 through 51
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UNITED STATES DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

IN THE MATTER OF:)
)
PUBLIC HEARING ON PROPOSED RULE)
FOR PROXIMITY DETECTION SYSTEMS)
FOR MOBILE MACHINES IN)
UNDERGROUND MINES)

The Embassy Suites Denver-
Downtown/Convention Center
1420 Stout Street
Denver, Colorado

Tuesday,
October 6, 2015

The parties met, pursuant to the notice, at
9:01 a.m.

PANEL MEMBERS:

SHEILA MCCONNELL, The Moderator
RODNEY ADAMSON
MATTHEW WHARRY
EMILY TOLER
DEBRA JANES

PARTICIPANTS:

Linda Raisovich-Parsons
MIKE WALLING
JERRY DELAY
ERIC KNEZ
BILLY HAMPTON

P R O C E E D I N G S

(9:01 a.m.)

1
2
3 MS. MCCONNELL: Okay. Good morning. My
4 name is Sheila McConnell. I am the Acting Director of
5 the Office of Standards, Regulations, and Variances
6 for the Mine Safety and Health Administration. I will
7 be the moderator for this public hearing on MSHA's
8 Proposed Rule on Proximity Detection Systems for
9 Mobile Machines in Underground Mines. On behalf of
10 the Assistant Secretary of Labor for Mine Safety and
11 Health, Joseph A. Main, I would like to welcome all of
12 you here today and thank you for your attendance and
13 participation.

14 I would like to introduce the members of the
15 MSHA panel. On my right is Rodney Adamson from Coal
16 Mine Safety and Health. On my left is Matt Wharry
17 from the Approval and Certification Center, Technical
18 Support. And again on my far right, Emily Toler from
19 our Office of Solicitor. At the desk at the front of
20 the room I'd like to introduce Debra Janes, who works
21 for MSHA's Office of Standards.

22 MSHA is holding four public hearings on its
23 proposed rule for proximity detection systems for
24 mobile machines in underground mines. This is the
25 first. The remaining hearings will be in Birmingham,

1 Alabama on the 8th, in Beaver, West Virginia on the
2 19th, and Indianapolis, Indiana on the 29th.

3 The purpose of this hearing is to receive
4 information from the public that will help MSHA
5 evaluate the proposed requirements and produce a final
6 rule that will improve safety conditions at
7 underground coal mines. As most of you know, the
8 hearings are conducted in an informal manner. Formal
9 rules of evidence do not apply. The hearing panel may
10 ask questions of speakers, and speakers may ask
11 questions of the panel.

12 Speakers and other attendees may present
13 information to the court reporter for inclusion in the
14 rulemaking record. MSHA will accept written comments
15 and other appropriate information for the record from
16 any interested party, including those not presenting
17 oral statements. We ask everyone in attendance to
18 sign the attendance sheet.

19 Before we discuss specific issues and hear
20 from you, I'd like to reiterate why we are proposing
21 this rule. From 2010 through 2014, 41 pinning,
22 crushing, or striking accidents involving coal hauling
23 machines and scoops occurred in underground coal
24 mines, injuries that may have been prevented by the
25 use of proximity detection systems on coal hauling

1 machines and scoops. Nine of these accidents were
2 fatal.

3 MSHA published a final rule on proximity
4 detection systems for continuous mining machines in
5 underground coal mines on January 15, 2015. The final
6 rule addressed equipping place-changing continuous
7 mining machines with proximity detection systems.
8 MSHA estimated that this rule will prevent over the
9 next 10 years nine deaths and 49 non-fatal injuries
10 from pinning, crushing, and striking accidents
11 involving place-changing continuous mining machines.
12 This rule took effect on March 16, 2015, and will be
13 phased in over eight to 36 months.

14 MSHA developed this proposed rule for other
15 underground mobile machines to be comparable to the
16 final requirements for the proximity detection systems
17 for continuous mining machines. The proposed rule
18 would require a proximity detection system to stop the
19 machine before contacting a miner and provide audible
20 and visual warnings on the miner wearable component
21 and a visual warning on the machine before it stops.
22 MSHA estimates that this proposed rule would prevent
23 over the next 10 years 15 deaths and 70 non-fatal
24 injuries from pinning, crushing, and striking
25 accidents involving coal hauling machines and scoops.

1 MSHA published this proposed rule in the
2 *Federal Register* on September 2, and the comment
3 period closes on December 1 of this year.

4 MSHA intends that this proposed rule would
5 take advantage of existing proven technology to
6 minimize the burden on mine operators and allow for
7 advances in proximity detection technology. MSHA is
8 proposing a phase-in in the use of proximity detection
9 systems on mobile machines in underground coal mines
10 over eight to 36 months, as we did for continuous
11 mining machines. MSHA is soliciting comments on the
12 proposed phase-in schedule and what, if any,
13 modifications may be needed on mobile machines already
14 equipped with proximity detection systems.

15 This rule will help protect miners from
16 pinning, crushing, and striking hazards that result
17 from working too close to mobile machines in
18 underground coal mines. The proposal would also
19 establish performance and maintenance requirements for
20 proximity detection systems and would require training
21 for miners conducting installation and maintenance of
22 these systems.

23 MSHA requests comments from the mining
24 community on all aspects of the proposed rule. We are
25 particularly interested in comments that address

1 alternatives to key provisions in the proposal.
2 Commenters are requested to be specific in their
3 comments and submit detailed rationale for their
4 suggested alternatives, safety benefits to miners,
5 technological and economic feasibility considerations,
6 and supporting documentation.

7 At this point I would like to reiterate some
8 specific requests for comment and information that
9 were included in the preamble to the proposed rule.

10 The first issue relates to determining where
11 and on which machines the use of proximity detection
12 would be most effective in reducing pinning, striking,
13 and crushing accidents. This proposal would require
14 underground coal mine operators to equip coal hauling
15 machines and scoops on working sections with proximity
16 detection. Coal hauling machines would include
17 shuttle cars, ram cars, and continuous haulage
18 systems. The working section includes all areas of
19 the coal mine from the loading point of the section up
20 to and including the working faces.

21 MSHA is requesting comments on whether other
22 types of mobile machines, such as loading machines,
23 roof bolting machines, feeder breakers, should be
24 required to be equipped with proximity detection
25 systems.

1 MSHA also is requesting information and data
2 that would support whether or not the proposed
3 requirements should apply to coal hauling machines and
4 scoops used off the working section. MSHA is
5 particularly interested in receiving comments on what,
6 if any, challenges would need to be addressed when
7 adapting proximity detection to continuous haulage
8 systems, considering the machine's length and unique
9 interaction with continuous mining machines.

