

August 31, 2004

In The Matter of
Stillwater Mining Company
East Boulder Mine
Mine I.D. No. 24-01879

PETITION FOR MODIFICATION

Docket No. M-2004-005-M

Background

On May 10, 2004, Stillwater Mining Company (Stillwater) filed a petition for modification of 30 CFR §57.9260 for the petitioner's East Boulder Mine, (I.D. No. 24-01879), located in Sweet Grass County, Montana. The mine is an underground mining operation producing primarily platinum and palladium. The ore is mined by sub-level retreat paneling.

The relevant standard 30 CFR §57.9260 Supplies, materials, and tools on mantrips provides:

Supplies, materials, and tools, other than small items that can be carried by hand, shall not be transported underground with persons in mantrips. Mantrips shall be operated independently of ore or supply trips.

30 CFR §57.2 Definitions:

Mantrip means a trip on which persons are transported to and from a work area.

The Petitioner currently operates mantrips at the beginning of the work shift and at the end of the shift. Shuttle runs are made infrequently during the shift. During the times when mantrips are operated there are no supply or ore runs. Stillwater noted that the total time for the scheduled mantrips exceeded two hours. In an effort to better utilize the haulage system, Stillwater proposes to use a 20-ton Brookville Locomotive/Personnel Carrier (Brookville Carrier) for mantrips while also transporting ore and supplies. In addition to miners riding in the locomotive, ore and/or supply cars would be included in the mantrip. Stillwater contends that the intent of 30 CFR §57.9260 is to prohibit separate mantrips or mancars to be coupled to or between ore or supply cars. Miners would be transported in passenger seats integral to the Brookville Carrier and would not be transported in separate mine cars. Additionally, Stillwater states that the alternative method would at all times guarantee the same measure of protection afforded by the standard. In support of the proposed alternative method Stillwater states that the Brookville Carrier design affords greater protection than the standard locomotive design which accommodates one operator and one passenger.

On May 16, 2004, an MSHA investigator conducted an investigation relevant to the merits of the petition and filed a report of his findings and recommendations with the Administrator for Metal and Nonmetal Mine Safety and Health. 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 Conclusion of Law

30 CFR §57.9260 requires that mantrips be operated independently of ore or supply trips.

Operating the Brookville Carrier while transporting supplies and/or ore will not guarantee at all times no less than the same measure of protection as the standard. The alternative method as proposed places miners at greater risk if there were a derailment or wreck. The added weight from the ore or supply cars would increase the severity of any train accident. The Brookville Carrier may be safer than the standard locomotive when used only for transportation of miners; however, when the Brookville Carrier is used to transport miners with ore/supply cars included in the trip, a greater risk is posed to the miners. Although transporting miners and ore/supply cars together might increase production efficiency; it will not at all times guarantee the measure of protection as the standard.

Order

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator, and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C., Section 811(c), it is hereby ordered that a modification of the application of 30 CFR §57.9260, to Stillwater Mining Company, as it applies to the alternative method of transporting miners in trips with ore and supplies in stead of operating mantrips independently of ore or supply trips at the East Boulder Mine is hereby **DENIED**.

/s/ Robert M. Friend

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