

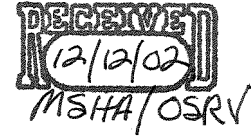


JOY MINING MACHINERY
A Joy Global Inc. Company

120 Liberty Street
Franklin, Pennsylvania 16323
(814) 437-5731

December 10, 2002

Office of Standards, Regulations and Variances
Mine Safety and Health Administration
1100 Wilson Boulevard
Room 2352
Arlington, Virginia 22209



To those concerned.

I am writing this letter on behalf of Joy Mining Machinery to address the recent Revised Proposed Rule that was published in the Federal Register on October 17, 2002 concerning Alternate Testing of Mining Equipment. Comments by interested parties were requested and since Joy is the world's largest producer of underground mining machinery, we have a great interest in this area of discussion.

Joy has been actively involved in designing, manufacturing and commissioning underground mining equipment throughout the world. We have machinery operating in 18 different countries of which require some different form of approvals or certifications for the equipment. The expertise, time and costs associated with meeting these various requirements are very significant. For this reason any possible method of integrating standards or regulations would interest us. We appreciate your request to comment on the re-write of the proposed rule of 1994.

Since our address to the committee on the 1994 proposed rule in which we expressed concern in the method of independent testing and alternate equivalency standards, we were pleased to find the current Revised Proposed Rule contained language which addressed all of our concerns. We are in agreement with MSHA and the current Revised Proposed Rule that allows for manufacturers to utilize independent testing facilities while maintaining the test facility at MSHA. We are in agreement that utilizing OSHA's National Recognized Testing Laboratories (NRTL's) and the associated problems encountered with their semi-annual auditing is not needed, as MSHA conducts their own audits on products. This would have created more confusion than any benefit that could have been realized. Joy is also in agreement that certain international and harmonized standards possess the same level of safety as the current MSHA regulations. Joy has assisted MSHA in testing various pieces of equipment to different standards/criteria that resulted in equivalent outcomes. Joy would be available to continue to provide any assistance needed by MSHA in determining which international standards could be deemed equivalent to MSHA regulations and criteria as discussed in the Revised Proposed Rule. We feel this is an important part of the future of Joy Mining Machinery, as a single design would be acceptable to multiple countries.

We urge MSHA to continue to pursue working toward harmonizing with the world in regard to globalized standards. Specifically, we would ask MSHA to consider joining the international group establishing the IECEx scheme that permits one global standard and allows member countries to accept the certificate based on the standard issued by other member countries. We see this as the future of being able to sell our products in a global marketplace.

In regard to approvals and certifications, we ask that MSHA continue to work with us, other manufacturers and the American coal operators to maintain the United States position as one of the top coal producers with the best safety record in the world.

Thank you for your time and consideration of our opinion on this Revised Proposed Rule,

Best Regards,

AA87-COMM-1

Mr. David Thomas
Certification Engineer
Joy Mining Machinery