10 The proposed rule would exclude longwall
11 working sections. MSHA is requesting information and
12 data on whether scoops and coal haulage machines cause
13 a hazard to miners on longwall working sections where
14 the use of proximity detection could reduce or
15 eliminate this hazard. MSHA requests that commenters
16 include specific information on any rationale for not
17 excluding longwall working sections, safety benefits
18 to miners, costs of implementation, technological and
19 economic feasibility considerations, and supporting
20 data.

21 Since 1984, five fatalities have occurred in
22 underground metal and nonmetal mines where the use of
23 proximity detection system could have prevented the
24 accident. For this reason, MSHA is also requesting
25 comments on whether the Agency should require

1 proximity detection on mobile machines used in
2 underground metal and nonmetal mines and, if so, which
3 types of machines and in what time frames.

4 The second issue concerns the application of
5 proximity detection system technology for use in
6 mobile machines in confined spaces of an underground
7 mine. MSHA's approved proximity detection systems
8 consist of a machine-mounted component and a miner-
9 wearable component. This proposed rule would also
10 accommodate future technologies that may not require a
11 miner-wearable component.

12 MSHA is aware that the interaction of
13 multiple machine types equipped with proximity
14 detection may necessitate changes to working
15 practices. MSHA is also aware that when a coal
16 hauling machine equipped with proximity detection gets
17 near a continuous mining machine with a proximity
18 detection system, the overlap of the two protection
19 zones may limit where the miners may position
20 themselves to remain safe, to avoid activation of
21 warning signals, and to avoid unintentionally stopping
22 the machines.

23 MSHA especially requests comments on how the
24 use of proximity detection and the overlap of
25 protection zones on multiple types of machines

1 operating on the same working section might affect
2 miners' work position and equipment operation.

3 MSHA has proposed that the proximity
4 detection system provide audible and visual warning
5 signals on miner-wearable components and a visual
6 warning signal on the machine. Machine operators
7 often need to redirect their attention from the front
8 to the rear of the machine and in some cases must
9 switch seats when changing directions. As a result, a
10 visual warning signal on the machine may not always be
11 in the operator's direct line of sight.

12 MSHA is requesting comments on whether
13 requiring audible warning signals on the machine, in
14 addition to visual warning signals, which would help
15 assure that miners, including the machine operator,
16 know that a miner is in the warning zone and the
17 machine is about to stop.

18 MSHA also specifically requests comments on
19 whether requiring the use of a specific visual warning
20 on the machine, for example, strobe lights, clustered
21 light-emitting diode (LED) lights, or other types of
22 visual signals, would help assure that the visual
23 warning is effective in alerting miners near the
24 machine, including the machine operator.

25 MSHA also especially requests comments on

1 what, if any, experience or issues have been
2 identified that relate to the use of proximity
3 detection systems from different manufacturers on the
4 same working section or to the use of a single miner-
5 wearable component with proximity detection systems
6 from different manufacturers or with different models
7 from the same manufacturer.

8 As you address the proposed provisions
9 either in your testimony today or in your written
10 comments, please be specific as possible. We cannot
11 sufficiently evaluate general comments. Include
12 comments on the estimated benefits and costs that is
13 summarized in the preamble and given in detail in our
14 Preliminary Regulatory Economic Analysis. Specific
15 information allows MSHA to introduce a final rule that
16 is responsive to the needs and concerns of the mining
17 public.

18 MSHA will make available a verbatim
19 transcript of this public hearing approximately two
20 weeks after the completion of the hearing. You may
21 view the transcripts of all public hearings and
22 comments on MSHA's website, www.msha.gov, and on
23 www.regulations.gov. Please give any hearing
24 submissions to the court reporter so he can append
25 them to the hearing transcript for today.

1 Following this public hearing, you may
2 submit additional comments using one of the methods
3 identified in the addresses section of the hearing
4 notice. Comments must be received by or postmarked by
5 December 1, 2015.

6 If you have not signed the attendance sheet,
7 please do so.

8 So we will now begin hearing testimony. If
9 you have a copy of your presentation, please provide
10 it to the court reporter. Begin by clearly stating
11 your name and organization and spelling your name for
12 the court reporter to make certain we obtain an
13 accurate transcript.

14 With that, I introduce our first speaker,
15 Linda Raisovich of the United Mine Workers. Thank
16 you, Linda.

17 MS. RAISOVICH-PARSONS: Good morning. My
18 name is Linda Raisovich-Parsons, and it's spelled R-A-
19 I-S-O-V-I-C-H hyphen P-A-R-S-O-N-S, and I currently
20 serve as the Deputy Administrator of the United Mine
21 Workers of America's Department of Occupational Health
22 and Safety. Next year will be my 40th anniversary
23 working in the coal industry as a miner, a mine
24 inspector, and with the United Mine Workers.

25 I am here today to voice the UMWA's support

1 for this rule. Proximity detection systems are the
2 ultimate defense against pinning, crushing, and
3 striking injuries and fatalities in the mining
4 industry, a very effective preventive measure that is
5 long overdue in the U.S. mining industry.

6 MSHA points out in its comments that a
7 proximity detection system could have prevented 42
8 pinning, crushing, or striking fatalities with coal
9 hauling machines between the years of 1984 and 2014.
10 I always say that one death is too many, but these 42
11 miners could be alive today had this technology been
12 in use. That's 42 families who have suffered the loss
13 of a loved one which could have been prevented. I
14 would like to share the story of one of those
15 tragedies.

16 Last December, as we neared the year's end,
17 I knocked on wood and told my coworkers that I thought
18 we might have the very first ever year that we had not
19 lost a UMWA member to a mining accident because to
20 that date no UMWA members had been killed on the job.

21 Unfortunately, I spoke too soon. On
22 Tuesday, December 16, 2014, at approximately 10:55
23 a.m., Eli Eldridge, a member of Local Union 1793, was
24 struck by a coal hauler at the Highland Mining
25 Company, Highland No. 9 mine near Waverly, Kentucky.

1 Eli, a 34-year-old unit repairman, had a brief
2 conversation with the operators of the coal haulers
3 about some maintenance work that was needed. He
4 questioned one of the coal hauler operators, Wesley
5 Coots, regarding the direction he was to travel.
6 Obviously, some miscommunication or misunderstanding
7 occurred in the process.

8 The coal hauler operator, who had happened
9 to be best friends with the victim, traveled outby,
10 then changed direction of travel. He traveled inby
11 approximately 10 feet when he heard an unusual sound
12 and immediately stopped. He realized that Eldridge
13 had been struck by the coal hauler. Imagine his
14 horror when he found his best friend pinned beneath
15 his coal hauler. Efforts to revive the victim were
16 unsuccessful and a pulse could not be found. Eli died
17 on the scene.

