



MSHA's investigation verified that the hoist rope size and the secondary safety attachment provided the necessary strength to exceed three times the strength required by 30 CFR 75.1431(a). In addition, the MSHA investigators confirmed that safety catches remain commercially unavailable for use on hoisted conveyances on the high pitch and undulating slopes typical of the anthracite region.

On the basis of the petition and the findings of MSHA's investigation, Bear Gap Coal Company is granted a modification of the application of 30 CFR 75.1400 to its Bear Gap Coal Company No. 6 Slope.

#### ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C., Sec. 811(c), it is ordered that Bear Gap Coal Company's Petition for Modification of the application of 30 CFR 75.1400 in the Bear Gap Coal Company No. 6 Slope is hereby:

GRANTED, for the use of the hoist conveyance (gunboat) without safety catches, conditioned upon compliance with the following terms and conditions:

1. A communication signal system, audible to the hoist operator, shall be installed so that it can be activated from the gunboat at any location along the intake haulage slope.
2. The design safety factor of the hoist rope shall be maintained at all times not less than three times the value specified in 30 CFR 75.1431.
3. A detailed inspection procedure of the ropes and terminations used at the mine shall be posted in the hoist house and complied with at all times.
4. A secondary safety connection shall be securely fastened around the gunboat and securely fastened to the hoisting rope at a point above the main connecting device. The secondary safety connection must be at a minimum 5/8-inch diameter wire rope properly terminated above the main

hoisting rope attachment with at least two clips on each end or with equivalent-strength chains.

5. At least 2 feet of clearance must be maintained between the highest part of the secondary attachment and the head sheave when the gunboat is positioned in the full dump position.
6. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions for their approved 30 CFR Part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding compliance with the conditions stated in the Proposed Decision and Order.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 44.14, within 30 days. The request for hearing must be filed with the Administrator for Coal Mine Safety and Health, 1100 Wilson Boulevard, Arlington, Virginia 22209-3939.

If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision. A party other than Petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition, and any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

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John F. Langton  
Deputy Administrator for  
Coal Mine Safety and Health