

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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2012 APR -9 PM 1:28

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Board of Coal Mine Health and Safety TITLE NUMBER: 36

RULE TYPE: Legislative Exempt CITE AUTHORITY: 22A-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____


IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 49

TITLE OF RULE BEING PROPOSED: Require to Keep a Barometer in the Mine Office

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON 10 May 2012 AT 5pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Board of Coal Mine Health
and Safety
Building 6, Suite 652
1900 Kanawha Blvd., E.
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Require to Keep a Barometer in the Mine office

Rule Title:

Type of Rule:

Legislative Interpretive Procedural

Agency:

Board of Coal Mine Health and Safety

Address:

1900 Kanawha BLVD East State Capitol Complex Bldg 6, ste 652
Charleston, WV 25301

Phone Number:

304.957.2306

Email: joel.l.watts@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

N/A

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title:

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

N/A

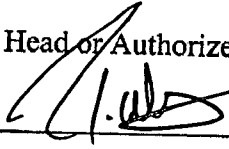
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

N/A

Date: 9 April 2012

Signature of Agency Head or Authorized Representative





WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1900 Kanawha Blvd E. Ste 652 • Charleston, West Virginia 25305 • Telephone 304-957-2306 • Fax 304-558-1224

PROPOSED REGULATIONS

To: All persons interested in Rules and Regulations constructed by the Board of Coal Mine Health and Safety

From: Joel L. Watts, Administrator – BCMH&S

Subject: **Requirement to Keep a Barometer in the Mine Office; Requirement to develop a training program for use of barometer by mine foreman to be developed by Board of Miner Training and Certification; Record-keeping, Title 36, Section 49**

Date: 9 April 2012

End Date for Comments: 10 May 2012

Authority: §22.6.4

The Board of Coal Mine Health and Safety is posting a proposed regulation regarding the use of a barometer at all underground coal mines. The rule mandates a barometer to be kept at the mine office which is capable of recording pressure changes which will be recorded daily. It also charges the mine foreman with keeping a daily log

You may send all written comments to

ATTN: COAL BOARD
1900 Kanawha Blvd East
Building 6 Ste 652
Charleston, WV 25305

All comments must be post-marked by 10th May in order to be accepted by the Board for consideration.

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TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 49

Requirement to Keep a Barometer in the Mine Office

§36-49-1. General.

1.1 Scope. Rules and Regulations Mandating Barometers at Underground Coal Mines in the State of West Virginia

1.2 Authority. W V. Code 22A-6-4.

1.3 Filing Date.

1.4 Effective Date.

§36-49-2. Requirement to Keep a Barometer in the Mine Office

2.1 A working barometer or other device approved by the director capable of recording barometric pressure changes will be kept at all times at the mine office.

§36-49-3 Record-keeping

3.1 The barometer or other device approved by the director shall be examined daily and properly maintained.

3.2 The Mine Foreman shall examine the barometer or other device approved by the director readings daily and a record of these readings shall be kept and made available to an authorized representative of the Director of the Office of Miners' Health, Safety and Training and to the miners or their authorized representatives in such mine.

§36-49-4. Training Program

4.1 A unit of instruction will be created by the Board of Miner Training and Certification no later than 90 days after the effective date of this rule and incorporated into the mine foreman training and continuing education program as established in 22A-7-7