18 If a proximity detection system had been
19 used, these best friends would be able to continue
20 their friendship today. What a sad Christmas for this
21 young man's wife and children. Even worse, what a
22 burden his friend will carry the rest of his life,
23 knowing that he was responsible for his best friend's
24 death. These are the tragedies that proximity
25 detection systems will prevent, and this is just one

1 example of why they are needed.

2 Several commenters to the RFI stated that
3 proximity detection systems have not proven reliable
4 and that more testing is needed before they are
5 required in the U.S. mining industry. I must ask why
6 is it that the U.S. seems to lead the way in most
7 technological improvements in the world except when it
8 comes to workplace safety. There is always this
9 pushback from industry regarding reliability and a
10 hesitancy to embrace improvements such as the
11 proximity detection systems.

12 MSHA notes that a South African mining
13 company which uses a proximity detection system on
14 their equipment has not had a single reliability
15 problem over a period of 18 months. Further, these
16 systems are in use in Canada and Australia, and there
17 has not been a serious injury or fatality reported
18 associated with the use of these systems. So why not
19 require the use of these systems in the United States?

20 There have not been reliability issues with
21 the proximity detection systems on continuous miners,
22 so why do we think there will be such issues now? The
23 time is past due for proximity detection systems on
24 coal haulage machines. These systems are successfully
25 being used in other countries and are reliable and are

1 needed to prevent tragedies such as the one I
2 mentioned.

3 The UMWA has made note that the Agency asked
4 specific questions in the commentary on this proposed
5 rule and we will address both of those issues in our
6 comments in future public hearings. I thank you for
7 your time. I plan to testify in Alabama, and I'll
8 address some of those issues.

9 MS. MCCONNELL: Okay.

10 MS. RAISOVICH-PARSONS: And our
11 Administrator, Dennis O'Dell of our department, plans
12 to testify in West Virginia, and we'll address a lot
13 of those things in our comments. I just wanted to
14 bring the human side to this issue today, the story of
15 Eli's death.

16 MS. MCCONNELL: Well, I thank you for your
17 testimony and I await your comments on those issues
18 that we addressed today in our public hearing as well
19 as the others that we talked about in the preamble.
20 Thank you.

21 MS. RAISOVICH-PARSONS: A lot of this stuff,
22 you know, the companies that have experience with
23 these systems will have a lot more to say than what we
24 do on some of those issues.

25 MS. MCCONNELL: Mm-hmm.

1 MS. RAISOVICH-PARSONS: But we'll address
2 what we can.

3 MS. MCCONNELL: That would be great.

4 MS. RAISOVICH-PARSONS: Okay.

5 MS. MCCONNELL: Thank you, Linda.

6 MS. RAISOVICH-PARSONS: Thank you.

7 MS. MCCONNELL: Our next speaker is Mark
8 Walling of Strata.

9 MR. WALLING: Good morning. My name is Mike
10 Walling. It's M-I-K-E.

11 MS. MCCONNELL: I'm sorry.

12 MR. WALLING: That's okay. Walling,
13 W-A-L-L-I-N-G. I do work with Strata Worldwide. I am
14 the proximity product manager. I didn't actually have
15 a formal written testimony or anything today, so I
16 just kind of wanted to discuss some of the things that
17 I have with the Panel just far as the limitations of
18 the proximity detection system. We will be submitting
19 formal comments as well as in the future hearings we
20 will have more to say, but willing to field any
21 questions and make some comments today.

22 First off, we have been deploying proximity
23 since 2009 on both mobile equipment and continuous
24 mining machines. In conjunction with the continuous
25 mining machine ruling, we find this to be very similar

1 and our system works on both systems. We have over
2 600 pieces of mobile equipment outfitted with
3 proximity today, that's global. We have around 200 in
4 the United States today.

5 In South Africa, there has been a huge push
6 that has been mandated on mobile equipment for some
7 time now, and we have deployed many mines, customers'
8 mines completely with all pieces of equipment. Some
9 of that equipment may include scoops, shuttle cars,
10 roof bolters, ram cars, coal haulers, battery cars,
11 feeder breakers, and we have actually done testing on
12 continuous haulage. That does require additional
13 approval in the United States, which we do feel
14 comfortable that we can have.

15 In your hard rock mines, we have actually
16 deployed continuous haulage systems, proximity
17 detection systems on those continuous haulage in
18 bridge/conveyor systems as well.

19 The basics of how the system works is it's a
20 four generator system, the Strata system is. Now that
21 varies depending on the size of the piece of
22 equipment. If you have a smaller roof bolter or a
23 smaller LHD, you could put a single generator system.

24 We also are advancing to what we want to have is a
25 two generator system so it's a little bit more

1 economically feasible. That does take some time to
2 work on and we're hoping to have that in 2016.

3 So currently there's a four generator system
4 on any of your larger pieces of equipment. There is,
5 as far as the limitations, there's no limitation on
6 the number of personal wearable devices that you can
7 have in an underground environment with our system.
8 So South Africa, here in the United States, we have
9 several mines, again, that have hundreds of people
10 underground, and every single one of those people have
11 personal wearable devices on them.

12 We have done several different latency tests
13 and things like that, pulling multiple pieces of
14 equipment and multiple personnel in one specific area,
15 and we have not seen any latency issues with our
16 system.

17 As far as the safety of the system itself,
18 as she spoke about, we've actually had a testimony
19 from a customer in South Africa. He had a person in
20 front of him, in front of a shuttle car, and the man
21 passed out in front of that shuttle car. The shuttle
22 car stopped. The operator did not know why. He
23 actually got out, walked around, saw that another
24 miner had passed out in front of him, realized that he
25 was wearing that personal alarm device, and the

1 customer has told us that if they did not have that
2 proximity detection on he would have 100 percent ran
3 that gentleman over.

4 So we have heard from customers that it has
5 saved lives. I mean, we can't account for every
6 single time that it has happened, but, again, several
7 customers have been proactive and have it on every
8 piece of mobile equipment as well as their continuous
9 miners here in the United States as well as worldwide.

10 We do have them in Australia as well, South Africa,
11 Canada, and here in the United States.

12 We have been able to put our proximity
13 detection on diesel equipment as well, three Sandvik
14 scoops to this point. I will say that it is a bit of
15 a challenge with your diesel equipment because the
16 diesel equipment can move quicker. Slowing that down
17 does present a bit of a challenge. We have, again,
18 been able to do it, but that is something that needs
19 to be taken into consideration is the speed in which
20 diesel equipment can move.

