

## MEMORANDUM

**FROM:** Paul Kugelman, Jr.  
Senior Assistant Attorney General

**DATE:** December 13, 2018

**RE:** Proposed Fast-track Regulations - 4 Va. Admin. Code §§ 25-31-120 *et seq.*

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*Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum 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 these proposed amendments to its regulations in 4 Va. Admin. Code §§ 25-31-120 *et seq.*

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

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