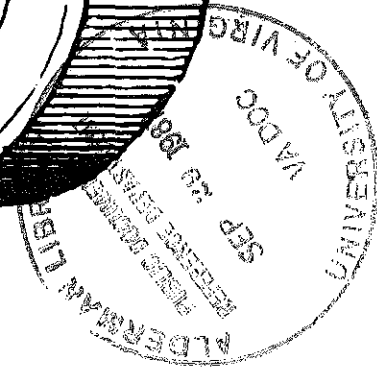
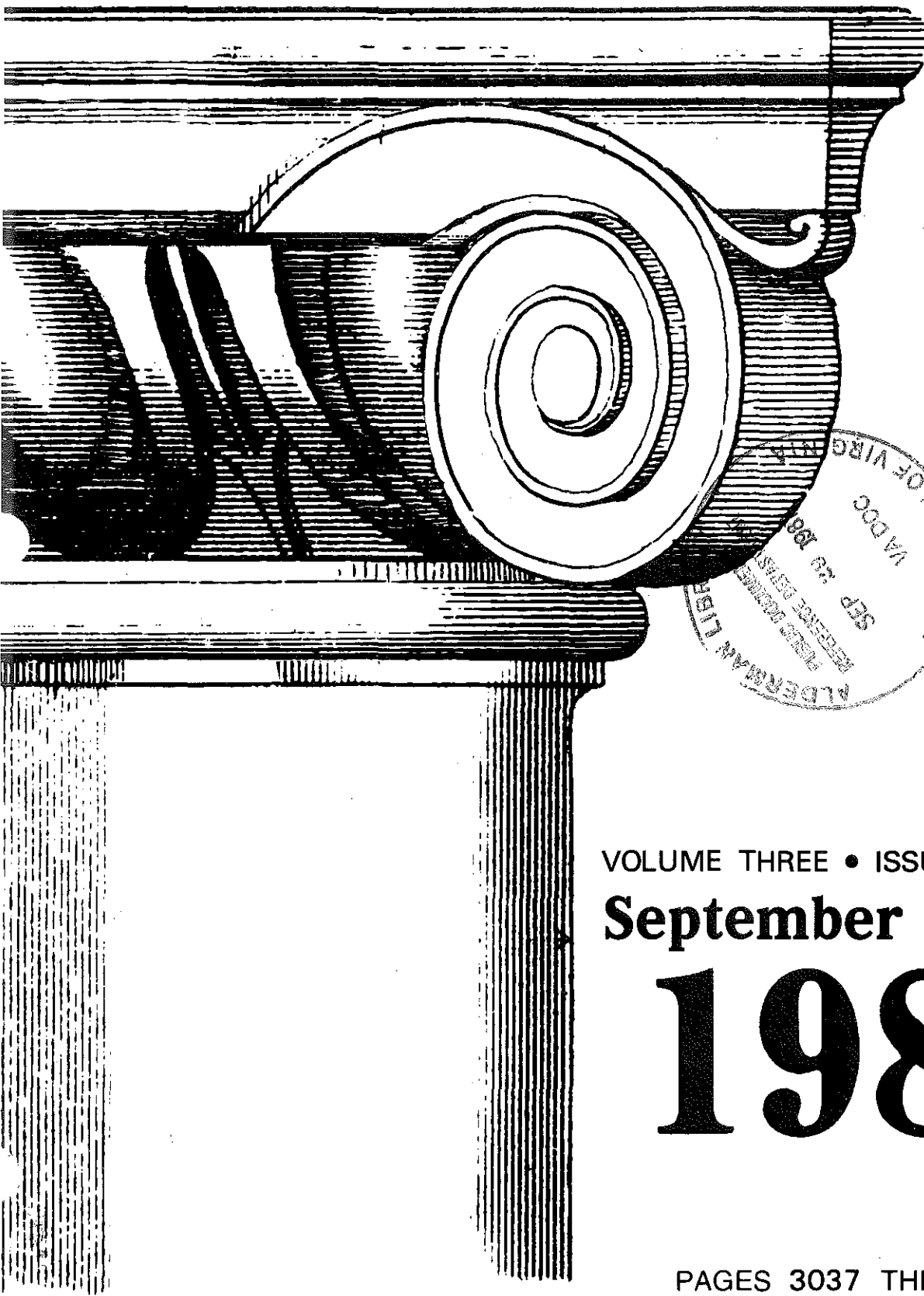


4216/3-76
VA
DOC

VIRGINIA REGISTER

OF REGULATIONS



VOLUME THREE • ISSUE TWENTY-SIX

September 28, 1987

1987

PAGES 3037 THROUGH 3084

INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the *Virginia Tax Bulletin* issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative

objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 VA.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

"The *Virginia Register of Regulations*" is published bi-weekly, except four times in January, April, July and October for \$85 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Application to Mail at Second-Class Postage Rates is Pending at Richmond, Virginia.
POSTMASTER: Send address changes to the *Virginia Register of Regulations*, P.O. Box 3-AG, Richmond, Virginia 23208.

The *Virginia Register of Regulations* is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emlck, Jr., Vice Chairman, Senator; A. L. Philpott, Speaker of the House of Delegates; James P. Jones, Senator; Russell M. Carneal, Circuit Judge; John Wingo Knowles, Retired Circuit Judge; H. Lane Kneedler, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Deputy Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

MATERIAL SUBMITTED BY
Noon Wednesday

PUBLICATION DATE

Volume 3 - 1987

July 1	July 20
July 15	Aug. 3
July 29	Aug. 17
Aug. 12	Aug. 31
Aug. 26	Sept. 14
Sept. 9	Sept. 28
Final Index - Vol. 3	

Volume 4 - 1987-88

Sept. 23	Oct. 12
Oct. 7	Oct. 26
Oct. 21	Nov. 9
Nov. 4	Nov. 23
Nov. 18	Dec. 7
Dec. 2	Dec. 21
Dec. 16	Jan. 4, 1988
Index - 1st Issue, Vol. 4	

Dec. 30	Jan. 18
Jan. 13	Feb. 1
Jan. 27	Feb. 15
Feb. 10	Feb. 29
Feb. 24	Mar. 14
Mar. 9	Mar. 28
Index - 2nd Issue, Vol. 4	

Mar. 23	Apr. 11
Apr. 6	Apr. 26
Apr. 20	May 9
May 4	May 23
May 18	June 6
June 1	June 20
Index - 3rd Issue, Vol. 4	

June 15	July 4
June 29	July 18
July 13	Aug. 1
July 27	Aug. 15
Aug. 10	Aug. 29
Aug. 24	Sept. 12
Sept. 7	Sept. 26
Final Index - Vol. 4	

TABLE OF CONTENTS

PROPOSED REGULATIONS

GOVERNOR'S COMMENTS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Nursing Home Payment System. (VR 460-03-4.194) ... 3039

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Employment Program Services Policy. (VR 615-48-02) 3039

DEPARTMENT OF WASTE MANAGEMENT (BOARD OF)

Regulations Governing the Transportation of Hazardous Materials. (VR 672-30-1) 3042

FINAL REGULATIONS

BOARD OF GAME AND INLAND FISHERIES

In General. (VR 325-01-1) 3045

In General. (VR 325-02-1) 3045

Firearms. (VR 325-02-25) 3045

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Field Sanitation Standard (1928.110) - Virginia Occupational Safety and Health Standards for Agriculture. (VR 425-02-13) 3046

Virginia Confined Space Standard for the Telecommunications Industry (1910.268(t)). (VR 425-02-30) 3048

GOVERNOR

GOVERNOR'S EXECUTIVE ORDERS

Designation of Executive Branch Officers and Employees Required to File Financial Disclosure Statements Under the State and Local Government Conflict of Interests Act. (49-87) 3055

Creating the Commission on the Tercentenary Observances of the College of William and Mary in Virginia. (50-87) 3055

CRIMINAL JUSTICE SERVICES BOARD

Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of State Department of Corrections, Division of Adult Institutions. (VR 240-01-14) 3056

STATE BOARD OF PHARMACY

State Board of Pharmacy Regulations. (VR 540-01-1) 3056

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Regulations Governing the Practice of Professional Counseling. (VR 560-01-02) 3057

VIRGINIA BOARD OF PSYCHOLOGY

Regulations Governing the Practice of Psychology. (VR 565-01-2) 3057

DEPARTMENT OF SOCIAL SERVICES

Virginia Fuel Assistance Program: Energy Crisis Assistance. (VR 615-08-1) 3058

Family Based Social Services. (VR 615-50-4) 3058

GENERAL NOTICES/ERRATA

NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent 3059

GENERAL NOTICES

COMMONWEALTH OF VIRGINIA - VIRGINIA DEPARTMENT OF HEALTH

Maternal and Child Health Services Block Grant Amendment to Report of Intended Expenditures Fiscal Year 1987 3062

DEPARTMENT OF LABOR AND INDUSTRY

General Notice: Suspension of regulatory process on VR 425-01-28, Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, IV, B, (14): Numeric

Table of Contents

Ratio of Apprentices to Journeymen. 3062

NOTICE TO STATE AGENCIES

Forms for filing material on date for publication in
the Virginia Register of Regulations 3062

ERRATA

VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Rules and Regulations. (VR 130-01-2) 3063

VIRGINIA STATE BOARD OF GEOLOGY

Rules and Regulations. (VR 335-01-1) 3063

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 3064

LEGISLATIVE

Open Meetings and Public Hearings 3080

CHRONOLOGICAL LIST

Open Meetings 3082
Public Hearings 3084

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-03-4.194. Nursing Home Payment System.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the proposed regulations of the Nursing Home Payment System (VR 460-03-1.194) filed by the Board of Medical Assistance Services, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments to the Nursing Home Payment System, is being published. The full text of the regulation is available for public inspection at the Office of the Registrar of Regulations and the Department of Medical Assistance Services.