21 MS. MCCONNELL: How about challenges
22 associated with installing proximity on a diesel
23 machine?

24 MR. WALLING: It is fairly difficult as
25 well, the reason being is every single diesel

1 equipment is different, so you're going to have to
2 have field modification on any permissible diesel
3 equipment. So, you know, as of now you work with Joy
4 or Phillips or whoever, Cat, you're going to have a
5 2(g) approval. Once you get that 2(g) approval you're
6 good to put proximity on. But diesel, you're going to
7 have to have a field modification on every single
8 diesel piece of equipment you install proximity on.

9 Now, as far as the actual installation and
10 things like that, pretty much the same things are
11 required is how it works with any of your battery
12 equipment, but interfacing it is more difficult, no
13 question.

14 I heard you speak about metal/nonmetal as
15 well. We have seen fatalities and injuries
16 underground unfortunately. Again, we do have a system
17 for that. It does have the capabilities to interface,
18 to slow down, to stop that piece of equipment. It's
19 the same type of technology, a little bit different
20 hardware, but that is actually used in the field today
21 as well here in the United States, Canada, a good bit
22 in Australia, and South Africa as well.

23 As far as the way that the system operates,
24 we have both visual and warning on your wearable
25 devices. We have audible on the machinery itself. It

1 does have capabilities to do audible on the machinery
2 as well. That's just really something that needs to
3 be looked into, reason being is that presents a large
4 annoyance. I understand that there is a safety piece
5 of that, but every time you're stepping in and out of
6 a warning zone and the audible alarm's going off on
7 the machine people could become, you know, dull to
8 that, numb to that.

9 MS. MCCONNELL: Are there specific lights
10 that can be on the machine that would be a different
11 type of indicator for the operator that would allow
12 them if their head is turned or not looking in the
13 direction of the light?

14 MR. WALLING: I mean, it depends. Is the
15 possibility there? Can you say 100 percent that every
16 single person around that piece of equipment can see
17 that light? I can't say.

18 MS. MCCONNELL: Particularly the operator if
19 his head is turned in a different direction.

20 MR. WALLING: I believe that can be done,
21 yes.

22 As I spoke about earlier as far as economic
23 feasibility, you know, the price of each system is
24 different. I can't say 100 percent this is what it
25 costs, but we are working towards a two generator

1 system on your mobile equipment, so anything that
2 actually articulates each piece of that equipment
3 would actually have a generator on it that will
4 produce a field, so that way we would actually be able
5 to drive the costs down of the actual system itself
6 once that is developed.

7 MS. MCCONNELL: Have you tested your two
8 generator system?

9 MR. WALLING: We have.

10 MS. MCCONNELL: How is it going?

11 MR. WALLING: It's good.

12 MS. MCCONNELL: What does that mean?

13 MR. WALLING: I mean, there's a lot of
14 software that's involved --

15 MS. MCCONNELL: Mm-hmm.

16 MR. WALLING: -- with interacting with our
17 existing system and a new system. We want to make
18 everything backwards compatible. We don't want to
19 have to make everyone outfit something completely
20 different.

21 MS. MCCONNELL: Mm-hmm.

22 MR. WALLING: So it's making that work
23 cohesively. It is progressing. We expect it to be
24 done in 2016.

25 MS. MCCONNELL: Okay. Could you talk about

1 the potential of a universal personal wearable device
2 that could interact with a proximity detection system
3 from a different manufacturer? If that's something
4 that's in the works?

5 MR. WALLING: Actually, we've reached out to
6 a competitor to try to do that sort of testing. We
7 just haven't had the ability to do that. Would we
8 like to do that? Yes.

9 MS. MCCONNELL: You had mentioned that you
10 have tested and looked at how multiple machines with
11 proximity detection has been working in a confined
12 space and that you have not seen or experienced
13 production issues in terms of machines stopping
14 because of an inappropriate like overlap of warning
15 zones or miners. I mean, if you could speak a little
16 bit too about miners having difficulty learning how to
17 position themselves when they know that they're
18 operating with multiple machines with proximity, could
19 you talk about that?

20 MR. WALLING: Correct. Yes. So the fields
21 obviously can be adjusted based on machinery, based
22 on, you know, what the customer and what we recommend.
23 It's kind of a cohesive effort again. Once those
24 fields are set, we believe, you know, we believe that
25 they should stay that way. Does it take time for the

1 customer, the miners to get used to that system?

2 Absolutely.

3 MS. MCCONNELL: So how long, in your
4 experience, what has it taken for a miner --

5 MR. WALLING: A couple, two weeks is
6 generally what we see. Now is that going to change
7 some peoples' habits? Absolutely. Do we feel that
8 they are in a safer position? Absolutely.

9 I do want to reiterate, you know, what
10 Rodney spoke about in the continuous miner ruling is
11 that you still have your red zones and your proximity
12 is -- I mean, it's not the same as a red zone, right?

13 MS. MCCONNELL: Mm-hmm.

14 MR. WALLING: So they should still be
15 standing in a safe place. May the proximity system
16 change at some times where they can and cannot stand?

17 Absolutely, but we do not see that any production has
18 been affected by having proximity detection systems.

19 MS. MCCONNELL: And if the machine has a
20 false stop, meaning that there was just like not --
21 not because of a contact with a miner but because of
22 the overlapping of these zones, how hard is it to or
23 how quickly can a machine be restarted to continue the
24 production?

25 MR. WALLING: I mean, we rarely ever would

1 kill a pump on the systems --

2 MS. MCCONNELL: Mm-hmm.

3 MR. WALLING: -- or on the machines. You
4 don't have to start it up and start it down and just
5 actually stop, you know, hydraulic functions through
6 different things, but it takes seconds --

7 MS. MCCONNELL: Seconds.

8 MR. WALLING: -- in order to walk out and
9 walk back in to a safe environment.

10 MS. MCCONNELL: Anything else?

11 (No response.)

12 MS. MCCONNELL: I think that's good. I
13 think that's my questions for now. Thank you for
14 testifying.

15 MR. WALLING: Absolutely. Thank you.

16 MS. MCCONNELL: Do we have anyone else who
17 would like to talk about the proposed rule or issues
18 or address some of the comments we are soliciting?

19 Come on up. Please state your name, spell
20 it out for the court reporter.

21 MR. DELAY: Jerry Delay, J-E-R-R-Y,
22 D-E-L-A-Y, from Twentymile.

23 MS. MCCONNELL: Twentymile what?

24 MR. DELAY: Twentymile Coal.

25 MS. MCCONNELL: Okay.

1 MR. DELAY: Peabody.

2 MS. MCCONNELL: Okay.

3 MR. DELAY: Thank you for the opportunity to
4 address you guys today. I would like to say in my
5 opinion that I don't support the rule as is. I don't
6 feel based on the experience we've had with proximity
7 to date that the technology is there.

8 MS. MCCONNELL: Can you talk to me a little
9 bit about why you feel that way? Some specifics in
10 terms of what you've experienced using -- do you have
11 proximity now in your mines?

