



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

**TO:** David K. Benner, Director  
Division of Mineral Mining  
Virginia Department of Mines, Minerals and Energy

**FROM:** Elizabeth A. Andrews  
Senior Assistant Attorney General

**DATE:** January 3, 2013

**RE:** Amendment to 4 VAC 25-35-75

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I have reviewed the above-referenced final regulation amending a portion of the Virginia Certification Requirements for Mineral Miners regulations, 4 VAC 25-35-75, concerning cement plant examiner examinations. It is my opinion that the Department of Mines, Minerals and Energy has authority to adopt this final regulation based upon applicable law, including § 45.1-161.292:19 of Article 3 of Chapter 14.4:1 of Title 45.1 of the CODE of Virginia.

If I may be of further assistance to you relating to this matter, please do not hesitate to contact me.