Summary:

The Nursing Home Payment System establishes the methods and standards used to determine rates of reimbursement for nursing home providers. The proposed changes are in two areas: construction requirements for related organizations and interest rate upper limit modifications.

The construction requirements proposed language eliminates the requirement for obtaining three bids when a new plant is constructed or beds are added to an existing facility and the work is done by a related organization. Reimbursement is limited to the costs of the related organization or the applicable construction cost index, whichever is lower.

The interest rate proposed language reflects a change in the basis used to determine the upper limit. The 1986 Tax Reform Act limited the use of tax-exempt financing from a local Industrial Development Authority, so most financings are now being done in commercial markets. The department is proposing to change the basis of the interest limit calculation to one that more appropriately reflects the interest rates on actively traded issues. This amendment changes the basis for determining the interest rate limitation to the average of the 10-year and 30-year U.S. Treasury notes and bonds. The factor of 2.5% has been added to reflect the interest rate difference between governmental and commercial issues.

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-48-02. Employment Program Services Policy.

Statutory Authority: § 63.1-25 of the Code of Virginia and Titles IV and IV-C of the Social Security Act.

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:

This regulation includes two amendments to Employment Services Program policies. The first amendment eliminates the requirement that certain applicants for Aid to Dependent Children (ADC) and General Relief (GR) assistance contact three employers as a condition of eligibility for assistance. Instead, local agencies may offer job search assistance to applicants on a voluntary basis. The second amendment permits local agencies to excuse ADC and GR recipients under the age of 21 years from the requirement that they engage in job search prior to participating in an education or training activity.

VR 615-48-02. Employment Program Services Policy.

PART I. INTRODUCTION.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning unless the context indicates otherwise:

"Aid to Dependent Children" means a program established by Title IV-A of the Social Security Act and authorized in Virginia by Chapter 6 (§ 63.1-86 et seq.) of Title 63.1 of the Code of Virginia. This program provides benefits to needy children who are deprived of parental support or care.

"ADC" means Aid to Dependent Children Program.

"Annual plan" means Employment Services Plan. It is prepared annually by each local agency and submitted to the department for approval. It contains a brief description of, among other things, the components offered by the

Proposed Regulations

local agency.

"Applicant" means a person who has applied for ADC or GR and the disposition of the case has not yet been determined.

"Caretaker-relative" means a relative, other than the natural or adoptive parent, who is responsible for supervision and care of the needy child.

"Component" means one of several activities in which a person may participate while in the Employment Services Program.

"Department" means the Department of Social Services.

"Employment Services Program" means a program operated by the Department of Social Services which helps ADC and GR recipients in securing employment or the training or education needed to secure employment as required by Chapter 6.2 (§ 63.1-133.12:1) of Title 63.1 of the Code of Virginia.

"ESP" means the Employment Services Program.

"Exempt" means that an ADC or GR applicant or recipient meets one of the exemption criteria and therefore is not required to register with the Employment Services Program in order to be eligible for public assistance.

"General relief" means public assistance for individuals ineligible in a federal category but eligible for state assistance as established by § 63.1-106 of the Code of Virginia.

"GR" means general relief.

"Local agency" means any one of the local social services or welfare agencies which administer the Employment Services Program.

"Nonexempt" means that an ADC or GR applicant or recipient does not meet one of the exemption criteria and therefore is required to register with the Employment Services Program in order to be eligible for public assistance.

"Participant" means an ADC or GR recipient who is registered with the Employment Services Program and is participating in any one of its components.

"Pending status" means a component to which registrants are assigned when they cannot move immediately into one of the components identified in Part II, Policy, of these regulations.

"Recipient" means a person whose application for ADC or GR has been approved and the person has not been removed from assistance.

"Registrant" means an ADC or GR applicant or recipient who has registered with the Employment Services Program either because she he was required to do so or because she he volunteered.

"Persons essential-to-well-being" means needy individuals living in the home who can be determined essential to the well-being of the ADC or GR child(ren). Such individuals must be ineligible for assistance in a federal category in their own right.

PART II. POLICY.

§ 2.1. Statewideness.

All local agencies shall offer to employable Aid to Dependent Children (ADC) and General Relief (GR) applicants and recipients an Employment Services Program which will assist those individuals in attaining the goal of self-support.

§ 2.2. Employment Services Annual Plan.

A. Each local agency shall submit annually for approval to the department a local Employment Services Plan. This annual plan shall include the following:

1. Individual community's needs and resources;
2. The agency's methodology for providing employment opportunities to its ADC and GR population;
3. A description of the registration process, the assessment process, the job search component, the work experience group component; and
4. The agency's efforts to coordinate with other providers of employment and training services.

B. All annual plans shall be submitted in the format prescribed by the department.

§ 2.3. Program focus.

The focus of each local Employment Services Program shall be the placement of ESP registrants into unsubsidized jobs to the extent that such jobs are available.

§ 2.4. Registration.

A. All ADC and GR applicants and recipients must register for and participate in the Employment Service Program offered by the local agency unless they meet one of the exemption criteria in the category of assistance for which they are eligible as defined in § 2.5 below.

B. Recipients of ADC and GR shall be exempt from participating in any locally operated food stamp workfare or employment program.

§ 2.5. Exemption criteria.

An applicant/recipient of ADC (including persons essential-to-well-being) or GR must be registered with the Employment Services Program unless the individual is exempt from registration.

A. The exemption criteria for ADC are as follows:

1. Under age 16.
2. An eligible child or caretaker enrolled full time in elementary, secondary or vocational or technical school and age 16 but not yet 18. The vocational or technical school must be the equivalent of secondary school.
3. Ill, as determined by a medical statement provided by a physician or licensed or certified psychologist that the injury or illness temporarily prevents entry into employment or training.
4. Incapacitated, as determined by receipt of Social Security disability benefits or a medical statement provided by a physician or licensed or certified psychologist that the injury or illness by itself or in conjunction with age, prevents the individual from engaging in employment or training under the Employment Services Program.
5. 65 years of age or older.
6. A parent, caretaker-relative, or person essential-to-well-being whose presence in the home is required because of illness or incapacity of another member of the household (not necessarily a member of the assistance unit) and no other appropriate adult member of the household is available. This exemption is determined by a medical statement provided by a physician or licensed or certified psychologist that the injury or illness of another member of the household requires the individual's presence in the home on a substantially continuous basis.
7. A parent or caretaker-relative of a child under age six who personally provides care for the child with only very brief and infrequent absences from the child.
8. A parent or other caretaker of a child, when the other nonexempt adult relative in the home is registered and has not refused to participate in the program or to accept employment, without good cause.
9. A parent who is performing unpaid public or community services to fulfill a court imposed sentence and, therefore, is precluded from paid employment or participation in the Employment Services Program.
10. Employed to work 30 hours or more per week.

11. A female who is in her sixth through ninth month of pregnancy as determined by a written medical statement provided by a physician.

12. A VISTA Volunteer under Title I of Public Law 93-113, The Domestic Volunteer Services Act of 1973, provided he ~~she~~ became a VISTA volunteer after applying for assistance.

B. The exemption criteria for GR are as follows:

1. All persons (including the spouse) who are determined to be unemployable.
2. All individuals designated as persons essential-to-well-being (EWB) (including the spouse) who have been medically verified as essential to the care of any other member of the assistance unit.
3. All persons who are designated as caretaker for any children in the home (not necessarily members of the assistance unit) under six years of age.
4. All persons under the age of 16.
5. All persons 16 or 17, if enrolled in school full-time.
6. A VISTA Volunteer under Title I of Public Law 93-113, the Domestic Volunteer Service Act of 1973, provided he ~~she~~ became a Vista volunteer after applying for assistance.

§ 2.6. Applicant job search.

Applicant job search shall not be a condition of eligibility for ADC and GR. All exempt and nonexempt applicants for ADC and GR must may voluntarily participate in a job search component during their application period. Three face to face contacts with potential employers must take place during this period and be verified in writing. The annual plan shall identify if the local agency intends to offer job search services to applicants.

§ 2.7. Plan of participation.

Each exempt and nonexempt ADC and GR recipient shall participate in an employability assessment process which shall result in the development of a participation plan.

§ 2.8. Recipient job search component.

A. Each ESP registrant shall engage in up to eight weeks of job searching during every 12-month period, with the exception that registrants between the ages of 16 and 21 will not be required to engage in job search if they are participating in an education or training activity.

B. Up to four weeks of job search shall take place every six months and shall be verified during the

Proposed Regulations

eligibility redetermination process.

§ 2.9. Education and training component.

Each Employment Services Program shall include an education and training component for exempt and nonexempt ADC and GR recipients who need such assistance to gain unsubsidized employment.

§ 2.10. Work experience component.

A. Each Employment Services Program shall include a work experience component for exempt and nonexempt ADC and GR recipients who need appropriate work experience of a developmental nature to assist them in moving into unsubsidized employment.

B. All participants in the work experience component shall be insured by Worker's Compensation.

C. Participants in the work experience component shall not displace persons currently employed or be placed in established, unfilled positions. Participants must *shall* not perform tasks which have been undertaken by employees or which would have the effect of reducing the work of employees.

§ 2.11. Employability reassessment.

A. Each ESP participant who does not find employment during the job search component shall participate in an employability reassessment within 30 days.

B. This assessment shall determine the recipient's future course of involvement in the agency's Employment Services Program including participation in work experience and other training/education components.

C. ESP participants who complete or leave any work experience, training, or education component shall be reassessed within 30 days of their leaving active participation.

D. Recipients in a pending status shall be reassessed every 90 days.

§ 2.12. Day care and transportation.

A. Applicants and recipients shall not be required to pay for day care, transportation, or other supportive services which may be necessary for them to participate in the Employment Services Program.

B. Each annual plan shall ensure that reasonable and affordable transportation and day care services are available for ADC and GR applicants and recipients and their children in order for them to participate in any ESP component.

C. Only approved or licensed day care facilities shall be utilized when day care is purchased or provided by the

local agency.

