



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

TO: George P. Willis, Director
Department of Mines, Minerals and Energy (“Department”)

FROM: Sharon M.B. Pigeon
Assistant Attorney General

DATE: April 6, 2007

RE: Repeal of Regulations 4 VAC 25-50-10, 4 VAC 25-50-20, 4 VAC 25-50-30,
4 VAC 25-50-40, 4 VAC 25-50-60, 4 VAC 25-50-80, and 4 VAC 25-50-110
 (“Existing Regulations”)

The Office of the Attorney General was advised that the Department has proposed to amend the existing requirements concerning certification of diesel engine mechanics in underground coal mines by repeal of the Existing Regulations. The Existing Regulations have become superfluous, and therefore potentially confusing, because the essential elements contained in the Existing Regulations have now generally been included in the subsequently enacted certification regulation for coal miners at 4 VAC 25-20-190. This revision is also pursuant to the directives of Executive Order 15 (94).

You have asked that I provide you with a determination of whether statutory authority exists to repeal the Existing Regulations. After a review of the Existing Regulations in conjunction with 4 VAC 25-20-190, I have determined that such action does fall within the Department’s powers and mandate to regulate coal surface mining operations, including issues related to the health and safety of miners. The action of repealing the Existing Regulations is approved as proposed.

I have reached this conclusion in reliance on the general authority to promulgate regulations given to the Department through Va. Code §§ 45.1-161.3, with more specific authority at 45.1-161.28.