12 MR. DELAY: We do.

13 MS. MCCONNELL: What machines do you have it
14 on?

15 MR. DELAY: We've got Joy continuous miners.
16 We've got two miners with proximity installed on those
17 machines.

18 MS. MCCONNELL: Do you have any mobile
19 equipment?

20 MR. DELAY: No, we do not.

21 MS. MCCONNELL: Okay. Can you talk about
22 the issues that you experience with your continuous
23 mining machines?

24 MR. DELAY: I can. Varying zones have been
25 one of the biggest problems, maintenance of the

1 system, components of the system. It wasn't ready to
2 be put in the field at the time it was installed on
3 the machines and trialed or test run. We've had more
4 trouble with zones. The zones do vary. At some point
5 in time we're going to injure a miner operator or a
6 helper due to them finding the sweet spot of the zone
7 to be able to operate these machines. The operators
8 are paying more attention to the zones than they are
9 to shuttle cars coming into the miner or rib condition
10 or even roof conditions on section.

11 MS. MCCONNELL: So could you talk a little
12 bit about what it is particularly about the technology
13 that makes it difficult to set a zone and work in an
14 efficient manner?

15 MR. DELAY: There's a lot of things that
16 seem to affect the zone. Shuttle cars coming into the
17 miner can affect the zones. Trailing cables affect
18 the zones. Noise on the section affect the zone.

19 MS. MCCONNELL: Okay. Do you have any -- I
20 guess you don't have any -- you don't have any
21 experience working with proximity detection on mobile
22 machines, interacting with continuous mining machines?
23 I believe you said that.

24 MR. DELAY: We do not at this time.

25 MS. MCCONNELL: Okay. I just wanted to make

1 sure.

2 MR. DELAY: No, we do not.

3 MS. MCCONNELL: Okay. I don't think I have
4 any other questions. Do you have any other
5 information you'd like to provide?

6 MR. DELAY: I don't. No, I don't.

7 MS. MCCONNELL: I'd like to thank you for
8 coming forward.

9 MR. DELAY: Thank you. Thank you.

10 MS. MCCONNELL: I'm sorry. Did you guys
11 have any questions? No.

12 Anyone else, experiences they'd like to
13 share? Comments?

14 Come on. State your name. Spell it for the
15 court reporter.

16 MR. KNEZ: My name is Eric Knez. E-R-I-C,
17 K-N-E-Z, and I'm also with Peabody Twentymile. I
18 didn't get anything formal either.

19 MS. MCCONNELL: That's okay. Just tell us
20 your --

21 MR. KNEZ: But I'd just kind of like to talk
22 about this, you know, this is some stuff that we had
23 here. I highlighted a few things here. In here it
24 talks about four different proximity detection
25 systems.

1 MS. MCCONNELL: That's correct.

2 MR. KNEZ: We're really only aware of two
3 that are actually pursuing a future with this.

4 MS. MCCONNELL: Mm-hmm.

5 MR. KNEZ: I'd like to know I guess if you
6 could tell me the other two, the four different
7 companies. Am I allowed to ask questions here?

8 MS. MCCONNELL: Yeah, you can, and I'm going
9 to say that there are four approved --

10 MR. KNEZ: Okay.

11 MS. MCCONNELL: -- systems and two we are
12 aware of are being used in underground coal mines.
13 The two that we also addressed in the proposed rule
14 and in the final rule, we're not aware of any activity
15 in underground -- in an underground application, and
16 I'll verify that with my colleagues here if that's
17 true.

18 MR. WHARRY: Yes.

19 MS. MCCONNELL: Okay. And the other two
20 are?

21 MR. WHARRY: The other two systems would be
22 the Nautilus Coal Buddy.

23 MS. MCCONNELL: Right.

24 MR. WHARRY: And the Generation 1, the Joy
25 Matrix.

1 MS. MCCONNELL: Right.

2 MR. KNEZ: Oh, okay.

3 MR. WHARRY: Generation 1. But neither one
4 are used on mobile equipment --

5 MR. KNEZ: Okay.

6 MR. WHARRY: -- underground currently.

7 MS. MCCONNELL: Or, yeah, any mobile
8 equipment in addition to the continuous mining
9 machines.

10 MR. KNEZ: And like Jerry said, you know, I
11 think this needs to be done. I think it's a great
12 thing for the future, but right now I just don't think
13 we're at a state where we can totally rely on it. I
14 think it's people want it to be used to save lives,
15 but we see it there at Twentymile as a tool to help
16 show people where they're at --

17 MS. MCCONNELL: Mm-hmm.

18 MR. KNEZ: -- you know, and not -- we tell
19 them not to rely on this to save your lives, but this
20 is here to put you -- to tell you where you're at and
21 try and guide you and train you to stay out of that
22 zone. I'm going to use the example.

23 You know, I think that if we get to where
24 we're relying on this too much we're going to kind of
25 forget, you know, where we're supposed to be and kind

1 of like Jerry said, we're not going to understand
2 where the shuttle car is coming from.

3 I'm going to use the example, you know, I
4 think we all used to read maps and kind of try and
5 understand where we're going, and now, if we don't
6 have a GPS or a Tom-Tom, we've kind of lost touch with
7 how the real world works. So I do think it's a good
8 tool, but I just don't think we're ready to --

9 MS. MCCONNELL: Can you speak to any type of
10 production delays that you may have experienced as a
11 result of having to use a proximity detection or
12 miners not able to operate a machine because they
13 don't know where their work position is? Could you
14 elaborate on any of those issues?

15 MR. KNEZ: Yes. I'm actually in the
16 maintenance department, so I have quite a bit of
17 experience at this. We've had several times, and we
18 even had Joy come in and try and diagnose the problem
19 for us. What I'm seeing is we're running coaxial
20 cable which I don't think is industrial grade for what
21 we're trying to do here.

22 MS. MCCONNELL: Could I ask one question?

23 MR. KNEZ: Sure.

24 MS. MCCONNELL: What type of proximity do
25 you have? Do you have a --

1 MR. KNEZ: It's Joy Matrix.

2 MS. MCCONNELL: Is it 1 or 2?

3 MR. KNEZ: Two, Gen 2.

4 MS. MCCONNELL: Okay.

5 MR. KNEZ: And so the antenna cables have
6 been -- they get a lot of water in them. For one, I
7 don't think we were properly trained on
8 troubleshooting the whole system.

9 MS. MCCONNELL: Mm-hmm.

10 MR. KNEZ: We've had -- they come in with a
11 laptop and they can actually see the zones where they
12 are. We don't have that capability as far as I know.
13 We've been getting a little more training that our
14 locators can give us some diagnostics.

