



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Mines, Minerals and Energy
Virginia Administrative Code (VAC) citation	4 VAC25-10
Regulation title	Public Participation Guidelines
Action title	Designation of "agency secretary" for purpose of appeal
Final agency action date	11/3/05
Document preparation date	11/2/05

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

DMME is adding a section to 4VAC25-10, Public Participation Guidelines, to designate who is to perform the functions of "agency secretary" for purpose of appeal of regulatory or case decisions. The amended section sets forth the following designations:

- For appeals relating to Chapters 14.2, 14.3, 14.4 or 18 of Title 45.1 of the Code of Virginia (underground coal mines and coal mine safety), the division head of the Division of Mines (Chief) shall perform the functions of agency secretary.
- For appeals relating to Chapters 14.4:1, 14.5, 14.6, 16, 18.1 or 21 of Title 45.1 of the Code of Virginia (surface and underground mineral mines, mineral mine safety, mineral mine reclamation and uranium exploration), the division head of the Division of Mineral Mining (Division Director) shall perform the functions of agency secretary.
- For appeals relating to Chapters 15.1 or 22.1 of Title 45.1 of the Code of Virginia (gas and oil operations and geothermal energy development), the division head of the Division of Gas and Oil (Division Director) shall perform the functions of agency secretary.
- For appeals relating to Chapters 17 and 19 Title 45.1 of the Code of Virginia (coal surface mining and reclamation), the division head of the Division of Mined Land Reclamation (Division Director) shall perform the functions of agency secretary.

This action is pursuant to Rule 2A:1 of the Rules of the Supreme Court of Virginia, which states, "Every agency may, by regulation, name some individual to perform the function of agency secretary."

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

Action: Amend 4VAC25-10 to include designation of "agency secretary" for purpose of appeal

Date of Action: 11/3/05

Agency: Department of Mines, Minerals and Energy

Title of Regulation: Public Participation Guidelines

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

Because this is essentially an administrative clarification, it is not likely to have any impact on the institution of family and family stability.