

MEMORANDUM

FROM: Paul Kugelman, Jr.
Senior Assistant Attorney General

DATE: April 20, 2016

RE: Proposed Fast-track Regulation - 4 Va. Admin. Code § 25-35-110

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this email contains the legal analysis of the individual staff member providing it.

It is my view that the Department of Mines, Minerals and Energy (DMME) has the authority to promulgate this proposed amended regulation, which provides that one who holds a valid coal mining inspector certification is deemed to have met the regulatory requirements for obtaining a mineral mining inspector certification.

It is also my view that the Virginia Administrative Process Act, §§ 2.2-4000 to -4032, applies here. Further, as DMME is employing the fast-track rule making process set forth in § 2.2-4012.1, adopting this amendment through this process is subject to there being no objections as provided for in § 2.2-4012.1.

The foregoing conclusions are my own. They do not constitute an opinion, formal or informal, of the Attorney General.