



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Darrell W. Kuntz, III
Assistant Attorney General

TO: Larry Corkey
Virginia Energy Policy & Planning Manager

DATE: June 2, 2026

RE: Review of regulatory action to update regulatory code related to towing equipment on mining sites. 4VAC25-40-1670

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.

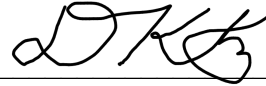
I have reviewed the Virginia Department of Energy's (Virginia Energy) proposed fast-track amendments to the Safety and Health Regulations for Mineral Mining found at 4VAC25-40-1670. As counsel for Virginia Energy, I am of the opinion that Virginia Energy is authorized to make this fast-track amendment under Va. Code § 45.2-103 and 45.2-1114(c). These amendments qualify for fast-track regulatory action under Va. Code § 2.2-4012.1 because the modifications are not expected to be controversial.

The amended regulations do not appear, on their face, to conflict with the Constitution of

the United States or the Constitution of the Commonwealth of Virginia. Moreover, the amendment helps ensure that Virginia's regulations more closely comport with Federal law.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed as a comment for or against the merits of the proposed amended regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'DKB', written over a horizontal line.

Darrell W. Kuntz, III (VSB: 95491)

Assistant Attorney General

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