



JOY MINING MACHINERY
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Office of Standards, Regulations and Variances
Mine Safety and Health Administration
1100 Wilson Boulevard
Room 2350
Arlington, Virginia 22209

I am presenting this information on behalf of Joy Mining Machinery to address the recent re-Proposed Rule that was published in the Federal Register on March 28, 2006 concerning High Voltage Continuous Mining Machines. Joy has reviewed the information presented in the Federal Register and is disappointed in the lack of consideration of the responses and research information that was presented in the previous hearings. The information and research studies presented by both users and manufacturers of high voltage continuous miners was acknowledged but lacked any comments by MSHA as to why this information was completely disregarded. MSHA had previously requested information during the public hearing stage from qualified persons but appears to have disregarded their comments once given. In fact MSHA had welcomed non-MSHA funded research on this subject, but once given has chosen to ignore the results.

The research presented by industry experts provided a clear understanding of the potential safety gains in using high voltage over the low and medium voltage equipment currently being used in coal mines today. It is these advancements along with the gains in productivity of the equipment that must comprise the complete package in order for the US coal operator to realize the benefits of utilizing high voltage. To remain competitive in the global coal marketplace, the US coal operator has to continually find ways of increasing his competitive advantage over the global market and high voltage machinery is one of the best ways to increase productivity.

Our major concern that we wish to comment on deals with the issue of the installation and handling of the high voltage trailing cable along with the use of high voltage gloves. The re-proposed rule is too restrictive and the machine operators/helpers will find mandatory use of high voltage rated gloves cumbersome and will tend not to use them when others are not looking.

The coal operators will not accept the restrictions posed by this rule. They must be given rules and regulations that are based solely on safety related criteria and do not contain extra restrictive requirements that have no basis of need. There will be an outcry from operators once coal companies move to high voltage distribution systems and machinery due to reaching the limit of power available by 950-volt systems. These identified problems in the re-proposed rule will not disappear; they will only intensify as time proceeds. Now is the time to correct the problems identified to the re-proposed rule.

Our recommendations to revise Part 75.833 are as follows:

1. Require the coal mine operator to have personal protective equipment (PPE) available for use by any coal miner, but mandate the use of dry work gloves for handling trailing cables.
2. MSHA's re-proposed rule to be re-written to take into account the recent research and information/recommendations provided by the coal operators and machine manufacturers who have been intimately involved with high voltage continuous miners for almost a decade. Do not discount their years of work in this area. Mandatory safety items must be tied to a proven need for them based on research and studies conducted on this subject.
3. MSHA must fund its own study of high voltage trailing cable aspects if any material provided by the recent research and study conducted by Dr. Thomas Novak is doubted. The regulations to add extra requirements onto the person handling the trailing cable must be justified through research and solely on research of high voltage power systems. The addition of extra requirements without any data showing a need for it is unacceptable and cannot be part of the future of the American Coal Mining Industry.

We request MSHA to re-convene its panel of experts and re-write the proposed regulations taking into account all of the information presented to date and not issue the rule in its present state. In its present form it is unacceptable for mining machine operators/helpers, coal mine operators and machine manufacturers.

Thank you,

A handwritten signature in cursive script that reads "David Thomas".

Mr. David Thomas
Global Certification Engineer
Regulatory Affairs
Joy Mining Machinery