applicable specifications, Dicalite will engage in testing on-site at the Dicalite Plant to identify the BSI content of the DE products as they are processed. (8) Specifications for BSI in the marketable products are measured at the parts per million level. Dicalite warrants maximum BSI content in marketable products sold to the beer industry. To adequately control the production of marketable products and release marketable products within customers’ specifications, it is essential to conduct in-process, finished product, and research testing of the marketable products.

(9) The number of actual BSI tests conducted at the Dicalite Plant can range from 5 to 30 per day. This testing methodology conforms to recommendations of the American Society of Brewing Chemists.

(10) The purpose of the existing standard is to protect miners by ensuring that the miners do not have access to intoxicating beverages and narcotics at mines, and that miners are not under the influence of intoxicating beverages and narcotics while on the job. The use of intoxicating beverages and narcotics is not tolerated at the Dicalite Plant. However, for commercial purposes, Dicalite requires that containers of beer be stored at the Dicalite Plant so that appropriate quality control and research testing can be conducted. The petitioner proposes to:

(a) Store closed containers of beer at the Dicalite Plant in secure locations with restricted access.

(b) Use beer at the Dicalite Plant only for purposes of quality control testing, statistical method control testing, and research testing.

(c) Store open containers of beer in a manner that ensures that miners do not have access to the beer used for testing purposes.

(11) The petitioner believes that the modifications sought through the petition may be accomplished in a manner that ensures that miners do not have access to the beer used for testing purposes. The petitioner proposes the following alternative method of compliance:

(a) Beer used in laboratory procedures will be ordered by the lab technician or other responsible designee, who will arrange for the supply of beer to be purchased and delivered to the appropriate person/department for receipt.

(b) When the beer is received, the amount will be recorded on a log or equivalent form. The key will be kept by the lab technician or other designee(s). A copy of the key to the locking cabinet will be kept by the Quality Manager or other responsible person.

(c) A record of use will be kept on the log or equivalent form that includes the amount, date used, and initials of the person acquiring the beer for testing purposes.

(d) Beer will be stored in a steel locking cabinet. The key will be kept by the lab technician or other designee(s).

(e) A record of use will be kept on the log or equivalent form that includes the amount, date used, and initials of the person acquiring the beer for testing purposes.

(f) When testing has concluded, the remaining degassed beer will be disposed of by dumping it down the drain or other appropriate disposal means.

(g) Empty containers of beer will be kept in a locking cabinet/or designated receptacle until disposed of properly.

The petitioner asserts that the proposed alternative method is consistent with the goals of the Mine Act by providing an equivalent level of protection for the miners as is provided by the existing standard, and will allow the Dicalite Minerals Corporation to maintain the commercial viability of the products that are mined at the Dicalite Plant.

Patricia W. Silvey
Certifying Officer.