

## MEMORANDUM

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

**DATE:** September 21, 2016

**RE:** Periodic Review - 4 Va. Admin. Code § 25-145 *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 has the authority to conduct a periodic review of 4 Va. Admin. Code § 25-145 *et seq.* as this review is mandated under § 2.2-4007.1 of the *Code of Virginia* and by Executive Order 17 (2014). It is also my view that any proposed changes to these regulations are subject to the provisions of the Virginia Administrative Process Act, §§ 2.2-4000 to -4031.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.