



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

**TO:** Conrad Spangler, Director  
Department of Mines, Minerals and Energy ("DMME or Department")

**FROM:** Sharon M.B. Pigeon  
Senior Assistant Attorney General

**DATE:** December 20, 2012

**RE:** DMME Proposed Regulations 4 VAC 25-40

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I have reviewed the referenced draft, as attached, and as proposed by the Director of DMME, the Department and their Division of Mineral Mining (collectively "the agency"). These revisions are proposed to repeal duplicative safety and health regulations pursuant to the directive of Governor McDonnell's Regulatory Reform Initiative. No substantive changes are made by these revisions. The proposal should be noncontroversial and appropriate for fast track approval. The agency has the authority to enact these proposed regulatory revisions pursuant to Va. Code §§ 2.2-4012.1, 45.1-161.3, 45.1-161.4, 45.1-161.5, 45.1-161.292:19, 45.1-161.294 and 45.1-161.305.

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