15 MS. MCCONNELL: Mm-hmm.

16 MR. KNEZ: So that's been slightly helpful,
17 but we've had several times -- each locator puts out a
18 different -- I'm going to say an operator has a
19 specific locator that he knows works better.

20 MS. MCCONNELL: Mm-hmm. And when you're
21 saying locator, are you talking about the person
22 wearable --

23 MR. KNEZ: PWD, yes.

24 MS. MCCONNELL: Okay, just wanted to make
25 sure.

1 MR. KNEZ: And I think that's what Matrix
2 calls them is a locator.

3 MS. MCCONNELL: Mm-hmm.

4 MR. KNEZ: But as an example, since July of
5 last year we went through 53 locators and through
6 probably half that time we've only ran one miner.
7 Recently, in January, we just got the other one.

8 MS. MCCONNELL: And what's causing the
9 number? Do you just cycle through so many locators or
10 badges? What's happening with these badges that --

11 MR. KNEZ: Well, we're not getting a lot of
12 failure reports, but they've had an upgrade with a
13 resister in them.

14 MS. MCCONNELL: Uh-huh.

15 MR. KNEZ: There's a test button on there
16 and actually they think that the guys are pushing the
17 buttons too hard and maybe damaging it internally. It
18 just doesn't seem to be a real robust locator right
19 now, and then --

20 MS. MCCONNELL: So what's the life span now
21 based on your own experience? How long will one of
22 those things be?

23 MR. KNEZ: In hours-wise or days-wise?

24 MS. MCCONNELL: Well, just tell me what you
25 think.

1 MR. KNEZ: I mean, as far as the charge on
2 them?

3 MS. MCCONNELL: Yeah. In terms of like when
4 you feel like you have to replace it, how long?

5 MR. KNEZ: I would say maybe a month.

6 MS. MCCONNELL: Okay.

7 MR. KNEZ: And another problem is we're
8 running 12-hour shifts, and we're having a real hard
9 time getting our battery life out of those. And if I
10 could say another problem with that?

11 MS. MCCONNELL: Okay.

12 MR. KNEZ: We've had guys come down with
13 several locators so they can make it through the
14 shift, and then they'd go and they set them next to
15 their lunch bucket at the power center.

16 MS. MCCONNELL: Uh-huh.

17 MR. KNEZ: And now we've caused interference
18 running through the trailing cable of the --

19 MS. MCCONNELL: Why are they taking them off
20 and putting them on --

21 MR. KNEZ: No, they have a spare.

22 MS. MCCONNELL: Oh, they have a spare.

23 MR. KNEZ: They have a spare.

24 MS. MCCONNELL: I see what you're saying.

25 Yes, yes.

1 MR. KNEZ: So, you know, I understand that
2 as they're at the miner, you know, every time they get
3 a no-go zone --

4 MS. MCCONNELL: Mm-hmm.

5 MR. KNEZ: -- that's taking battery life out
6 of their PWD.

7 MS. MCCONNELL: Right.

8 MR. KNEZ: So the more they get in that the
9 shorter their battery life is going to be, so they
10 have one at the kitchen that's not seeing that.

11 MS. MCCONNELL: Gotcha.

12 MR. KNEZ: But it's also causing
13 interference, so we've asked them to leave them in the
14 vehicles, you know --

15 MS. MCCONNELL: Mm-hmm.

16 MR. KNEZ: -- the man trips underground, but
17 we've had a lot of trouble with it.

18 MS. MCCONNELL: Okay. Anything else? Any
19 other issues?

20 MR. KNEZ: Yeah, if you don't mind, I do
21 have some other highlights here.

22 MS. MCCONNELL: No, you go right ahead.
23 That's what today is all about.

24 MR. KNEZ: And then I guess another thing I
25 had here, it said that you guys were unaware of any

1 electrical interference. I mean, what I was talking
2 about, would that be considered that, with the
3 trailing cable and being at the load center?

4 MS. MCCONNELL: Is that considered
5 electrical interference?

6 MR. KNEZ: Or are you talking actually
7 shutting down remote controls? I wasn't sure about
8 that in here.

9 MS. MCCONNELL: I would say, yeah, both of
10 those.

11 MR. ADAMSON: Yeah.

12 MR. KNEZ: Okay.

13 MS. MCCONNELL: Any of those.

14 MR. KNEZ: Yeah, definitely trailing cables
15 has been a big factor. You know, the guys wear their
16 locators down here, up here. They lift the trailing
17 cable on the miner to move it and it totally throws
18 off the whole zone there.

19 MS. MCCONNELL: Uh-huh.

20 MR. KNEZ: So then it shuts down. They have
21 to restart it, drop the cable. You know, you can't
22 put those locators next to your battery, tools.

23 MS. MCCONNELL: So it even occurs if you
24 have the locator above -- around here and you're
25 lifting?

1 MR. KNEZ: They recommend them, I believe,
2 up here on your chest, away from any tools, metal.

3 MS. MCCONNELL: So does it have to literally
4 touch or does it have to be in any kind of vicinity?
5 Doesn't matter. Just as long as you're picking them
6 up and they're close to their body.

7 MR. KNEZ: Close by, yeah.

8 MS. MCCONNELL: Okay.

9 MR. KNEZ: Electrical splices I guess were
10 causing some of this as well.

11 (Pause.)

12 MR. KNEZ: We also -- the other problem
13 we're having is we have the draggers or the
14 generators. Now these are positioned two up on the
15 pan, and there's two on the bumper. We're not allowed
16 to put much as far as protection around them. I
17 didn't write that number down, but we've damaged
18 probably close to 20 of those with the shuttle car
19 coming in and hitting it.

20 MS. MCCONNELL: Twenty of the generators?

21 MR. KNEZ: Yes.

22 MS. MCCONNELL: And the shuttle car is
23 damaging the --

24 MR. KNEZ: Yes, 'cause they're right on the
25 rear bumper of the machine, and we would like to put

1 some metal to help protect it, you know.

2 MS. MCCONNELL: Uh-huh.

3 MR. KNEZ: But we're being advised against
4 that because it's going to affect the zone.

5 MS. MCCONNELL: Okay. It would prevent the
6 wearable and the generator from communicating?

7 MR. KNEZ: Yeah, it's going to reduce the
8 amount of I guess, the efficiency of it I guess.

9 MS. MCCONNELL: Okay.

10 MR. KNEZ: It's going to cause interference.
11 I think that's about all I have right now.

12 MS. MCCONNELL: Okay. That's good.

13 MR. KNEZ: Open to more questions.

14 MS. MCCONNELL: I think I'm good, but thank
15 you.

16 MR. KNEZ: As I say, we --

17 MS. MCCONNELL: Oh, we do have one more.
18 Oh, okay, we have a question regarding why is it --
19 could you describe the process of when the miner is
20 picking up your trailing cable and moving it? What is
21 part of the process that requires the miner --

22 MR. KNEZ: To be that close.

23 MS. MCCONNELL: -- to move that trailing
24 cable? What are you guys doing?

25 MR. KNEZ: Okay. So, if we're in a place,

1 you know, we make four different positions in our
2 face. So we go in and move, and as we're backing out
3 they'll pick the cable up to help walk it backwards,
4 and when you're doing that you have the cable up here
5 pulling on your waist. So then you become close to
6 your locator.

