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36-6-7.1, 7.2, 7.3

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STATE OF WEST VIRGINIA

DIVISION OF ENERGY
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES

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M E M O R A N D U M

TO: Terry Farley
FROM: George V. Piper *GVP*
DATE: June 5, 1991
SUBJECT: Legal Interpretation of Title 36,
Series 6, Section 7

Upon review of §36-6-7, 7.1, 7.2 and 7.3, I believe that the proper legal interpretation of this regulation is that there are two de-energizing devices mentioned therein and each is to be treated differently by the inspector before deciding to issue a notice of violation.

The first type is found in 7.1 and is referred to as a lock-out type de-energizing device which is to be provided at intervals of 50 or 100 feet, depending on the height of the coal seam, and controls the face conveyor. The second type of de-energizing device is referred to as an emergency de-energizing device in 7.2 and in 7.3. This device or devices are the ones used by the headgate operator to shutdown the longwall equipment on the longwall section, and is clearly the only de-energizing device which is prefaced by the word emergency. That being the case, it is clear that the pre-shifting requirements apply only to the emergency devices in 7.2 and 7.3, and not to the lock-out ones in 7.1.

I realize that in some regions the inspectors are considering the lock-out type de-energizing devices as being the same as the emergency de-energizing devices; however, I think the distinction is clear in the regulations and the word emergency refers only to the device under the control of the headgate operator and not the devices which are referred to as lock-out devices that are placed at certain intervals in the mine.

GVP:cc