

FILED

1987 APR -3 PM 4: 17

DEPT. OF ENERGY
SECRETARY'S OFFICE

NOTICE OF AGENCY APPROVAL

LEGISLATIVE RULE: Standards for Certification of Underground
Belt Examiner for Underground Coal Mine

The attached legislative rule constitutes the official rule approved
by the West Virginia Department of Energy
on 3rd day of April, 198 7 and filed pursuant
to law with the West Virginia Secretary of State and the Legislative
Rule-Making Review Committee.

Mark A. Scott

Mark A. Scott, Director
Division of Mines and Minerals



ARCH A. MOORE, JR.
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY
1615 WASHINGTON STREET, EAST
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-3500

KENNETH R. FAERBER
COMMISSIONER

April 3, 1987

The Honorable Ken Hechler
Secretary of State
Capitol Complex
Charleston, West Virginia 25305

FILED
1987 APR -3 PM 4:17
SECRETARY OF STATE

Dear Secretary Hechler:

Enclosed please find a copy of proposed legislative rules promulgated by the Commissioner of the West Virginia Department of Energy, in accordance with Chapter 29A-3 of the Code of West Virginia, and under the authority of West Virginia Code, Chapter 22, Article 9, Section 6. Also enclosed are the required fiscal note, notice of agency approval, legislative rule-making questionnaire, and a record of the public hearing held October 24, 1986.

Please be advised that fifteen (15) copies of the rule have been filed with the Legislative Rule-Making Review Committee.

I respectfully request that this rule be filed with your office. Your assistance and cooperation in this matter is very much appreciated.

Sincerely,

Roger T. Hall
Roger T. Hall

RTH:te

Enclosures

WEST VIRGINIA LEGISLATIVE RULE
BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION
TITLE 48 · SERIES 1

SUBJECT: RULES AND REGULATIONS GOVERNING THE STANDARDS FOR
CERTIFICATION OF UNDERGROUND BELT EXAMINERS FOR
UNDERGROUND COAL MINES

WEST VIRGINIA LEGISLATIVE RULE
BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION
TITLE 48 SERIES 1

SUBJECT: Rules and Regulations Governing the Standards for Certification
of Underground Belt Examiners for Underground Coal Mines

I N D E X

General	Section 48.1.1
Scope	1.1
Authority	1.2
Effective date	1.3
Filing date	1.4
Definitions	Section 48.1.2
Criteria for Belt Examiners Certification	Section 48.1.3
Examination Components	Section 48.1.4
Application for Certification and Testing Procedures	Section 48.1.5

WEST VIRGINIA LEGISLATIVE RULE
BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION
TITLE 48 SERIES 1

SUBJECT: Rules and Regulations Governing the Standards for
Certification of Underground Belt Examiners for
Underground Coal Mines

Section 48.1.1 General

1.1 Scope - These rules and regulations pertain to the certification of belt examiners for underground coal mines pursuant to West Virginia Code 22A-2-39.

1.2 Authority - These rules and regulations are issued under authority of West Virginia Code Chapter 22, Article 9, Section 6, as amended, and in accordance with the provisions of Chapter 29A, Article 3 of the West Virginia Code.

1.3 Effective date - These rules and regulations meet the requirements of Chapter 29A, Code of West Virginia, as amended, and become effective on _____, 1987.

1.4 Filing date - These rules and regulations were filed in the Office of the Secretary of State on April 3, 1987.

Section 48.1.2 Definitions

2.1 Certified Belt Examiner - A certified belt examiner shall mean any person who meets the criteria outlined in Section 48.1.3 of these rules and regulations, and is issued a belt examiner certification from the West Virginia Department of Energy.

2.2 Practical Underground Mining Experience - Practical underground mining experience means experience obtained while working as an underground miner, to include any required period of apprenticeship.

2.3 All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in Chapter 29A of the West Virginia Code.

Section 48.1.3 Criteria for Belt Examiners Certification

3.1 Prior to any person being issued a belt examiners certification, such applicant must: (1) possess a miner's certification (see West Virginia Administrative Regulation, Title 38, Series 8, Section 2.9,

"Guidelines for Issuing Underground Miner's Certificate"); (2) have a total of two years of practical underground mining experience; and (3) successfully complete the certification examination prescribed in Section 48.1.4 of these regulations.

NOTE: The above experience requirements are intended to ensure that such individual possesses a basic and general knowledge of the mine environment and related hazards.

Section 48.1.4 Examination Components

4.1 Examinations for belt examiner certification shall consist of the following two parts:

I. Written

- A. Belt conveyor legal requirements
- B. Roof control practices
- C. Mine ventilation
- D. Mine gases and instruments
- E. Fire hazards
- F. Inspection and reporting procedures

II. Practical

- A. Use and care of flame safety lamp
- B. Anemometer
- C. Methane detector

Section 48.1.5 Application for Certification and Testing Procedures

5.1 Any person desiring to become certified as a belt examiner must complete an application for certification and submit the same to the West Virginia Department of Energy. The applicant will be notified by the nearest regional office of the time and place of the next regularly scheduled examination.

