

Proposed condition	Revision made to the permanent variance	Rationale for the revision
Condition 6(a). Qualified competent person. The applicants would use a qualified competent person to design and maintain the cathead (i.e., overhead support)..	Moved to Condition 3(b).	To consolidate the requirements for a qualified competent person under a single condition.
Condition 6(d). Sheave safeguards.	Revised the title from "Sheave safeguards" to "Rope guides" (see Condition 8(c))..	To clarify that this condition specifies requirements for rope guides.
Condition 6(e). * * * To ensure this diameter-to-diameter ratio, the applicants would inspect the hoist rope regularly, and immediately discard the rope if they find evidence of any of the conditions specified by § 1926.552(a)(3)..	Moved the diameter-to-diameter inspection requirements to Condition 6(d)(ii), and removed the reference to § 1926.552(a)(3)..	To consolidate the requirements for hoist ropes under a single condition. The reference to § 1926.552(a)(3) is redundant with the reference in Condition 6(d)(iii).
Condition 7(a). Number of cables.	Revised the heading to "Number and construction" (see Condition 9(a))..	To clarify that this condition also addresses the physical characteristics of guide cables.
Condition 7(d). Application of tension. The applicants would never use safety clamps that damage the ropes..	Moved the requirement to Condition 10(a)(iii).	To consolidate the safety-clamp requirements into a single provision.
Condition 8(a). Construction. The applicants would use a personnel cage that: * * * (v) Has safe handholds (e.g., rope grips—but not rails or hard protrusions—that accommodate each occupant)..	Inserted a footnote at the end of the parenthetical statement that explains the prohibition against rails or hard protrusions (see Condition 10(a))..	To clarify the safety hazards associated with rails or hard protrusions in personnel cages.
Condition 10. Overhead Protection. To protect employees located at the base of the chimney (i.e., both inside and outside the chimney) from material and debris that may fall from above, the applicants would install a canopy or shield that is made of steel plate at least three-sixteenth (3/16) of an inch (4.763 mm) thick, or material of equivalent strength and impact resistance, and that slopes to the outside..	Removed the phrase "located at the base of the chimney" from the requirement, and added the phrases "over the top of the personnel cage" (see Conditions 12(a) and 12(b), respectively)..	To clarify the location of the canopy or shield consistent with the requirements of § 1926.800(t)(4)(v) (from which the conditions was adapted) and paragraph 10.6 of ANSI A10.22-1990 (R1998).
Condition 11(a). Location. The applicants would provide an emergency-escape device, with operating instructions attached to it, in the personnel cage or at the bottom landing. If the device is: (i) In the personnel cage, the applicants would ensure that it is long enough to reach the bottom landing from the highest possible escape point. (ii) At the bottom landing, the applicants would provide a means in the personnel cage for the occupants to raise the device to the highest possible escape point..	Moved the requirement regarding the attachment of operating instructions to Condition 13(b)..	To make the provision more noticeable than it was in the proposal.
Condition 11(b). Training. The applicants would instruct each employee who uses a personnel cage: (i) On how to operate the emergency-escape device prior to the employee using the personnel cage for transportation. (ii) Periodically, and as necessary, in the operation of the hoist system and the emergency-escape system..	Moved to Condition 5(a)(ii) the portion of proposed Condition 11(b)(ii) that refers to training employees who use a personnel cage for transportation in the operation of the hoist system..	To consolidate the training requirements for hoist systems into a single provision.
Condition 12(a). Personnel platform. The applicants would: (i) Be permitted to attach the hoisting cable to a personnel platform under the conditions specified above by section III.A ("General conditions") of this application..	Retained the proposed requirement under Condition 14(a), but revised the reference to "section III.A" to "Condition 2(a)".	The requirements proposed under section III.A are now specified under Condition 2(a).
Condition 13(a). [The applicants would c]onduct inspections of the hoist system as required by § 1926.20(b)(2). These inspections would include a daily visual inspection of the systems..	Condition 15(a). The employers must: (i) Conduct inspections of the hoist system as required by § 1926.20(b)(2); (ii) Ensure that a competent person conducts daily visual inspections of the hoist system; and * * *	To clarify that paragraph (a) consists of two separate requirements, and to emphasize the requirement in § 1926.20(b)(2) that a competent person must conduct the daily visual inspection of the hoist system.

VII. Decision

Oak Park Chimney Corp. and American Boiler & Chimney Co. seek a permanent variance from the provision that regulates the tackle used for boatswains' chairs (§1926.452(o)(3)), as well as the provisions specified for

personnel hoists by paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 1926.552. Paragraph (o)(3) of §1926.452 states that the tackle used for boatswains' chairs must "consist of correct size ball bearings or bushed blocks containing safety hooks and properly "eye-spliced" minimum five-

eighth (5/8) inch diameter first-grade manila rope [or equivalent rope]." The primary purpose of this provision is to allow an employee to safely control the ascent, descent, and stopping locations of the boatswains' chair. The proposed alternative to these requirements allows the employer to use a boatswains' chair