D. When the applicant or recipient elects to have day care provided by relatives or others without cost to the local agency, approval of the day care provider is not required.

§ 2.13. Sanctions.

A. The refusal of a nonexempt ADC applicant or recipient to register with the Employment Services Program or of a nonexempt recipient to accept the employment services offered by the local agency shall result in that person's ineligibility for assistance.

B. The refusal of a nonexempt GR applicant or recipient to register with the Employment Services Program or of a nonexempt recipient to accept the employment services offered by the local agency shall result in the entire household's ineligibility for assistance.

§ 2.14. Appeals.

ESP registrants have the right to appeal. The appeal process currently in place in the department's Division of Benefit Programs shall be utilized to assure fair hearings for all applicants and recipients who feel adverse action has been taken as a result of their participation or lack of participation in the Employment Services Program.

§ 2.15. Fiscal and statistical reports.

Local agencies shall maintain and submit fiscal and statistical data required by the department.

§ 2.16. Program monitoring.

The local agency's program performance shall be monitored by the department for compliance with the approved annual plan.

DEPARTMENT OF WASTE MANAGEMENT (BOARD OF)

Title of Regulation: VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

Statutory Authority: §§ 10-266 and 10-305 of the Code of Virginia.

Public Hearing Date: October 28, 1987 - 10 a.m.

(See Calendar of Events section for additional information)

EDITOR'S NOTE ON INCORPORATION BY REFERENCE: Pursuant to § 9-6.18 of the Code of Virginia, 49 Code of Federal Regulations, Part 170-177, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Waste Management, 11th Floor, James

Proposed Regulations

Monroe Building, 101 N. 14th Street, Richmond, Virginia and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

Summary:

Amendment 6 proposes to incorporate by reference changes that were made by the U.S. Department of Transportation to Title 49 of the Code of Federal Regulations, §§ 171-179 and 390-397 from January 1, 1985 to December 31, 1986. Changes in the U.S. Department of Transportation regulations include: (i) changes made to reflect new requirements regarding the international transportation of hazardous materials, (ii) reclassification of some explosive materials to reduce risks associated with the transportation of these materials, (iii) improvements in all requirements relating to certain poisonous liquids which pose a potential inhalation risk if there is a release, (iv) improvements in the placarding and shipping paper requirements relating to empty tank cars, (v) incorporate into the hazardous materials tables the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances which require notification if a discharge occurs, (vi) conversion of individual exemptions to make new packaging and shipping alternatives available to the entire regulated community, (vii) extensions provided for certain exemptions and regulatory deadlines, and (viii) corrections, editorial changes, and other minor revisions.

VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified in 49 Code of Federal Regulations Parts 170-177.

"Hazardous material" means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so determined by regulation or order.

"Transport" or "Transportation" means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

PART II. GENERAL INFORMATION AND LEGISLATIVE AUTHORITY.

§ 2.1 Authority for regulation.

A. These regulations are issued under the authority of the Code of Virginia, Title 10, Chapter 24, Article 6, §§ 10-305 through 10-309, Transportation of Hazardous Materials.

B. The Code of Virginia, § 10-305, assigns the Virginia Waste Management Board the responsibility for promulgating regulations governing the transportation of hazardous materials.

C. The board is authorized to promulgate rules and regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported, such rules to be no more restrictive than applicable federal regulations.

§ 2.2. Purpose of regulations.

The purpose of these regulations is to regulate the transportation of hazardous materials in Virginia.

§ 2.3. Administration of regulations.

A. The Executive Director of the Department of Waste Management is designated by the Virginia Waste Management Board with the responsibility to carry out these regulations.

B. The Department of Waste Management is responsible for the planning, development and implementation of programs to meet the requirements of Article 6 (§ 10-305 et seq.) of Chapter 24 of Title 10 of the Code of Virginia.

§ 2.4. Application of regulations.

A. Notwithstanding the limitations contained in 49 CFR § 171.1(3), and subject to the exceptions set forth in § 2.5. below, these regulations apply to any person who transports hazardous materials, or offers such materials for shipment.

§ 2.5. Exceptions.

A. Nothing contained in these regulations shall apply to regular military or naval forces of the United States, nor to the duly authorized militia of any state or territory thereof, nor to the police or fire departments of this Commonwealth, providing the same are acting within their official capacity and in the performance of their duties; nor to the transportation of hazardous radioactive materials in accordance with § 44-146.30 of the Code of Virginia.

§ 2.6. Regulations not to preclude exercise of certain

Proposed Regulations

regulatory powers.

A. ~~Per~~ Pursuant to § 10-307 of the Code of Virginia, the provisions of these regulations shall not be construed so as to preclude the exercise of the statutory and regulatory powers of any agency, department or political subdivision of the Commonwealth having statutory authority to regulate hazardous materials on specified highways or portions thereof.

§ 2.7. Transportation under United States Regulations.

A. ~~Per~~ Pursuant to § 10-309 of the Code of Virginia, any person transporting or offering for shipment hazardous materials in accordance with regulations promulgated under the laws of the United States, shall be deemed to have complied with the provisions of these regulations, except when such transportation is excluded from regulation under the laws or regulations of the United States.

§ 2.8. Enforcement.

A. Law-Enforcement Officers. The Department of State Police, together with all law-enforcement and peace officers of the Commonwealth shall enforce the provisions of these regulations. ~~Per~~ Pursuant to § 10-310 of the Code of Virginia, violation of these regulations is a Class 1 misdemeanor.

B. Civil judicial enforcement of these regulations shall be governed by § 10-310 of the Code of Virginia.

§ 2.9. Application of Administrative Process Act.

A. The provisions of the Virginia Administrative Process Act, codified as § 9-6.14:1 of the Code of Virginia, govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings hereunder.

§ 2.10. Severability.

A. If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of these regulations, shall not be affected thereby.

PART III. COMPLIANCE WITH FEDERAL REGULATIONS.

§ 3.1. Compliance.

Every person who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia shall comply with the federal regulations governing the transportation of hazardous materials promulgated by the United States Secretary of Transportation with amendments promulgated through

December 31, ~~1984~~ 1986, pursuant to the Hazardous Materials Transportation Act, and located at Title 49 of the Code of Federal Regulations (CFR) as set forth below and which are incorporated in these regulations by reference:

1. Exemptions. Hazardous Materials Program Procedures in 49 CFR, part 107, Subpart B.
2. Hazardous Materials Regulations in 49 CFR, Parts 171 through 177.
3. Shipping Container Specifications in 49 CFR, Part 178.
4. Specifications for Tank Cars in 49 CFR Part 179.
5. Driving and Parking Rules in 49 CFR Part 397.
6. Motor Carrier Safety Regulations in 49 CFR Parts 390 through 396.

PART IV. HAULING EXPLOSIVES IN PASSENGER-TYPE VEHICLES.

§ 4.1. Hauling explosives in passenger-type vehicles.

Explosives shall not be transported in or on any motor vehicle licensed as a passenger vehicle or a vehicle which is customarily and ordinarily used in the transportation of passengers except upon written permission of the State Police and under their direct supervision and only in the amount and between points authorized. If the movement is intracity, the permission of the properly designated authority of such city shall be secured. Dangerous articles, including small arms ammunition, but not including other types of explosives, may be transported in passenger type vehicles provided the maximum quantity transported does not exceed 100 pounds in weight. Such transportation shall not be subject to these rules.

PART V. OUT OF SERVICE.

§ 5.1 Out of service.

The Department of State Police shall be the agents authorized to perform inspections of motor vehicles in operation and to declare and mark vehicles "out of service" as set forth in 49 CFR Part 396.9.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

BOARD OF GAME AND INLAND FISHERIES

Note: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act by § 9-6.14:4.1 A.3 of the Code of Virginia; however, it is required by § 9-6.14.22 to publish all proposed and final regulations.

Title of Regulation: VR 325-01. In General.

Statutory Authority: § 29.1-566 of the Code of Virginia.

Effective Date: October 1, 1987.

Summary:

Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.

VR 325-01-1. IN GENERAL.

§ 13. Endangered species.

A. The board hereby adopts the Federal Endangered and Threatened Species List, [Endangered Species Act of December 28, 1973 (16 U.S.C. 1531-1543), as amended] and declares all species listed thereon to be endangered or threatened species in the Commonwealth.

B. In addition to the provisions of subsection A, the following species are declared endangered in this Commonwealth, and are afforded the protection provided by Article 6, Chapter 5, Title 29.1 of the Code of Virginia:

1. Fish:

Blackbanded sunfish	<i>Enneacanthus chaetodon</i>
Sharphead darter	<i>Etheostoma acuticeps</i>
Carolina darter	<i>Etheostoma collis</i>
Blueside darter	<i>Etheostoma jessiae</i>
Tippecanoe darter	<i>Etheostoma tippecanoe</i>
[<i>Orangefin madtom</i>]	[<i>Noturus gilberti</i>]

2. Amphitians:

Eastern tiger salamander	<i>Ambystoma tigrinum</i>
Shenandoah salamander	<i>Plethodon shenandoah</i>

3. Reptiles:

Bog turtle	<i>Clemmys muhlenbergii</i>
Chicken turtle	<i>Deirochelys reticularia</i>

4. Birds:

Wilson's plover	<i>Charadrius wilsonia</i>
Bewick's wren	<i>Thryomanes bewickii</i>
Loggerhead shrike	<i>Lanius ludovicianus</i>

5. Mammals:

Water shrew	<i>Sorex palustris</i>
Fisher	<i>Martes pennanti</i>
Rafinesque's big-eared bat	<i>Plecotus rafinesquii</i>

6. Molluscs:

James River spiny mussel	<i>Canthyria collina</i>
Cumberland combshell	<i>Epioblasma brevidens</i>
Oyster pearly mussel	<i>Epioblasma capsaeformis</i>
Snuffbox pearly mussel	<i>Epioblasma triquetra</i>
Little-wing pearly mussel	<i>Pegias fabula</i>

C. It shall be unlawful to take, transport, process, sell or offer for sale within the Commonwealth any threatened or endangered species of fish or wildlife.

