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OFFICE OF THE CLERK
DEPARTMENT OF STATE

NOTICE OF EMERGENCY RULE

Rule Title: Rules and Regulations Governing the Standards
for Certification of Blasters

The attached rule is filed as an Emergency Rule. The facts and circumstances constituting the emergency are as follows:

The Federal Surface Mining Act (PL 95-87) requires each state to develop a Blaster's Certification Program as part of its overall state reclamation plan to receive primacy delegation from the Federal Office of Surface Mining (OSM). West Virginia submitted a plan in a timely fashion on September 20, 1984. Certain regulatory deficiencies were identified by OSM and on November 20, 1984 West Virginia submitted proposed regulations to correct these deficiencies. OSM conditionally approved these regulations on April 23, 1985 requiring further amendments to satisfy these conditions to be submitted by June 24, 1985. West Virginia has been unable to satisfy the conditions and has been granted a number of time extensions by OSM to seek resolution. Although resolution has been achieved, West Virginia has exhausted all allowable time extensions and is required to implement the Blaster's Certification Program under penalty of withdrawal of federal funds which support the overall reclamation program. This constitutes a need to file these regulations as emergency in accordance with the State Administrative Procedures Act.

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