



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

TO: BENNY R. WAMPLER, Acting Director  
Department of Mines, Minerals and Energy

FROM: ROGER L. CHAFFE  
Senior Assistant Attorney General

DATE: June 26, 2008

RE: DEPARTMENT OF MINES, MINERALS AND ENERGY ("The Department")  
PROPOSED AMENDMENTS TO SAFETY AND HEALTH REGULATIONS FOR MINERAL  
MINING, 4 VAC 25-40, AND IN PARTICULAR THE FOLLOWING SUBSECTIONS:

4 VAC 25-40-25 , 4 VAC 25-40-90, 4 VAC 25-40-120, 4 VAC 25-40-130, 4 VAC 25-40-190, 4  
VAC 25-40-260, 4 VAC 25-40-350, 4 VAC 25-40-365, 4 VAC 25-40-410, 4 VAC 25-40-720, 4  
VAC 25-40-780, 4 VAC 25-40-800, 4 VAC 25-40-810, 4 VAC 25-40-880, 4 VAC 25-40-890, 4  
VAC 25-40-893, 4 VAC 25-40-925, 4 VAC 25-40-1095, 4 VAC 25-40-1600, 4 VAC 25-40-  
2790, 4 VAC 25-40-2800, 4 VAC 25-40-2980, 4 VAC 25-40-3050, 4 VAC 25-40-3060, 4 VAC  
25-40-3070, 4 VAC 25-40-3080, 4 VAC 25-40-3090, 4 VAC 25-40-3110, 4 VAC 25-40-3120, 4  
VAC 25-40-3800, 4 VAC 25-40-3830, 4 VAC 25-40-3840, 4 VAC 25-40-3990, 4 VAC 25-40-  
4060, 4 VAC 25-40-4061, 4 VAC 25-40-4062, 4 VAC 25-40-4063, 4 VAC 25-40-4064, 4 VAC  
25-40-4065, 4 VAC 25-40-4066, 4 VAC 25-40-4240, 4 VAC 25-40-4260, 4 VAC 25-40-4400.

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I have reviewed the amendments to the above listed regulations proposed by the Department. These amendments are primarily intended to make technical corrections, clarify unclear language, update references to external documents, make the regulations both internally consistent and consistent with the *Code of Virginia*, and strengthen certain provisions relating to mine safety.

Based on that review, it is my view that the Department is authorized to propose these amendments pursuant to §§ 45.1-161.3(4), 45.1-161.294 and 45.1-305 of the *Code of Virginia*.

If you require anything more, please advise.

cc: David Spears, DMME  
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