Title of Regulation: VR 325-02. Game.

Statutory Authority: § 29.1-501 of the Code of Virginia.

Effective Date: October 1, 1987.

VR 325-02-1. IN GENERAL.

§ 2. Hunting with crossbows, ~~poison~~ arrows to which any drug, chemical or toxic substance has been added or explosive-head arrows prohibited.

It shall be unlawful to use a crossbow, ~~poison~~ arrows to which any drug, chemical or toxic substance has been added or arrows with explosive heads at any time for the purpose of hunting wild birds and wild animals.

VR 325-02-25. FIREARMS.

§ 1. Size rifles for hunting big game bear and deer.

It shall be unlawful to use a rifle of a calibre less than 23 for the hunting or killing of big game bear and deer.

§ 2. Rifles prohibited in hunting big game bear and deer in certain counties and cities.

Except as otherwise provided in § 3 of this regulation, it shall be unlawful to use a rifle of any calibre for the hunting or killing of big game bear and deer in the counties of Chesterfield, Isle of Wight, New Kent,

Final Regulations

Southampton and Sussex and in the cities of Chesapeake and Suffolk (that portion formerly Nansemond County).

DEPARTMENT OF LABOR AND INDUSTRY

REPRINT

Virginia Safety and Health Codes Board

Editor's Note: This regulation is being reprinted to show the corrected effective date.

Title of Regulation: VR 425-02-13. Virginia Occupational Safety and Health Standards for Agriculture - Virginia Field Sanitation Standard - 1928.110.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: July 1, 1987 November 15, 1987

Summary:

The final standard defines "hand-labor operations" as "agricultural activities or operations performed by hand or with hand tools. The final standard excludes "such activities as logging operations/reforestation, the care of livestock or hand-labor operations in permanent structures (e.g., canning facilities or packing houses)."

Employers who are covered by the Field Sanitation Standard are required to furnish, without cost to the employee, the following: (i) potable drinking water, (ii) toilet facilities, and (iii) handwashing facilities.

All agricultural employers, regardless of establishment size, shall provide potable drinking water for all employees engaged in hand-labor operations in the field. However, the toilet and handwashing facility requirements of the standard only apply to operations employing 11 or more employees, excluding management/support personnel and the employer's family members, who are engaged in hand-labor operations at the same worksite. Moreover, toilet and handwashing facilities are not required for employees who perform field work for a period of three hours or less (including transportation time to and from the field) during the day.

Toilet facilities under the standard may be either fixed or portable and must be supplied with toilet paper adequate to meet employee needs. Moreover, toilet and handwashing facilities shall be provided at a 20:1 (workers: facility) ratio. One additional toilet facility shall be provided for each 25 employees or fraction thereof.

Under the final standard, a "handwashing facility" means soap, (adequate) water and single use towels. However, an agricultural employer may use a handwash substitute which meets certain criteria. Moist towelettes are prohibited as a handwash substitute. Employers choosing to use a handwashing substitute must provide an emergency eyewash supply of five gallons of potable water.

Toilet and handwashing facilities required under this standard shall be located in one of the following three ways:

- 1. Within 1/4 mile of the "worksite"; or*
- 2. At the point of closest vehicular access to the worksite where it is infeasible, due to ground terrain or other physical conditions, to locate the facilities within 1/4 mile; or*
- 3. Within a five minute drive (employer-provided, immediate travel to and from the facilities, during both work and rest periods).*

VR 425-02-13. Virginia Occupational Safety and Health Standards for Agriculture - Virginia Field Sanitation Standard - 1928.110.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Agricultural employer" means any person, corporation, association, or other legal entity that operates an agricultural establishment, or in whose interest an agricultural establishment is operated; any person, corporation, association or other legal entity who is responsible for the management and condition of an agricultural establishment, or who acts directly or indirectly in the interest of an employer in relation to any employee is also an agricultural employer.

"Agricultural establishment" means a business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

"Hand-labor operations" means agricultural activities or operations performed by hand or with hand tools. These shall include, but not be limited to, the hand harvest of vegetables, tobacco, and fruit, hand weeding of crops and hand planting of seedlings. "Hand-labor" does not include such activities as logging operations/reforestation, the care of livestock or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

"Handwashing facility" means a facility providing either a basin, container, or outlet with an adequate supply of [potable] water, soap and single-use towels. [Moist

towelettes may not be used as a handwashing substitute. An agricultural employer choosing to use a handwashing substitute shall provide a readily available emergency water supply of five gallons of potable water for eye flushing in the event that a worker gets pesticides or other irritants in his eyes.] A substitute for soap and water may be used if it meets the following criteria:

1. Cleansing properties must act to remove soil and other residues from skin after use;
2. Contents of cleansing compound must not break or open skin barrier to pathogenic microorganisms; and
3. Cleansing compounds in waterless cleaner shall not facilitate transport of toxic agrochemicals across skin.

"Potable water" means water that meets the Virginia Board of Health's quality standards for drinking water or the quality standard prescribed by the U.S. Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR part 141.

"Support personnel" means employees who do not perform hand-labor operations in the field while serving as temporary members of mobile crews in the field.

"Toilet facility" means a facility designed for the purpose of both defecation and urination, including biological or chemical toilets, combustion toilets, or sanitary privies that meet the Virginia Board of Health's design standards. They will be supplied with toilet paper adequate to meet employee needs. Toilet facilities may be either fixed or portable.

"Worksite" means the geometric center of a field or orchard where workers are employed. Contiguous or adjacent fields or orchards shall not be considered as separate worksites. Where two adjacent fields are separated by an impassable barrier such as a body of water or interstate highway, the workers in each respective field shall be counted independently and shall be considered to be employed at separate worksites.

§ 2. Scope.

All agricultural employers, regardless of establishment size, shall provide potable drinking water for all employees engaged in hand-labor operations in the field. For any agricultural establishment where 11 or more employees, excluding management/support personnel and employer's family members, are engaged in hand-labor operations at the same worksite, on any given day, this standard shall apply.

§ 3. Requirements.

Agricultural employers shall provide the following for employees engaged in hand-labor operations in the field, without cost to the employee:

A. Potable drinking water.

1. Potable water shall be provided and shall be placed in locations readily accessible to all employees. Readily accessible, for purposes of this section, means within one-quarter mile of the worksite. Where it is not feasible to locate the drinking water within the required distance due to ground terrain, or other physical conditions, the drinking water shall be located at the point of vehicular access closest to the workers.

2. The water shall be suitably cool.

3. The water shall be available in sufficient amounts so that it is not completely consumed during the workday. If the water supply does run out, it shall be immediately refilled.

4. The water shall be dispensed in single use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.

B. Toilet and handwashing facilities.

1. One toilet facility and one handwashing facility shall be provided for each 20 employees or fraction thereof (1:20 ratio), except as stated in § 3.B.4 of this regulation. [One additional toilet facility shall be provided for each 25 additional employees or fraction thereof.]

2. Toilet facilities shall have doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

3. Toilet and handwashing facilities shall be accessibly located in close proximity to each other. These facilities shall be located in one of the following three ways:

a. Within one-quarter mile of the worksite; or

b. Where it is not feasible to locate facilities within the required distance due to ground terrain, or other physical conditions, toilet and handwashing facilities shall be located at the point of vehicular access closest to the worksite; or

c. Where an employer has provided or arranged for access to transportation for employees, during both work and rest periods, for immediate travel to and from toilet and handwashing facilities, transportation to such facilities shall not require more than five minutes travel for the employees.

4. Toilet and handwashing facilities are not required for employees who perform field work for a period of three hours or less (including transportation time to and from the field) during the day.

Final Regulations

C. Maintenance.

Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, including the following:

1. Drinking water containers shall be covered, cleaned and refilled daily.
2. Toilet facilities shall be operational and maintained in a clean and sanitary condition;
3. Handwashing facilities shall be maintained in a clean and sanitary condition;
4. Disposal of wastes from toilet facilities shall be in accordance with the Department of Health Sewage Handling and Disposal Regulation; and
5. Disposal of wastewater from handwashing facilities may be discharged on-site provided that this method of disposal will not contaminate crops or adjoining water supplies, cause the water to stand on the ground so as to become stagnant, or otherwise create a safety or health hazard.

D. Education.

Employers shall inform their employees of their rights under this regulation.

[E. Use of sanitation facilities.

Agricultural establishments employing hand laborers shall allow opportunities during the workday to use the sanitation facilities.]

* * * * *

Title of Regulation: VR 425-02-30. Virginia Confined Space Standard for the Telecommunications Industry - 1910.268(t).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: November 15, 1987 (for mechanical ventilation portions)
July 1, 1988 (for remaining portions of standard)

Summary:

The final Confined Space Standard defines a "confined space" as "any space not intended for continuous employee occupancy, having a limited means of egress, and which is also subject to the accumulation of an actual or potentially hazardous atmosphere... or a potential for engulfment."

With some limited exceptions, the final standard provides the following general practices and

procedures for entry into and work inside a confined space: (i) - the employer must implement a written entry permit system; (ii) the employer must train each employee on the hazards of working in a confined space before the employee is authorized to enter a confined space (the employer must maintain the records of the most recent training program conducted); (iii) atmospheric testing must be conducted for flammability and toxic materials expected to be present; (iv) all confined spaces must be mechanically ventilated in accordance with Bell System Practices for Testing and Ventilating Manholes; (v) electrical and mechanical hazards must be removed or prevented from causing a hazardous situation; (vi) when necessary, an attendant shall be stationed immediately outside every confined space (a nonattendant entry is permitted in many cases); and (vii) the employee entering a confined space with a hazardous atmosphere must be provided with an appropriate retrieval device with a retrieval line and an appropriate respirator; and (viii) confined space entry work that occurs on a public thoroughfare must be done in accordance with requirements in the manual on Uniform Traffic Control Devices for Streets and Highways.

