

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

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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 CITE AUTHORITY: 22A-6-4

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14

TITLE OF RULE BEING AMENDED: Electrical Equipment in Mines; Required Examinations

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

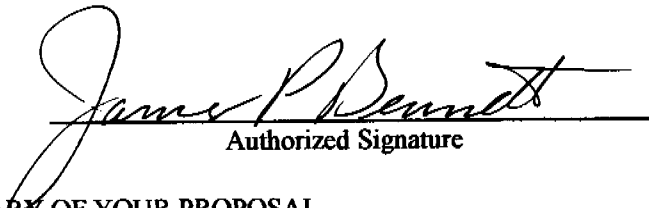
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON November 14, 2007 AT 5:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Administrator

Board of Coal Mine Health and Safety
1615 Washington Street, East

Charleston, WV 25311

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$2.80



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1615 Washington Street East • Charleston, West Virginia 25311-2126 • Telephone 304-957-2309 • Fax 304-558-6091

To: All Persons Interested in Rules and Regulations Constructed by
The Board of Coal Mine Health and Safety

From: James P. Bennett, Health and Safety Administrator

Subject: Electrical Equipment in Mines; Cutting and Welding in Mines; Required Examinations

Date: October 11, 2007

Action: Proposed Rule- Title 36, Series 14, Section 5

Authority: WV Code §22A-6-4

The Board of Coal Mine Health and Safety is created pursuant to WV Code §22A-6-1.

Written comment period will end Wednesday November 14, 2007 at 5:00 p.m.
Comments should be addressed to:
Administrator
Board of Coal Mine Health and Safety
1615 Washington Street, East
Charleston, WV 25311

SUMMARY:

The Board of Coal Mine Health and Safety recognizes that welding and cutting must be performed in underground coal mines. There is a possibility of undetected embers left after the welding or cutting task is completed. In the best interest of all parties and the health and welfare of the employees, the Board of Coal Mine Health and Safety has proposed an amendment to Title 36 Series 14 to include an examination by a certified person immediately after the work is completed and within two hours of the start of the oncoming shift. The results of the examinations shall be recorded in the Fireboss book for that area.

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OFFICE OF THE SECRETARY OF STATE

§36-14-1. General.

1.1 Scope. Rules and regulations governing electrical equipment in mines; required examinations.

1.2 Authority. W. Va. Code 22-6-4

1.3 Filing Date. ~~January 6, 1982~~

1.4 Effective Date. ~~February 15, 1982~~

§36-14-2. Effect of Regulations.

2.1. These rules and regulations shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of Article 1A, Chapter 22A of the Code relative to the enforcement of these rules and regulations.

§36-14-3. Definitions.

3.1. All terms in these rules and regulations, not defined herein, shall have the meaning set forth in Section 1, Article 1A, Chapter 22A of the Code.

3.2. Cutting and welding shall refer to any procedure where compressed gas cylinders or electrical arc welding is used to cut, weld or heat metal objects.

§36-14-4. Electric Equipment in Mines.

(a) All examinations, as required in the paragraphs below, shall be made at a point not less than twelve (12) inches from the roof, face and ribs.

(b) In all mines, electric haulage locomotives operated from trolley wire and all other non-permissible electrical equipment or devices which may ignite gas shall not be used in return air, unless permission is granted by Director of the ~~Department of Mines~~ Office of Miners Health Safety and Training for a specified area. Permissible electrical equipment may be used in return airways: Provided, That (a) The mine operator gives notice to the Inspector-at-Large or the District Mine Inspector in the division in which the mine is located, when such work is performed in return airways at any point exceeding four hundred (400) feet out by the last open crosscut; (b) the work area is preshift examined in accordance with Chapter 22A, Article 2, Section 20 of West Virginia code; (c) the mine foreman or assistant mine foreman examines the working area in the return airway in which miners will be working at the beginning of each shift before any equipment is energized; (d) the working area is examined at least every two (2) hours during a working shift for hazards, by a certified mine foreman or assistant mine foreman; (e) methane gas examinations are made at frequent intervals as work progresses, but not to exceed twenty (20) minutes; (f) the electrical equipment is examined at least once each shift for permissible deficiencies, (g) no temporary splices are in the trailing cables of the equipment being used, and (h) the work area is provided with two portable fire extinguishers. For the purpose of this provision, return air shall mean a volume of air that has passed through and ventilated all the working place in a mine section.

Board of Coal Mine Health and Safety

(c) No person shall be placed in charge of a coal-cutting machine in any mine who is not a qualified person, capable of determining the safety of the roof and sides of the working places and of detecting the presence of explosive gas, unless they are accompanied by a certified or qualified person who has passed such examination.

(d) In any mine no machine shall be brought in by the last breakthrough next to the working face until the machine man shall have made an inspection for gas in the place where the machine is to work. If explosive gas in excess of one (1%) percent is found in the place, the machine shall not be taken in until the danger is removed.

(e) In working places a safety lamp, or other suitable approved apparatus for the detection of explosive gas, shall be provided for use with each mining machine when working, and should any indication of explosive gas in excess of one (1%) percent appear on the flame of the safety lamp, or on other apparatus used for the detection of explosive gas, the person in charge shall immediately stop the machine, cut off the current at the nearest switch and report the condition to the mine foreman or supervisor. The machine shall not again be started in such place until the condition found has been corrected and been pronounced safe by a certified person.

(f) No electric equipment shall be operated in a mine for a longer period than twenty (20) minutes without an examination as above described being made for gas; and if gas is found in excess of one (1%) percent, the current shall at once be switched off the machine, and the trailing cable shall forthwith be disconnected from the power supply until the place is pronounced safe by a certified person.

(g) Machine runners and helpers shall use care while operating mining machines. No person except those persons necessary shall remain near the machine while it is in operation. They shall examine the roof of the working place to see that it is safe before starting to operate the machine. They shall not move the machine while the cutter chain is in motion.

§36-14-5. Cutting and Welding in Mines.

5.1 When cutting and welding has been performed in any area of an underground mine, that area shall be examined for any hot spots that may not have been discovered during the initial check of the area and recorded in the Fireboss book for that area. The examination shall be performed by a person certified pursuant to §22A-2-12 immediately after the work is completed and within two hours of the start of the oncoming shift.