



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: August 5, 2011

RE: DMME Proposed Fast-Track Regulations 4 VAC 25-90-60

I have reviewed the referenced draft, as attached, and as proposed by the Department and their Division of Mines (collectively "the agency"). These provisions are minor technical changes as the result of periodic review and are proposed for clarification. These changes also have been unanimously approved by the Coal Mine Safety Board. The agency has the authority to promulgate these proposed regulations pursuant to Va. Code §§ 45.1-161.3, 45.1-161.106.A, 45.1-161.206 and 2.2-4012.1.

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