An important aspect of the final standard is its reliance on the concept of the "qualified person." A "qualified person" is defined as "a person who is trained to recognize the hazard(s) of the confined space and how to evaluate those anticipated hazards." The final standard provides that the employer may designate an employee as a "qualified person" for the purpose of assuring safe confined space entry procedures and practices at a specific site.

Appendix A is a list of concentrations at which certain substances exhibit Immediately Dangerous to Life or Health effects. Appendix B is a list of amendments and deletions for 1910 Telecommunications Industry standards which will become effective concurrent with the Confined Space Standard for Telecommunications.

In response to comments received during the public participation process, the Virginia Safety and Health Codes Board decided to adopt a separate standard for the Telecommunications Industry which is substantially similar to the Confined Space Standard for General Industry and the Construction Industry, 1910.146. The separate standard will address unique aspects of the telecommunications industry (e.g. the number and type of confined spaces entered, additional precautions for working with ventilation equipment and work on public thoroughfares).

Appendix B was also amended to reflect that amendments and deletions to 1910.268 (Telecommunications) will be made at this time. Other portions of Appendix B and all of Appendix C were

removed since they were already adopted on March 23, 1987 along with the standard for General Industry and the Construction Industry.

VR 425-02-30. Virginia Confined Space Standard for the Telecommunications Industry - 1910.268(t).

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Attendant" means an individual assigned to remain immediately outside the entrance to the confined space and who may render assistance as needed to employees inside the space.

"Blind" or "blinding" or "blanking" means the absolute closure of a pipe, line or duct, to prevent passage of any material (e.g., by fastening a solid plate or "cap" across the pipe).

["Calibration" or "recalibration" means a laboratory or bench-top resetting of alarm points, spans and zeros, if applicable, according to manufacturer's specifications. "Calibration" or "recalibration" shall be conducted by a factory authorized service center, a factory trained technician, or a trained company technician.]

"Confined space" means any space not intended for continuous employee occupancy, having a limited means of egress, and which is also subject to either the accumulation of an actual or potentially hazardous atmosphere as defined in this subsection or a potential for engulfment as defined in this subsection. Confined spaces generally include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, manholes, underground utility vaults, acid tanks, digesters, ovens, kiers, pulpers, tunnels, [~~pipelines and open~~ and pipelines. Open] top spaces more than four feet in depth such as pits, tubs, vaults and vessels [may also be confined spaces if the three criteria above are met].

"Engulfment" means the surrounding and effective capture of a person by finely divided particulate matter or a liquid. [There is a potential for engulfment when such particulate matter or liquid exists in a sufficient quantity or at a sufficient pressure to surround a person before normal exit can be effected.]

"Entrant" means any employee who enters a confined space.

"Entry" means any action resulting in any part of the employee's face breaking the plane of any opening of the confined space, and includes any ensuing work activities inside the confined space.

"Entry permit" means the employer's written authorization for employee entry into a confined space

under defined conditions for a stated purpose during a specified time.

"Field checked" means [the checking of the accuracy of an instrument's response to a known concentration of a gas; a method of checking an instrument for a proper response in the field. It is a check of the instrument's functionality and is a pass-fail or go/no-go check.] When an adequate response is not obtained then the equipment should be removed from service and adjusted or repaired by a factory-authorized service center or factory-trained technician [or a trained company technician].

"Ground-fault circuit-interrupter" means a device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds [~~some a~~] predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

"Hazardous atmosphere" means an atmosphere presenting a potential for death, disablement, injury, or acute illness from one or more of the following causes:

1. A flammable gas, vapor, or mist in excess of 10% of its lower explosive limit (LEL);
2. An oxygen-deficient atmosphere containing less than 19.5% oxygen by volume or an oxygen-enriched atmosphere containing more than 23% oxygen by volume;
3. An atmospheric concentration of any substance listed in Subpart Z of Part 1910 Standards above the listed numerical value of the permissible exposure limit (PEL); or
4. A condition immediately dangerous to life or health as defined in this subsection.

"Immediately dangerous to life or health (IDLH)" means any condition that poses an immediate threat to life, or which is likely to result in acute or immediately severe health effects. See Appendix A for concentrations at which several chemicals exhibit IDLH effects.

"Immediate severe health effects" means that an acute clinical sign of serious, exposure-related reaction is manifested within 72 hours of exposure.

"Lockout or tagging" means placing locks or tags on the energy-isolating device in accordance with § 3 B of this standard. Tags shall indicate that the energy-isolated device shall not be operated until the removal of the tag.

"Qualified person" means a person who is trained to recognize the hazard(s) of the confined space and how to evaluate those anticipated hazards [and shall be capable of specifying necessary control measures to insure worker safety]. The employer may designate an employee as employer representative for the purpose of assuring safe

Final Regulations

confined space entry procedures and practices at a specific site. The qualified person may also be the entrant when permissible according to § 5 A of this standard.

"Rescue team" means those persons [~~which~~ whom] the employer has designated prior to any confined space entry to perform rescues from confined spaces. A rescue team may consist of outside emergency personnel, provided the training requirements of § 7A.2 of this standard have been met.

"Retrieval line" means a line or rope secured at one end to a worker's safety belt, chest or body harness, or wristlets with the other end secured to an anchor point or lifting device located outside the entry portal. [The anchor point shall not be a motor vehicle.] Retrieval lines must be of sufficient strength to remove an entrant when necessary.

"Zero mechanical state" means that the mechanical potential energy of all portions of the machine or equipment is [at its lowest practical value set] so that the opening of the pipe(s), tube(s), hose(s), or actuation of any valve, lever, or button, will not produce a movement which could cause injury.

§ 2. Scope and application.

A. This section prescribes basic mandatory practices and procedures which employers must establish and use for employee entry into and work within confined spaces.

B. This section applies to all employers with employees covered by Virginia Standards for General Industry (Part 1910) and Virginia Standards for Construction Industry (Part 1926) [except for employers with employees covered by 1910.268].

§ 3. Preparation.

Entry into a confined space shall not be made unless the qualified person has assured that the following procedures have first been completed.

A. All pumps or lines which may convey flammable, injurious, or incapacitating substances into a space shall be disconnected, blinded, [double blocked or bled,] or effectively isolated by other means to prevent the development of dangerous levels of air contamination or oxygen deficiency within the space. [The closing of valves alone, or the closing of valves and locking or tagging them, is not considered effective protection.] The disconnection or blind shall be so located or done in such a manner that inadvertent reconnection of the line or removal of the blind are effectively prevented.

1. This does not apply to public utility gas distribution systems.

2. This does not require blocking of all laterals to sewers or storm drains unless experience or

knowledge of industrial use indicates materials resulting in dangerous air contamination may be dumped into an occupied sewer.

B. All fixed mechanical devices and equipment that are capable of causing injury shall be placed at zero mechanical state (ZMS). Electrical equipment, excluding lighting, shall be locked out in the open (off) position with a key-type padlock except in cases where locking is impossible; in such cases equipment shall be properly tagged in accordance with 1910.145(f). The key shall remain with the person working inside the confined space. Installations under the exclusive control of electric utilities for the purpose of communication, or metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property, are exempt from the requirements of this paragraph.

C. All confined spaces shall be emptied, flushed, or otherwise purged of flammable, injurious, or incapacitating substances to the extent feasible. Initial cleaning shall be done from outside the confined space [~~if at all possible~~ to the extent feasible].

D. Where the existence of a hazardous atmosphere is demonstrated by tests performed by the qualified person, the confined space shall be mechanically ventilated until the concentration of the hazardous substance(s) is reduced to a safe level, and ventilation shall be continued as long as the recurrence of the hazard(s) is possible or appropriate personal protective equipment, as defined in Subpart I of the Virginia Standards for General Industry (Part 1910) and Subpart E of the Virginia Standards for Construction Industry (Part 1926), shall be used by all employees during entry. [The mechanical ventilation shall be located in an unconfined space with the blower intake away from traffic and sources of exhaust fumes and the blower exhaust away from the confined space opening. The blower shall be located a minimum of five feet from the confined space opening to avoid returning purged air into the confined space.

E. When the confined space entry occurs on a public thoroughfare, warning devices, barricades, and traffic cones shall be used for the protection of workers and shall conform to the American National Standards Institute D6.1-1978, "Manual on Uniform Traffic Control Devices for Streets and Highways."]

§ 4. Atmosphere testing.

A. [Where mechanical ventilation is utilized in accordance with § 4.C,] the qualified person shall assure that each confined space into which an employee may be required to enter is tested immediately prior to entry [by a qualified person] using direct reading instruments [or Go-No Go instruments with preset valves,] with remote

sampling capacity for the following conditions:

[~~1. Oxygen level;~~]

[~~2. 1.] Potential flammable hazard; and~~

[~~3. 2.] Toxic materials known or expected to be present.~~

[In the absence of mechanical ventilation as specified in § 4.C, the qualified person shall also test for oxygen levels prior to entry.] The testing of the atmosphere for a particular toxic material is not necessary where the presence of that material is known by virtue of a previous test and appropriate personal protective equipment to protect against that material is utilized.

B. When an attendant has been assigned, as prescribed by § 5 A, a qualified person shall perform atmospheric testing during [~~occupation~~ occupancy] at intervals dependent on the possibility of changing conditions [, but in no case less frequently than hourly]. Atmospheric test results must be recorded on the permit at least hourly in accordance with § 6 B.

C. When a nonattendant entry is permitted, as allowed by § 5 A, at least one entrant shall [~~wear~~ use] a continuous monitoring device equipped with an alarm and capable of evaluating oxygen concentrations and combustible gas concentrations in the confined space. When large confined spaces are entered, a sufficient number of monitoring devices shall be either worn or located in the work area to adequately monitor the atmosphere. The qualified person shall assess the need for mechanical ventilation in all confined spaces in accordance with the written permit system. [Where continuous mechanical ventilation which conforms to the Bell System Practices for Testing and Ventilating Manholes, § 620-140-501 (4.01-7.05) (1976) is utilized, monitoring for oxygen concentrations in the confined space shall not be required.]