7 MS. MCCONNELL: Right.

8 MR. KNEZ: And as we're backing out of the
9 face, you know, move to the next place, we'll pick the
10 cable up and have to throw it up on the tail, which we
11 stop.

12 MS. MCCONNELL: Mm-hmm.

13 MR. KNEZ: But now you've got that up here.

14 MS. MCCONNELL: But the miner is not cutting
15 right now, right?

16 MR. KNEZ: No, that's correct.

17 MS. MCCONNELL: I mean, the mining machine
18 is not cutting.

19 MR. KNEZ: Correct.

20 MS. MCCONNELL: You're just, you're tramming
21 it, you're moving it?

22 MR. KNEZ: Just moving from either face to
23 face or different cuts in that face.

24 MS. MCCONNELL: So you're tramming during
25 this time, right? So is this -- yeah, so he's saying

1 yes. You're saying that, I guess, is this being -- is
2 the machine being trammed?

3 MR. KNEZ: Yes.

4 MS. MCCONNELL: Okay. And trammed is being
5 moved for the record.

6 MR. KNEZ: Yeah, and we're still without --
7 well outside of the zone --

8 MS. MCCONNELL: Uh-huh.

9 MR. KNEZ: -- because, you know, we're
10 behind the tail, dragging the cable back as they're
11 backing out of the face.

12 MS. MCCONNELL: Okay.

13 MR. KNEZ: You know, Peabody is very focused
14 with getting proximity moving forward. As a matter of
15 fact, our corporate is pushing that we get it on our
16 haulage equipment too, which we are actively doing
17 right now.

18 MS. MCCONNELL: Any particular type of
19 haulage equipment?

20 MR. KNEZ: Shuttle cars.

21 MS. MCCONNELL: Shuttle cars.

22 MR. KNEZ: Yeah.

23 MS. MCCONNELL: Okay.

24 MR. KNEZ: And as far as I know, there's
25 only the testing that we've done back east through

1 Peabody. We haven't been successful with shuttle cars
2 on the Matrix system.

3 MS. MCCONNELL: Okay. I have a question
4 from my panel. He's interested in the type of testing
5 you've done with your shuttle cars using Matrix.

6 MR. KNEZ: We've got two shuttle cars being
7 rebuilt right now.

8 MS. MCCONNELL: Yeah.

9 MR. KNEZ: And they will be getting the
10 Strata system on them.

11 MS. MCCONNELL: Oh, you're getting a Strata
12 system?

13 MR. KNEZ: Yes.

14 MS. MCCONNELL: Oh, okay, that's
15 interesting.

16 MR. KNEZ: Yes. It could cause some
17 complication to have two different systems right now.

18 MS. MCCONNELL: Right. So are you guys
19 planning on having your miners wearing two locators?

20 MR. KNEZ: We're actually doing a miner
21 rebuild now which will have Strata on it as well.

22 MS. MCCONNELL: So you're replacing your
23 Matrix with a Strata on your continuous mining
24 machine?

25 MR. KNEZ: We'll have two miners with

1 Matrix, one miner with Strata, and we're going to run
2 all Strata in that section.

3 MS. MCCONNELL: Okay. Go ahead. Ask him.

4 MR. ADAMSON: What's your experience now
5 with the Matrix system with the shuttle car and
6 continuous miner machine?

7 MR. KNEZ: Well, we don't have it on our
8 shuttle cars, but as Jerry said, when a shuttle car
9 comes in, we have had some interference where the zone
10 will change, you know. The miner operator is standing
11 there in his zone, and if he gets -- the shuttle car
12 gets too close, it will kick him out of that zone. He
13 either has to -- he's not allowed to start the miner
14 at that point. So, if the miner isn't already
15 running, he has to either have the shuttle car back
16 out or he has to go on the outside of the shuttle car,
17 outby of it to get the miner to start and walk back
18 into the zone.

19 MR. ADAMSON: Can you describe in detail
20 that process? Is it during that process when the
21 shuttle car approaches the continuous mining machine,
22 is the continuous mining machine tramming?

23 MR. KNEZ: No.

24 MR. ADAMSON: Or is it cutting?

25 MR. KNEZ: It's just sitting there right in

1 the face. No tramming is going on. The cutter heads
2 aren't on yet, but if the car pulls up underneath the
3 tail and the pumps aren't on in the miner, the shuttle
4 car is running, he cannot start the miner if the
5 shuttle car is right next to it. If he has it already
6 started and the shuttle car comes in, then he can
7 start his mining cycle to cut, the cutter heads are
8 on, start conveying, no problems then.

9 But if for some reason he doesn't have
10 everything ready when the shuttle car gets there, he
11 can't start it unless the shuttle car backs out of
12 there and gets just past the tail. He can start the
13 pumps, start the cutter head, and that shuttle car can
14 come back underneath him, or he has to walk out by the
15 shuttle car.

16 MR. ADAMSON: All the things that you're
17 describing, have you actually provided documentation
18 to us of some of those functionalities and disruptions
19 and, if so, can that be submitted for the record?

20 MR. KNEZ: Yes, I mean, at Peabody and Joy,
21 we have a meeting on proximity every two weeks and we
22 bring up these issues with them, and, you know, we
23 actively discuss all the problems we've had. We have
24 just sent a letter to MSHA talking about some of the
25 problems we've had.

1 MS. MCCONNELL: You have sent a letter?

2 MR. KNEZ: Yes. Just yesterday, right?

3 MR. DELAY: Yes.

4 MS. MCCONNELL: Who did you send the letter
5 to?

6 MR. KNEZ: Preece, Jim Preece.

7 MS. MCCONNELL: Jim Preece. Okay.

8 MR. ADAMSON: So you will be submitting --

9 MR. KNEZ: Yes.

10 MR. ADAMSON: -- some of that information
11 for the record?

12 MR. KNEZ: It's not as detailed as maybe
13 what we've talked about today, but it does address a
14 lot of the issues we've had.

15 MS. MCCONNELL: Okay. That will be good.
16 Thank you.

17 MR. KNEZ: Thank you.

18 MS. MCCONNELL: Anyone else like to speak,
19 share their experiences or address some comments we're
20 soliciting? Anyone else?

