

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

Form #2

Do Not Mark In This Box

FILED

2010 APR 22 PM 2: 13

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: WV 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: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

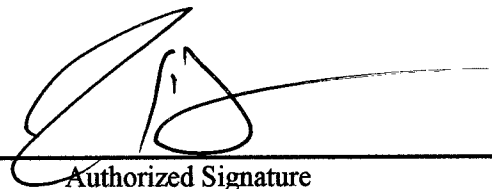
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 49

TITLE OF RULE BEING PROPOSED: 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

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 May 28 AT 5pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

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



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## **WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY**

1615 Washington Street, E. • Charleston, West Virginia 25311 • Telephone 304-558-1425 • Fax 304-558-6091

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### **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: 22 April 2010

End Date for Comments: 28 May 2010

Authority: §22.6.4

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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

1615 Washington Street East  
Charleston, WV 25311

All comments must be post-marked by May 28<sup>th</sup> in order to be accepted by the Board for consideration.

**TITLE 36  
LEGISLATIVE RULES  
BOARD OF COAL MINE HEALTH AND SAFETY**

**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 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 shall be examined daily and properly maintained.

3.2 The Mine Foreman shall examine the barometer 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

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BOARD OF COAL MINE HEALTH AND SAFETY**

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Rule Title: Requirement to Keep a Barometer in the Mine Office; to develop a training

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

### 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.

Date: 04/22/2010

Signature of Agency Head or Authorized Representative

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