D. [~~The calibration of each~~ Each] atmospheric testing instrument shall be [~~checked~~ calibrated] according to the manufacturer's instructions [or, if no manufacturer's specifications exist, at least yearly,] and field checked immediately prior to its use. [Instruments which are out of calibration or fail a field check cannot be used until they are properly calibrated.]

§ 5. Attendants and rescue teams.

A. The qualified person shall evaluate each confined space that an employee may be required to enter by identifying and evaluating the hazards and potential hazards of that space. The qualified person then may allow an employee to make an unaccompanied, nonattendant entry into a confined space which has no potential for engulfment or IDLH atmosphere, and only low potential for hazardous atmosphere, provided the requirements of § 4.C are met.

B. An attendant shall be stationed immediately outside every confined space which has been found to have an IDLH atmosphere, a hazardous atmosphere or a potential for engulfment. The attendant shall be trained as directed by § 7.A.2, be within sight or call of the entrant, and have the means available to summon assistance.

C. Rescue teams shall be available where the confined space has been found to have an IDLH atmosphere, a hazardous atmosphere or a potential for engulfment.

§ 6. Permit systems.

[A.] The employer shall develop and implement a written entry permit system [for all confined space entries] which includes a written permit procedure that provides the following minimum information:

[~~A. 1.] The minimum acceptable environmental conditions which are acceptable to the employer for entry and work in the confined space;~~

[~~B. 2.] A record of atmospheric test results conducted prior to entry and at least hourly thereafter when an attendant is required;~~

[~~C. 3.] The last calibration date(s) for the oxygen detector and combustible gas indicator being used;~~

[~~D. 4.] The signature of the qualified person responsible for securing the permit and reviewing conditions prior to entry;~~

[~~E. 5.] A written description of the location and type of work to be done;~~

[~~F. 6.] Each permit shall be dated and carry an expiration time of not more than 12 hours; the permit may be extended for another 12-hour period pending recertification of acceptable conditions.~~

[B. Entry permit forms shall be retained until the corresponding entry has been successfully completed.

C. The permit may be on a preprinted form or incorporated into a work order, a log book, or any other form, as long as each contains the minimum information required by §§ 6.A.1 to 6.A.6 of this standard.]

§ 7. Training.

A. The employer shall inform his employees of the hazards of working in confined spaces by providing specific training to employees before they may be authorized to enter a confined space.

1. General. The employer shall assure that [the qualified person and] all employees who may be required to enter a confined space have received training covering the following subjects:

Final Regulations

a. Hazard recognition;

b. Use of respiratory protection equipment if the use of such equipment will be required. Training requirements are specified in 1910.134;

c. Use of atmospheric testing devices for those employees required to perform atmospheric tests. Training shall cover field checks as specified by the manufacturer, normal use, and specific limitations of the equipment;

d. Lockout and tagging procedures;

e. Use of special equipment and tools;

f. Emergency and rescue methods and procedures.

2. Rescue teams. Rescue teams shall be trained to use the equipment they may need to perform rescue functions assigned to them.

a. At least annually rescue teams shall practice removing victims through openings and portals of the same size, configuration and accessibility as those of spaces from which an actual rescue could be required.

b. The attendant or at least one member of each rescue team shall hold current certification in basic first aid and CPR (Cardio-Pulmonary Resuscitation).

B. The employer shall maintain the records of the most recent training program conducted. These records shall include the date(s) of the training program, the instructor(s) of the training program, and the employee(s) to whom the training was given.

§ 8. Special equipment and tools.

A. No sources of ignition shall be introduced [into a confined space] until the implementation of [the] appropriate provision of this section has ensured that dangerous air contamination due to flammable or explosive substances does not exist.

B. All electrical cords, tools, and equipment shall be inspected for visually detectable defects before use in a confined space. In the absence of low voltage circuits and equipment or double insulated tools, equipment shall be of the heavy duty insulation type or ground fault circuit interrupters shall be used. Temporary lighting shall conform with 1926.405(a)(2)(ii)(G).

C. No fan or other equipment used for removing flammable gases or vapors shall create an ignition hazard.

D. Cylinders of compressed gases shall never be taken into a confined space, and shall be turned off at the cylinder valve when not in use. [Overnight and at the change of shifts, When to be left unattended,] the torch

and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device. Exempt from this rule are cylinders that are part of self-contained breathing apparatus or resuscitation equipment.

§ 9. Tripods, safety harnesses, retrieval lines and respiratory protection.

A. Where the existence of an IDLH atmosphere, a hazardous atmosphere or potential for engulfment has been demonstrated by the qualified person, the following requirements shall also apply:

1. An appropriate retrieval device with retrieval line shall be used by any entrant(s), except where the retrieval lines themselves could cause a hazard because of structures, equipment, or becoming entangled with other lines inside the confined space. Where a retrieval line is used, the free end of the retrieval line shall be secured outside the entry opening either by another person holding the line or by securing it in some other manner.

2. When entry is made through a top opening, a hoisting device such as a tripod shall be provided for lifting employees out of the space.

B. When a person is required to enter a confined space which has either an IDLH atmosphere or a hazardous atmosphere there shall be either a positive-pressure self-contained breathing apparatus or a combination positive-pressure air-line respirator with an auxiliary self-contained air supply immediately outside the entrance to the confined space.

C. When a person(s) must enter a confined space which contains either an IDLH atmosphere or a hazardous atmosphere without a retrieval line attached, then each entrant shall be supplied with and wear a MSHA/NIOSH approved positive pressure self-contained breathing apparatus.

[§ 10. Effective date and start-up date.

A. Effective date. November 15, 1987.

B. Start-up date. Enforcement of 1910.268(t)'s requirements for continuous mechanical ventilation will begin November 15, 1987. Enforcement of all other portions of 1910.268(t) will begin July 1, 1988. Appendix B lists those subsections of 1910.268(o) to be amended or deleted effective July 1, 1988.]

APPENDIX A

[Concentrations at which Substances Exhibit IDLH Effects

Concentrations At Which Some Common Substances

*Exhibit Immediately Dangerous to Life or Health
(IDLH) Effects*

Appendix A is a nonmandatory appendix. According to the National Institute for Occupational Safety and Health (NIOSH) the levels listed below represent a maximum concentration from which one could escape within 30 minutes without any escape-impairing symptoms or any irreversible health effects. These levels were published by NIOSH in September 1985 and are subject to frequent change. This list is not meant to be all inclusive but rather is meant to list some of the more frequently encountered chemicals in confined spaces.]

CHEMICAL NAME	IDLH LEVELS*
Ammonia	500 ppm
Benzene	2,000 ppm
Butadiene	20,000 ppm
2 - Butanone	3,000 ppm
Carbon dioxide	[5,000 ppm 50,000 ppm]
Carbon monoxide	1,500 ppm
Carbon tetrachloride	300 ppm
Chlorine	25ppm
Chlorobromomethane	5,000 ppm
Chloroform	1,000 ppm
Cresol	250 ppm
Cyclohexane	10,000 ppm
Dichlorodifluoromethane	50,000 ppm
Dichloromonofluoromethane	50,000 ppm
Ethyl acetate	[400 ppm 10,000 ppm]
Fluorotrichloromethane	[100 ppm 10,000 ppm]
Heptane	4,250 ppm
Hexane	5,000 ppm
2 - Hexanone	5,000 ppm
Hydrogen chloride	[100 ppm]
Hydrogen sulfide	300 ppm
Isopropyl alcohol	20,000 ppm
Liquified petroleum gas	19,000 ppm

Methyl alcohol	[2,000 ppm 25,000 ppm]
Methyl cellosolve	2,000 ppm
Methyl cellosolve acetate	4,500 ppm
Methyl chloroform	1,000 ppm
Methylene chloride	5,000 ppm
Nitric oxide	100 ppm
Nitrogen dioxide	50 ppm
Octane	3,750 ppm
Ozone	10 ppm
Pentane	5,000 ppm
Petroleum distillates mixture	10,000 ppm
Phenol	100 ppm
Phosgene	2 ppm
Propane	20,000 ppm
Sodium hydroxide	200 mg/M ³
Stoddard solvent	5,000 ppm
Styrene	5,000 ppm
Sulfur dioxide	100 ppm
1,1,2,2 - Tetrachloro-1, 2 - difluoroethane	15,000 ppm
Toluene	2,000 ppm
Toluene-2,4-diisocyanate	10 ppm
Trifluoromonobromomethane	50,000 ppm
Turpentine	1,900 ppm
Xylene	10,000 ppm

*Reference NIOSH/OSHA Pocket Guide to Chemical Hazards DHEW (NIOSH) Publication No. 78-210

APPENDIX B

[Amendments and Deletions to 1910.268(o),
Telecommunications Standard For General Industry
to become Effective July 1, 1988 and to coincide
with the Start-Up date of 1910.268(t):]

Telecommunications, 1910.268

Final Regulations

- 1910.268(o) Amended to apply
[~~1910-146~~ 1910.268(t)] to
ventilation and
testing for gas
in manholes and
unvented vaults
- 1910.268(o)(1)(ii) Deleted
- 1910.268(o)(ii)(a) Deleted
- 1910.268(o)(1)(ii)(b) Deleted
- 1910.268(o)(1)(ii)(c) Deleted
- 1910.268(o)(2) Amended to apply
[~~1910-146~~ 1910.268(t)] to
entry of manholes
and vented vaults
- 1910.268(o)(2)(1) Deleted
- 1910.268(2)(1)(a) Deleted
- 1910.268(o)(2)(1)(b) Deleted
- 1910.268(o)(2)(1i) Deleted
- 1910.268(o)(2)(1i)(a) Deleted
- 1910.268(o)(2)(1i)(b) Deleted
- 1910.268(o)(2)(1i)(c) Deleted
- 1910.268(o)(2)(1i)(d) Deleted
- 1910.268(o)(2)(1i)(e) Deleted
- 1910.268(o)(2)(1ii)(a) Deleted
- 1910.268(o)(2)(1ii)(b) Deleted
- 1910.268(o)(3) Deleted
- 1910.268(o)(5) Deleted
- 1910.268(o)(5)(i) Deleted
- 1910.268(o)(5)(ii) Deleted

GOVERNOR

EXECUTIVE ORDER NUMBER FORTY-NINE (87)

DESIGNATION OF EXECUTIVE BRANCH OFFICERS AND EMPLOYEES REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENTS UNDER THE STATE AND LOCAL GOVERNMENT CONFLICT OF INTERESTS ACT

The 1987 General Assembly's passage of the State and Local Government Conflict of Interests Act demonstrates the Commonwealth's continuing commitment to assure the people of Virginia that the judgment of public officers and employees will not be compromised or affected by inappropriate conflicts between the personal economic interests and the official duties of Virginia's public servants.

