



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*  
*Richmond 23219*

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Attorney General

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March 22, 2004

The Honorable O. Gene Dishner, Director  
Department of Mines, Minerals and Energy  
202 North Ninth Street  
Richmond, Virginia 23219

Re: Authority to Promulgate Proposed Amendments to Regulations Regarding  
Reclamation Bond Release Procedures, 4 VAC 25-130-801.17

Dear Director Dishner:

I am advised that, pursuant to the Virginia Administrative Process Act, Virginia **CODE** § 2.2-4000, *et seq.*, the Department of Mines, Minerals and Energy (the "Department") intends to promulgate proposed final regulation 4 VAC 25-130 (the "Proposed Regulation"), as modified, amending existing regulation 4 VAC 25-130-801.17 (Reclamation Bond Release Procedures). You have asked that I provide you with a determination of whether statutory authority exists to promulgate the Proposed Regulation.

After review of the Proposed Regulation, it is my opinion that the Department has authority to promulgate the Proposed Regulation under applicable law.

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

Sincerely,

John K. Byrum, Jr  
Assistant Attorney General  
Environmental Unit