5.2 A score of 75 percent on the written part, and passage of the practical part, is required for successful passage of the exam. The practical portion of the exam and subparts thereof will be scored on a pass/fail basis.

5.3 Upon taking the examination, any person who fails to achieve a score of 75 percent on the written part, or fails the practical part, shall be required to retake the entire examination in order to receive a certificate.

5.4 The Director of the Department of Energy, Mines and Minerals Division, in conjunction with the Board of Miner Training, Education, and Certification, shall develop the application form and guidelines for processing applications and administering examinations.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Standards for Certification of Underground Belt
Examiners for Underground Coal Mines

Type of Rule: Legislative Interpretive Procedural

Agency WV Department of Energy Address 1615 Washington St., E.
Charleston, WV 25311

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 00.00	\$ 00.00	\$ 00.00	\$00.00	\$00.00
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

Additional duties will be carried out by existing staff

3. Objectives of these rules:

Certification of underground belt examiners

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: April 3, 1987

Signature of Agency Head or Authorized Representative

Mark A. Scott

Mark A. Scott, Director
Division of Mines and Minerals



ARCH. A. MOORE, JR.
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY
1615 WASHINGTON STREET, EAST
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE 348-3500

KENNETH R. FAERBER
COMMISSIONER

April 3, 1987

Mr. M. E. Mowery
Legislative Rule-Making Review
Committee Room E-228
State Capitol Building
Charleston, West Virginia 25305

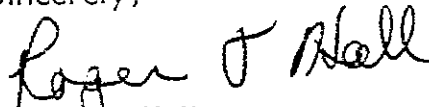
Dear Mr. Mowery:

Enclosed please find fifteen (15) copies of a proposed legislative rule promulgated by the Commissioner of the West Virginia Department of Energy in accordance with Chapter 29A-3 of the Code of West Virginia, and under authority of West Virginia Code, Chapter 22, Article 9, Section 6. Also enclosed is a completed Legislative Rule-Making Review Committee questionnaire, and the accompanying fiscal note.

I respectfully request your review and approval of the subject rule.

Your assistance and cooperation in this matter is very much appreciated.

Sincerely,


Roger T. Hall

RTH:te

Enclosures

DATE: April 3, 1987

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Department of Energy

LEGISLATIVE RULE TITLE: Standards for Certification of Underground
Belt Examiners for Underground Coal Mines

1. Authorizing statute(s) citation Chapter 22, Article 9,
Section 6 of WV Code, 1931 as amended

2. a. Date filed in State Register with Notice of Hearing:

September 3, 1986

b. What other notice, including advertising, did you
give of the hearing?

*See attached listing

c. Date of hearing (s): October 24, 1986

d. Attach list of persons who appeared at hearing, comments
received, amendments, reasons for amendments.

Attached _____ No comments received x

e. Date you filed in State Register the agency approved
proposed Legislative Rule following public hearing:
(be exact)

April 3, 1987

f. Name and phone number of agency person to contact
for additional information:

Roger T. Hall or Mark A. Scott

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

_____ N/A _____

- b. Date of hearing: _____ N/A _____

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

_____ N/A _____

- d. Attach findings and determinations and reasons:

Attached _____ N/A _____

PUBLIC NOTICE MAILING LIST

1. Clarksburg Publishing Company
Clarksburg Exponent and Telegram
324-326 Hewes Avenue
Clarksburg, West Virginia 26301
2. Inter-Mountain
Post Office Box 1339
Elkins, West Virginia 26241
3. Herald Dispatch
946 Fifth Avenue
Huntington, West Virginia 25720
4. Beckley Newspapers, Inc.
Raleigh Register and Beckley Post-Herald
Post Office Drawer P or R
Beckley, West Virginia 25801
5. The Dominion Post
Greer Building
Morgantown, West Virginia 26505
6. The Ogden Newspapers, Inc.
Wheeling News Register and Intelligencer
1500 Main Street
Wheeling, West Virginia 26003
7. The Charleston Gazette
Post Office Box 2993
Charleston, West Virginia 25330
8. Independent Oil & Gas Association
22 Capitol Street
Charleston, West Virginia 25301
9. West Virginia Oil and Natural Gas Association
Post Office Box 323T
Charleston, West Virginia 25332

PUBLIC HEARING RECORD

A public hearing was held on October 24, 1986 at 9:00 a.m., in the West Virginia Department of Energy Conference Room at 1615 Washington Street, East, Charleston, West Virginia, to receive comments on the proposed legislative rule entitled Standards for Certification of Underground Belt Examiners for Underground Coal Mines. Presiding at the hearing was Terry Farley, Administrator for the Board of Miner Training, Education, and Certification.

The hearing record was opened at 9:00 a.m. by Mr. Farley. No persons appearing, or desiring to submit either written or oral comments, the hearing record was closed at 10:00 a.m. on October 24, 1987.

No comments being received, amendments to the regulations are not required and stand as filed.