In furtherance of the purposes of the State and Local Government Conflict of Interests Act (hereinafter, "the Act"), and by virtue of the authority vested in me as Governor by Article V, Sections 7 and 8 of the Constitution of Virginia and by Sections 2.1-41.1, 2.1-42, and 2.1-639.13 of the Code of Virginia, I hereby establish the following policies and procedures to implement the Act in Executive Branch agencies, institutions, boards, and commissions:

1. In order that all appropriate executive branch officers and employees may be designated to file the annual statement of personal interests set out in the Act, each of the Governor's Secretaries shall submit to me by October 1, 1987, a report identifying:

(a) Each position within the Secretary's jurisdiction, whether classified or non-classified, which involves substantive responsibility for inspection, investigation, licensure, or other regulation of the activities of private firms, organizations, or professions; and

(b) Each position within the Secretary's jurisdiction, whether classified or non-classified, which involves substantive responsibility for procurement, audit, investment, or other activities that could be subject to abuse or improper influence as a result of the personal economic interests of the officeholder or employee.

2. In order that members of appropriate boards and commissions within the Executive Branch may be designated to file the annual statement of personal interests required by the Act, the Secretary of the Commonwealth shall submit to me by October 1, 1987, a report identifying those boards and commissions bearing substantial responsibility for inspection, investigation, licensure, or other regulation of the activities of private firms, organizations, and professions. The report also shall identify those boards and commissions bearing substantial responsibility for procurement, audit, investigation, or other activities that could be subject to abuse or improper influence as a result of the personal economic interests of members.

3. Subject to my approval, the Secretary of the Commonwealth shall prepare from the reports submitted pursuant to paragraphs 1 and 2, above, a comprehensive list of officers, employees and members of boards and commissions within the Executive Branch who shall be required to file the statement of personal interests set out in the Act. The Secretary of the Commonwealth, with the assistance and cooperation of the Governor's Secretaries, shall maintain this list, shall review and revise it annually to reflect the creation and abolition of offices and positions, and shall annually inform each officer, employee, or board or commission member listed of his or her obligation to file the statement of personal interests in accordance with Section 2.1-639.13 of the Code of Virginia.

4. The head of each agency, institution, board and commission within the Executive Branch shall assist the Governor's Secretaries and the Secretary of the Commonwealth in compiling the information required by this Executive Order, in ensuring that appropriate additions to and deletions from the list of those designated to file the statement of personal interests are recommended in a timely fashion, and in ensuring that designated officers and employees file their statements of personal interests in accordance with Section 2.1-639.13 of the Code of Virginia.

5. The head of each agency, institution, board and commission within the Executive Branch shall communicate to the officers, employees, and members within his or her jurisdiction the importance and necessity of maintaining the highest standards of conduct, and of avoiding even the appearance of impropriety arising out of personal economic interests and the conduct of the business of the Commonwealth.

This Executive Order rescinds Executive Order Number 38 (83), issued the fifth day of August, 1983, by Governor Charles S. Robb.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 28th day of August, 1987.

/s/ Gerald L. Baliles
Governor

EXECUTIVE ORDER NUMBER FIFTY (87)

CREATING THE COMMISSION ON THE
TERCENTENARY OBSERVANCES OF THE
COLLEGE OF WILLIAM AND MARY IN
VIRGINIA

Governor

By virtue of the authority vested in me as Governor by Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers, I hereby create the Commission on the Tercentenary Observances of the College of William and Mary in Virginia.

Founded by royal charter in 1693 by Their Majesties King William III and Queen Mary II, The College of William and Mary in Virginia has served the Commonwealth and the nation throughout its existence by its unflinching commitment to excellence in education. Its alumni, including three American presidents, have consistently assumed positions of leadership and service at local, state, national, and international levels.

William and Mary is recognized today as an undergraduate institution of outstanding quality with a deep commitment to the value of education in the liberal arts. It is also a full university offering outstanding graduate and professional programs; its Marshall-Wythe School of Law, in particular, is the oldest law school in the nation.

In view of the College's unique position and contribution to the Commonwealth and to the nation, this Commission is established to ensure that the 300th anniversary of the founding of the second oldest college in America is appropriately commemorated. The Commission shall, therefore, be responsible for developing and executing plans to promote and celebrate this anniversary and advising the Governor, the General Assembly, and the people of Virginia of these activities.

Members of the Commission shall be appointed by the Governor and shall serve at his pleasure. The Commission shall consist of not more than 40 members, including all living former Governors of Virginia, the Ambassador of the United Kingdom to the United States, the Ambassador of the Netherlands to the United States, the Chancellor of the College, the President of the College, the Rector of the College, the President of the Society of the Alumni, the Mayor of the City of Williamsburg, the President of the Colonial Williamsburg Foundation, the Speaker of the Student Association Council, the President of the Senior Class, and a representative of the Parents' Association.

The Governor shall appoint from the members a Chairman and Vice Chairman and may also designate an honorary chairman. The Commission shall meet at the call of the Chairman.

Members of the Commission shall serve without compensation and shall not receive any reimbursement from public funds for expenses incurred in the discharge of their duties. Such funding as is necessary for the fulfillment of the Commission's responsibilities during the term of its existence shall be provided from such sources, both public and private, authorized by Section 2.1-51.37 of the Code of Virginia. Total expenditures for the Commission's work are estimated to be no more than

\$10,000.

Such staff support as is necessary for the conduct of the Commission's business during the term of its existence shall be furnished by The College of William and Mary and such other executive branch agencies and institutions as the Governor may from time to time designate. An estimated 500 hours of staff support will be required to assist the Commission.

The Commission is classified as an advisory commission, as defined in Section 9-6.25 of the Code of Virginia.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 1988, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 28th day of August, 1987.

/s/ Gerald L. Baliles
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: **VR 240-01-14. Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of State Department of Corrections, Division of Adult Institutions.**

Governor's Comment:

No substantive objection to the proposed regulations, which will establish a new set of training standards for entry level correctional officers on a trial basis, as presented.

/s/ Gerald L. Baliles
August 27, 1987

STATE BOARD OF PHARMACY

Title of Regulation: **VR 540-01-1. State Board of Pharmacy Regulations.**

Office of the Governor

August 24, 1987

Bernard L. Henderson, Jr.
Director

Department of Health Regulatory Boards
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

I have reviewed the proposed State Board of Pharmacy Regulations (VR 540-01-1) under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn and responsive to the public concern for the rigorous regulation of those who manufacture, distribute, and dispense controlled substances and devices. I am aware of a small number of technical concerns expressed by the Council on Health Regulatory Boards, and I urge the Board to incorporate the recommendations of the Council into the regulations to be adopted.

With these minor reservations, I have no objections to the regulations as presented, and I encourage the State Board of Pharmacy to adopt and promulgate these proposed regulations with all deliberate speed.

/s/ Gerald L. Baliles
Governor

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: VR 560-01-02. Regulations Governing the Practice of Professional Counseling.

Office of the Governor

August 13, 1987

Mr. Bernard L. Henderson, Jr.
Director
Department of Health Regulatory Boards
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

I have reviewed the Regulations Governing the Practice of Professional Counseling (VR 560-01-02) under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to consolidate and clarify the three bodies of standards under which professional counselors are currently practicing in the Commonwealth. The Board of Professional Counselors is to be commended for its efforts in achieving clarity and simplicity in these regulations. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles
Governor

VIRGINIA BOARD OF PSYCHOLOGY

Title of Regulation: VR 565-01-2. Regulations Governing the Practice of Psychology.

Office of the Governor

August 13, 1987

Mr. Bernard L. Henderson, Jr.
Director
Department of Health Regulatory Boards
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

I have reviewed the Regulations Governing the Practice of Psychology (VR 565-01-2) under the procedures of Executive Order Number Five (86).

The Board of Psychology is to be commended for its recognition of the need to clarify and simplify the standards governing the practice of psychology in the Commonwealth. The thorough review of the regulations has resulted in the consolidation of standards adopted by the Board of Behavioral Sciences (abolished by the General Assembly in 1983) and the existing Board of Psychology, thereby providing clearer guidance to licensees in the practice of their profession. The revisions in Part VIII of the regulations dealing with the Standard of Practice are an excellent example of the increased clarity of the new provisions.

Despite the significant improvements which have resulted from the Board's proposed amendments, I do have major concerns regarding two aspects of these regulations. These concerns relate to certain definitions pertaining to the scope of practice of licensees and the proposed fee structure.

In reviewing these regulations, I have noted that the Board has proposed certain definitions which are inconsistent with the corresponding definitions in the Code of Virginia (e.g., "psychological assessment" and "counseling and psychology"). I believe that the broader definitions in the proposed regulations create problems of interpretation in defining the permissible scope of practice of licensees.

