

October 8, 2004

In The Matter of
Penn Big Bed Slate Company, Inc.
Manhattan Quarry Penn Big Bed Mine
I.D. No. 36-00207

PETITION FOR MODIFICATION

Docket No. M-2004-006-M

PROPOSED DECISION AND ORDER

On May 26, 2004, Penn Big Bed Slate Company, Inc. (Penn Slate), filed a petition for modification of the application of 30 CFR § 56.19012 to its Manhattan Quarry Penn Big Bed Mine, I.D. No. 36-00207, located in Lehigh County, Pennsylvania. The mine quarries slate for slate shingles, decorative slate products, and turkey calls.

The petition alleges that the alternative method proposed, as modified by the Mine Safety and Health Administration (MSHA) will provide at all times no less than the same measure of protection as the standard.

The standard, 30 CFR § 56.19012, Grooved drums, provides:

Where grooved drums are used, the grooves shall be of suitable size and pitch for the ropes used.

The alternative method would allow use of over sized grooves on the crane drums. The drum grooves are $\frac{3}{4}$ inch and Penn Slate uses $\frac{5}{8}$ inch wire rope on all of their hoists. The $\frac{5}{8}$ inch wire ropes have been used on these drums for more than 70 years and the hoists have operated with no reported accidents or injuries. The hoists transport miners into the pit, and blocks of slate out of the pit. The average slate block weighs up to 7 tons. The petitioner alleges that the $\frac{5}{8}$ inch wire rope does not flatten or restrict the cable. Each year, 30 to 65 feet of wire rope is cut off the working end of the wire rope to ensure that it is safe for continued service. Only during the last year of service is the cable in the grooves used to operate the hoists.

On June 16 and 17, 2004, MSHA investigators conducted an on-site investigation into the merits of the petition and filed a written report of their findings and recommendations with the Administrator for Metal and Nonmetal Mine Safety and Health. In addition, the MSHA Technical Support staff investigated the petition and provided a report and recommendations on July 13, 2004. This report also included an investigation report entitled "Nondestructive Safety Evaluation of Hoist Ropes" conducted on March 17 and 18, 2003. After a careful review of the entire record, including the petition and MSHA's investigative report and recommendations, this Proposed Decision and Order is issued.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Administrator for Metal and Nonmetal Safety and Health finds that the alternative method proposed by the Petitioner as amended by MSHA and with the terms and conditions listed below, would guarantee no less than the same measure of protection afforded by 30 CFR § 56.19012.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Metal and Nonmetal, and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §811(c), it is ordered that a modification of 30 CFR § 56.19012 based upon an alternative method of using $\frac{5}{8}$ inch wire rope on $\frac{3}{4}$ inch grooved stationary drums, at the Manhattan Quarry Penn Big Bed Mine is hereby:

GRANTED, conditioned upon compliance with the following:

1. A professional engineer must certify that the hoist wire rope, drum size, and methods do not exceed the hoist and rope specifications;
2. At least one complete layer of rope must be maintained on the drum at all times;
3. Electromagnetic nondestructive testing of the wire rope must be conducted on an annual basis.

/s/ Robert M. Friend

Robert M. Friend
Administrator for
Metal and Nonmetal Mine Safety and Health