

NOTICE OF AGENCY ADOPTION

RULE TITLE: Mine Health and Safety Regulations

Series 34

RULE TYPE: Procedural

The attached rule constitutes the official rule adopted
by the Department of Energy

on July 10, 1986 and filed with the
Secretary of State.


Kenneth R. Faerber

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STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY
DIVISION OF MINES AND MINERALS
1615 Washington Street, East
Charleston, West Virginia 25311
Telephone: 348-3500

ARCH A. MOORE, JR.
Governor

July 10, 1986

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

Dear Secretary Hechler:

Please find enclosed two copies of proposed amendments to procedural rules for the West Virginia Department of Energy to be recorded and filed with your office. This submittal includes Series 34 of the West Virginia Mine Health and Safety Regulations, the accompanying fiscal note, agency approval notice, and the public hearing record.

I respectfully request that these materials be appropriately processed by your office. If you have questions regarding this matter, please feel free to contact Mr. Roger T. Hall at 348-3500.

Sincerely,

Kenneth R. Faerber
Commissioner

KRF/rha

Enclosures

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FISCAL NOTE FOR PROPOSED RULES

Rule Title: West Virginia Mine Health and Safety Regulations

Type of Rule: Legislative Interpretive X Procedural

Agency: WV Department of Energy Address: 1615 Washington Street,
East, Charleston, West Virginia 25311

1. Effect of Proposed Rule	ANNUAL		Current Next Thereafter		
	Increase	Decrease			
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense	-0-	-0-	5,000	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates:

Estimate is a one time cost for printing.

3. Objective of these rules:

Because of the passage of HB-1850 which creates the Department of Energy, all references to the West Virginia Surface Mining Act which appear in the regulations must be changed. Also, a number of amendments are required to obtain federal approval.

4. Explanation of overall economic impact of proposed rule:

A. Economic impact on State Government.

None

B. Economic impact on political subdivision; specific industries; specific groups of citizens.

None

C. Economic impact on citizens/public at large.

None

Date: July 10, 1986

Signature of Agency Head or Authorized Representative

A handwritten signature in cursive script, appearing to read "K. D. Smith", is written over a horizontal line.

E R R A T A

West Virginia Department of Energy
Administrative Regulation Series 84

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<u>Page</u>	<u>Section</u>	<u>Changed From</u>	<u>Changed To</u>
1	1.01(a)	Section 30, Article 1, Chapter 22	Chapter 22A, Article 1A, Section 29
1	1.05(a)	Section 1, Article 1, Chapter 22	Chapter 22A, Article 1A, Section 1
2	1.05(b)	Section 31, Article 1, Chapter 22	Chapter 22, Article 5, Section 1
2	1.05(d)	Section 30, Article 1, Chapter 22	Chapter 22A, Article 1A, Section 29
2	1.05(g)	Section 21(b), Article 1, Chapter 22	Chapter 22A, Article 1A, Section 20(b)
2	1.05(h)	Section 30, Article 1, Chapter 22	Chapter 22A, Article 1A, Section 29
2	1.05(i)	Section 30, Article 1, Chapter 22	Chapter 22A, Article 1A, Section 29
2	1.05(j)	Section 1, Article 1, Chapter 22 Section 1, Article 2, Chapter 22 Section 30(a), Article 1, Chapter 22	Chapter 22A, Article 1A, Section 1 Chapter 22A, Article 2, Section 1 Chapter 22A, Article 1A, Section 29(a)
3	1.05(l)	Section 31, Article 1, Chapter 22	Chapter 22, Article 5, Section 1
3	1.06(a)	Section 30, Article 1, Chapter 22	Chapter 22A, Article 1A, Section 29
3	1.06(a)(3)	Director Mines	Commissioner Energy
3	1.07(b)	Director	Commissioner
4	1.09(a)	25305	25311
14	2.09	Section 30, Article 1, Chapter 22 Section 21, Article 1, Chapter 22	Chapter 22, Article 5, Section 1 Chapter 22A, Article 1A, Section 20

<u>Page</u>	<u>Section</u>	<u>Changed From</u>	<u>Changed To</u>
14	3.01	Section 30, Article 1, Chapter 22 Director Articles 1 or 2 of Chapter 22	Chapter 22, Article 5, Section 1 Commissioner Chapter 22A, Article(s) 1A or 2
14	3.02	Director Articles 1 or 2, Chapter 22	Commissioner Chapter 22A, Article(s) 1A or 2
14	3.03	Director Director Director	Commissioner Commissioner Commissioner
15	3.04	Director	Commissioner
15	3.08	Director Director	Commissioner Commissioner
16	3.10(b)(3)	Director	Commissioner
17	3.11(b)	Section 30, Article 1, Chapter 22 Section 30, Article 1, Chapter 22	Chapter 22A, Article 5, Section 1 Chapter 22A, Article 5, Section 1
17	3.12	Section 30, Article 1, Chapter 22	Chapter 22A, Article 5, Section 1
17	4.01	Section 21, Article 1, Chapter 22	Chapter 22A, Article 1A, Section 20
19	4.09	Mines	Energy
21	4.14	Section 21(c), Article 1, Chapter 22	Chapter 22A, Article 1A, Section 20(c)
21	4.15	Section 21, Article 1, Chapter 22	Chapter 22A, Article 1A, Section 20



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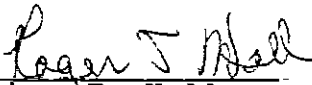
July 10, 1986

A public hearing was announced on December 2, 1985, to be held January 10, 1986, in order to provide the public with an opportunity to comment on amendments to the West Virginia Mine Health and Safety Regulations. These amendments were filed in compliance with approved administrative procedures. The hearing was set for 9:00 a.m.

My name is Roger T. Hall, and I have been appointed by the Commissioner to administer this public hearing.

No written comments were filed; however, a number of typographical and clerical errors were noted and have been corrected.

By 9:30 a.m. no comments were received on the regulations; therefore, I declared this public hearing closed. Comments on these regulations were received in the Department of Energy until 4:30 p.m. on this date.



Roger T. Hall
Administrator