



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: Conrad Spangler, Director
Department of Mines, Minerals and Energy (“Department”)

FROM: Sharon M.B. Pigeon
Senior Assistant Attorney General

DATE: November 16, 2012

RE: DMME Proposed Regulations 4 VAC 25-20

I have reviewed the referenced draft, as attached, and as proposed by the Department, their Division of Mines and the Board of Coal Mining Examiners (collectively “the agency”). These revisions are proposed to reduce the regulatory burden on the agency and the industry stakeholders. The changes will also lower costs and increase options for the regulated community, including individual applicants seeking mining certifications. These proposed regulations will bring current recertification requirements in line with other state and agency standards and is appropriate for fast track approval as it is noncontroversial. The agency has the authority to promulgate these proposed regulations pursuant to Va. Code §§ , 2.2-4012.1, 45.1-161.3, 45.1-161.5, 45.1-161.28 and 45.1-161.34.

Based on that review, it is my view that the proposal is consistent with state law, does not conflict with federal law and is constitutional.

If you require anything more, please advise.

c.c. Michael Skiffington