21 (No response.)

22 MS. MCCONNELL: Well, why don't we take a
23 break and we'll see if anyone -- let's see, it's 10 of
24 12. Let's take a 45 -- let's convene until 12:30.
25 What time is it here? Ten of 10. It's 9:49. I

1 apologize. I'm on East Coast time. Let's take a 45-
2 minute break and we'll come back around 11:35 --
3 10:35, and we'll see if anyone else wants to speak.

4 (Whereupon, a brief recess was taken.)

5 MS. MCCONNELL: It's approximately 10:30.
6 We have an additional speaker, and his name is?

7 MR. HAMPTON: Billy Hampton, B-I-L-L-Y,
8 H-A-M-P-T-O-N. I'm at Peabody Twentymile.

9 MS. MCCONNELL: Okay. Great. Thank you.

10 MR. HAMPTON: What I've got is on diesel
11 equipment.

12 MS. MCCONNELL: Okay. Great.

13 MR. HAMPTON: We don't run any prox on
14 diesels right now.

15 MS. MCCONNELL: You don't have any problems
16 in relation to using proximity on diesel or?

17 MR. HAMPTON: I have problems with it.

18 MS. MCCONNELL: Oh, you have problems.
19 Okay.

20 MR. HAMPTON: I think we're creating more of
21 a monster than we are helping on diesel equipment
22 since everything that I have seen or heard to make the
23 proximity work on a piece of diesel equipment they're
24 going to have to use on the braking systems on most
25 all of them.

1 MS. MCCONNELL: Okay.

2 MR. HAMPTON: When you start using the
3 braking system to stop the scoop in an emergency
4 sit -- if these guys are stopping the scoop in an
5 emergency. If you start getting any kind of a -- what
6 do you want to call it? Not an emergency but just a
7 balk that it shuts it down you start setting up that
8 park brake and you start setting up -- fatiguing
9 equipment is what you do. You're setting up failure
10 for later on that could cause issues for somebody that
11 needs that service or that park brake.

12 MS. MCCONNELL: And the issues are
13 associated with equipment failure and not being able
14 to perform and operate as it normally would have
15 without the proximity?

16 MR. HAMPTON: Yes.

17 MS. MCCONNELL: Okay.

18 MR. HAMPTON: And that's my biggest concern
19 with it. You start using your parking system for an
20 emergency situation.

21 MS. MCCONNELL: Mm-hmm.

22 MR. HAMPTON: That ain't what they're
23 designed to do, stop that machine all the time like
24 that, and with the proximity you're going to have them
25 issues. If you can make it where you could maybe slow

1 the equipment down instead of just putting it on a
2 dead stop maybe.

3 MS. MCCONNELL: Mm-hmm.

4 MR. HAMPTON: But as far as using the
5 parking system to stop it, that ain't what that's for,
6 and I think you're causing more issues that you're
7 going to cause somebody -- if it fatigues later on and
8 somebody happens to use it, you're causing somebody to
9 get hurt like that.

10 MS. MCCONNELL: And how would that happen?
11 I mean, when you're talking about fatigue, you're
12 talking about?

13 MR. HAMPTON: When you shut down a -- when
14 you're putting on a emergency brake --

15 MS. MCCONNELL: Mm-hmm.

16 MR. HAMPTON: -- you lock up the brake.

17 MS. MCCONNELL: Right.

18 MR. HAMPTON: So it throws your hydraulics
19 and locks it up whether it's a spring-applied system
20 or hydraulic release system. You put stress on one
21 point of the machine all the time every time you set
22 that, use that emergency brake.

23 MS. MCCONNELL: Oh, I see. Do you have a --
24 are all your shuttle cars diesel?

25 MR. HAMPTON: My scoops?

1 MS. MCCONNELL: I'm sorry. Scoops. My
2 apologies.

3 MR. HAMPTON: We have electrical ones,
4 reverse track scoops are electric.

5 MS. MCCONNELL: So what percentage of your
6 equipment is diesel?

7 MR. HAMPTON: Ninety-eight percent.

8 MS. MCCONNELL: Ninety-eight percent?

9 MR. HAMPTON: I think we've got four
10 electric scoops. Everything else is diesel.

11 MS. MCCONNELL: Okay.

12 MR. HAMPTON: That's all I've got.

13 MS. MCCONNELL: Any questions, any questions
14 on diesel?

15 Are you talking -- when your diesel -- your
16 inventory that you've identified as 98 percent, that's
17 98 percent of all your scoops are diesel?

18 MR. HAMPTON: Yep.

19 MS. MCCONNELL: Okay.

20 MR. HAMPTON: As I say, we only got four --

21 MS. MCCONNELL: But you don't have -- okay.

22 MR. HAMPTON: Four that aren't diesel.

23 MS. MCCONNELL: Electric. Okay.

24 MR. HAMPTON: Everything else we run is
25 diesel.

1 MS. MCCONNELL: All right. Thank you.

2 MR. HAMPTON: Thank you.

3 MS. MCCONNELL: So, if there is no one else
4 who wishes to make a presentation, I will conclude
5 this hearing. I thank everyone who has made a
6 presentation today, as well as those who did not
7 present, but for your attendance and your interest in
8 this rulemaking.

9 I want to emphasize that all comments must
10 be received or postmarked on December 1, 2015. MSHA
11 will take your comments and your concerns into
12 consideration when we're developing the Agency's final
13 rule. I encourage all of you to continue to
14 participate throughout the rulemaking process.

15 And finally, I'd like to encourage you also
16 to attend a public meeting we are having on refuge
17 alternatives for underground coal mines. This meeting
18 will follow the public hearing for proximity detection
19 systems in Beaver, West Virginia, on October 19.

20 So the hearing on proximity will be in the
21 morning, and in the afternoon we're going to have a
22 public hearing on refuge alternatives. The public
23 meeting on refuge alternatives will begin at 1 p.m.
24 with registration, and at this meeting MSHA hopes to
25 gather information on two critical issues relevant to

1 miners' escape and refuge. The first is impediments
2 to the use of built-in-place refuges and, two,
3 enhanced two-way voice communication when using escape
4 breathing devices. So I encourage your attendance and
5 participation.

6 Again, thank you very much. This public
7 hearing is concluded.

8 (Whereupon, at 10:38 a.m., the hearing in
9 the above-entitled matter concluded.)

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REPORTER'S CERTIFICATE

DOCKET NO.: N/A
CASE TITLE: Public Hearing on Proposed Rulemaking
HEARING DATE: October 6, 2015
LOCATION: Denver, 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 United States Department of Labor, Mine Safety and Health Administration.

Date: October 6, 2015

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