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November 4, 2016

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Subject: Cap 3 Closed-Circuit Escape Respirators Transition Plan

As you are aware, the Final Rule regarding CFR 42 Part 84 Subpart O deadline of January 4, 2017 requiring the transition from the previous technology Self-Contained Self-Rescuers (SCSR) to the new technology Cap 3 Closed-Circuit Escape Rescuers (CCER) is fast approaching. A large portion of the previous generation SCSR population utilized by the mining industry will reach their Service Life Date (Expire) between 2017 through to 2019. Numerous individuals from the mining industry have expressed concern that an adequate supply of Cap 3 CCERs will NOT be available to replace the expiring SCSRs.

Although the mining industry recognizes the approaching January 4, 2017 deadline requiring the new Cap 3 CCER, it has been faced with significant financial turmoil and uncertainty over the past several years resulting in confusion on how to address the January 4, 2017 deadline. There are two primary concerns, first how to implement the new Cap 3 CCER technology under the current budgetary constraints. The second being that the Cap 3 CCER Technology is so new that many in the mining industry have not had the opportunity evaluate it as relates to their operational needs let alone even see a new Cap 3 CCER. As a result of these concerns, many in the mining industry have not fully issued purchase orders for either technology SCSR or Cap 3 CCER to replace the expiring SCSRs.

Since receiving its MSHA/NIOSH Approval on March 28, 2016 for the CSE SR2000 (Cap 3 CCER) the company has been moving forward with its plan to be in full production by May 2017. CSE's SR2000 (Cap 3 CCER) production schedule will start in January 2017, at limited capacity, increasing each month until it reaches full production capabilities in May 2017. These dates are based on vendor projected delivery dates of SR2000 (Cap 3 CCER) components.

CSE recommends the following to address the aforementioned concerns of the mining industry regarding the new Cap 3 CCER requirement and provide an orderly transition from the previous technology SCSR to the new technology Cap 3 CCER:

- 1) Extension of the Cap 3 CCER deadline to June 30, 2017.
 - a. All orders for SRLDs must be issued to the manufacturer from the mine prior to January 4, 2017.
 - b. Continue production of SRLD (SCSR) to June 2017 in order to supplement mining industry requirements until the SR2000 (Cap 3 CCER) is in full production. CSE and its vendors have sufficient inventory and production capacity of SRLD components to continue production as needed.
- 2) Starting in January 2017 CSE plans to provide limited number of SR2000 (Cap 3 CCER) units to the mining industry to fully evaluate and determine their operational needs.
- 3) May 2017 - produce SR2000 (Cap 3 CCER) based on mining industry quantity requirements.

Current SRLD (SCSR) production is available and can be utilized to ensure sufficient protection for all miners through to June 2017 while ensuring a timely transition to the SR2000 (Cap 3 CCER). This will build confidence for

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the operator and user in the new SR2000 (Cap 3 CCER). It will also provide the mining industry adequate time for budgeting, planning and implementation of a comprehensive protection program for the miner.

Please consider this extension request and provide your response as soon as possible to enable CSE to properly respond to the market regarding their needs and orders.

We can be available to discuss this request with your organizations at any time. Please don't hesitate to contact me directly if you have any questions or comments.

Thank you for your consideration in this matter.

A handwritten signature in black ink, appearing to read 'S. A. Shearer', written over a horizontal line.

Scott A. Shearer
CEO

Cc Jeffery H. Kravitz Ph. D., P. E., Chief