As you may recall, definitions relating to the scope of practice of psychologists were debated during the 1987 session of the General Assembly. At that time, the legislature decided to adopt a more restrictive definition to avoid infringing on the practices of other categories of licensed professionals who are involved in counseling. In order to ensure that this legislative intent is fulfilled, I would expect the Board to conform the definitions in the proposed regulations to those contained in the Code.

With regard to the fee structure, I have noted that the proposed application fees for clinical psychologists are substantially higher than those for other categories of

Governor

psychologists. Since the Board offers no supporting material to explain this differential treatment, it is unclear whether the differences in the amount of the increases is due to application processing costs or other factors. There is also no information on the anticipated administrative costs of the Board or the amount of money which the Board expects the additional fees to generate. This information is necessary to evaluate the reasonableness of the increases and the fee structure.

In addressing the issues discussed above and other aspects of the proposed regulations, it may be helpful for the Board to consult the Council on Health Regulatory Boards and standards adopted by other health regulatory boards to determine an appropriate approach to these revisions.

/s/ Gerald L. Baliles
Governor

Mr. William L. Lukhard
Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229-8699

I have reviewed the regulations for Family Based Social Services (VR 615-50-4) under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to promote a family-based philosophy for the provision of social services by local agencies throughout the Commonwealth. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles
Governor

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-08-1. Virginia Fuel Assistance Program: Energy Crisis Assistance.

Office of the Governor

August 14, 1987

Mr. William L. Lukhard
Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229-8699

I have reviewed the regulations for the Virginia Fuel Assistance Program: Part III Energy Crisis Assistance Program (VR 615-08-1) under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to discourage dependency on the program, to address the need for additional benefits in appropriate circumstances and to ensure the most effective use of limited resources. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles
Governor

* * * * *

Title of Regulation: VR 615-50-4. Family Based Social Services.

Office of the Governor

August 13, 1987

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

AUCTIONEERS BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Auctioneers Board intends to consider amending regulations entitled: **Rules and Regulations for the Registration of Auctioneers**. The purpose of the proposed amendments is to provide clarification to existing regulations regarding the Registration of Auctioneers.

Statutory Authority: §§ 54-824.9:1 and 54-824.9:3 of the Code of Virginia.

Written comments may be submitted until October 31, 1987.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free 1-800-552-3016)

STATE BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Education intends to consider amending regulations entitled: **Regulations Governing Literary Loan Applications in Virginia**. The purpose of this action is to finalize the Literary Fund Emergency Regulations which became effective March 23, 1987.

Statutory Authority: §§ 22.1-16, 22.1-142 and 22.1-161 of the Code of Virginia

Written comments may be submitted until October 5, 1987.

Contact: M. E. Cale, Associate Superintendent for Financial and Support Services, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2025

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Department of Education intends to consider amending regulations entitled: **Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia**. The purpose of this action is to review all pupil transportation regulations and standards for the purpose of updating and amending the 1981 edition of the Board of Education regulation pertaining to pupil transportation. During this project, the emergency regulations approved on June 22, 1987 will be finalized.

Statutory Authority: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until October 5, 1987.

Contact: R. A. Bynum, Associate Director, Pupil Transportation Service, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia**. The purpose of the proposed amendments is to ensure a free appropriate public education in the least restrictive environment to all handicapped children and youth, ages 2 to 21, inclusive, residing in the Commonwealth. Application of § 9-6.14:4.1 of the Code of Virginia requires amending hearing officer system; P.L. 99-372 and P.L. 99-457 also necessitate revision in existing regulations governing the handicapped.

Statutory Authority: § 22.1-16 of the Code of Virginia; 20 USC §§ 1412 and 1413.

Written comments may be submitted until September 30, 1987.

Contact: Dr. Andrea B. Chisick, Supervisor of Complaints Management, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Management of Student's Scholastic Records**.

General Notices/Errata

The purpose of the proposed amendments is to assure the protection of confidentiality of any personally identifiable data, information, and records collected or maintained by local school divisions and participating agencies and to provide for the orderly management of a student's scholastic record in the public schools of Virginia.

Statutory Authority: § 22.1-16 of the Code of Virginia and 34 CFR 99.1-99.67; 20 USC 1232 g et seq.

Written comments may be submitted until September 30, 1987.

Contact: Dr. Andrea B. Chisick, Supervisor of Complaints Management, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

DEPARTMENT OF HEALTH (COMMISSIONER OF)

Bureau of Shellfish Sanitation

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Sanitary Control of the Picking, Packing and Marketing of Crab Meat for Human Consumption.** The purpose of the proposed amendments is to protect the public health by establishing the conditions under which crab meat for human consumption may be handled.

Statutory Authority: § 28.1-176 of the Code of Virginia.

Written comments may be submitted until September 28, 1987.

Contact: Cloyde W. Wiley, Director, Bureau of Shellfish Sanitation, 109 Governor St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-3561

DEPARTMENT OF HEALTH (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Definition of "Area of Need."** The purpose of this action is to amend definitions used in granting practice approval to recipients of State Medical Scholarships.

Statutory Authority: § 23-35.3 of the Code of Virginia.

Written comments may be submitted until October 16, 1987.

Contact: Sally Camp, Staff Assistant, James Madison Bldg., 109 Governor St., Room 400, Richmond, Va. 23219, telephone (804) 786-3561

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Definitions of "Practice of Family Medicine."** The purpose of this action is to amend the definitions used in granting practice approval to recipients of State Medical Scholarships.

Statutory Authority: § 23-35.3 of the Code of Virginia.

Written comments may be submitted until October 16, 1987.

Contact: Sally Camp, Staff Assistant, James Madison Bldg., 109 Governor St., Room 400, Richmond, Va. 23219, telephone (804) 786-3561

Bureau of Sewage and Water

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Sewage Handling and Disposal Regulations.** The proposed amendments will address on-site wastewater systems installed in areas subject to coastal erosion.

Statutory Authority: §§ 32.1-12 and 32.164 of the Code of Virginia.

Written comments may be submitted until September 30, 1987.

Contact: Donald J. Alexander, Director, Bureau of Sewage and Water, 109 Governor St., James Madison Bldg., Room 504, Richmond, Va. 23219, telephone (804) 786-1750

Bureau of Radiological Health

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Ionizing Radiation Rules and Regulations.** The purpose of the proposed amendments is to adopt changes required by

House Bill 91. Revisions of the Suggested Model regulations and Federal Code are incorporated into the new regulations. Regulations governing radioactive waste and transportation of radioactive materials will be replaced and adopted by another agency.

Statutory Authority: § 32.1-229 of the Code of Virginia.

Written comments may be submitted until October 1, 1987, to Charles Price, Supervisor, Bureau of Radiological Health, Department of Health, 109 Governor Street, Room 915, Richmond, Virginia 23219.

Contact: Leslie Foldesi, Radiation Safety Specialist, Bureau of Radiological Health, 109 Governor St., Room 915, telephone (804) 786-5932 (toll-free 1-800-468-0138)

VIRGINIA BOARD OF OPTOMETRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Optometry intends to consider amending regulations entitled: **Regulations of the Virginia Board of Optometry**. The purpose of the proposed amendment is to raise fees so that the board can collect adequate revenue to cease operating with a deficit.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until October 28, 1987.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Division of Benefit Programs

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Timely Reporting Requirement in the Aid to Dependent Children (ADC) Program**. The purpose of the proposed regulations is to assure that recipients are allowed a reasonable amount of time to report a change in their family's circumstances. It is proposed that the time frame for making a report of change be lengthened to allow 10 calendar days from the date of the change.

Currently, a change must be reported the day the change occurs or the first workday thereafter. If a family with earned income fails, without good cause, to make a proper report, continued eligibility for ADC is evaluated without consideration of the earned income disregards.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 30, 1987 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Va. 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Division of Licensing Programs

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Standards and Regulations for Licensed Homes for Adults**. The purpose of the proposed action is to (i) amend standards relating to residents' rights, (ii) revise definition of "nursing and convalescent care," (iii) amend standards addressing the maintenance of records, (iv) amend standards relating to the maintenance of residents' personal funds, (v) revise definition of "maintenance and care," (vi) amend planned activity requirement, and (vii) review standards relating to restraints.

Statutory Authority: §§ 63.1-25 and 63.1-174 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

Contact: Jeffrey A. Setien, Program Development Supervisor, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Upper James River Basin Water Quality Management Plan**. The purpose of this proposed action is to amend the Upper James River Basin Water Quality Management Plan BOD5 loadings for the existing Bath County Service

General Notices/Errata

Authority's Ashwood-Healing Springs and City of Lexington's Sewage Treatment Plants and the proposed discharge from the sewage treatment plant serving the Millboro Industrial Park.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Written comments may be submitted until October 8, 1987.

Contact: Charles T. Mizell, Supervisor, Water Resources Development, State Water Control Board, 116 N. Main St., P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Quality Standards.** Water quality standards establish the requirements for the protection of water quality and of the beneficial uses of these waters. The purpose of this proposed action is to amend the standards so as to designate as public water supplies five water supplies that are not currently designated. These water supplies serve the Towns of Austinville and Tazewell, the Quantico Marine Corps Base, Fort Monroe and the Wintergreen community. The streams affected include portions used as a water supply upon Chopawamsic Creek, Allen Creek, Brick Kiln Creek, Cox Branch and the New River. Tributaries to these streams within five miles of the intake point may also be designated.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Written comments may be submitted until October 8, 1987.

Contact: Stu Wilson, Water Resources Ecologist, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

GENERAL NOTICES

COMMONWEALTH OF VIRGINIA VIRGINIA DEPARTMENT OF HEALTH

† Notice

Maternal and Child Health Services Block Grant
Amendment to Report of Intended Expenditures
Fiscal Year 1987

The Virginia Department of Health is amending the Maternal and Child Health Services Block Grant, Report of Intended Expenditures (RIE), Fiscal Year 1987 in order to receive supplemental funds for activities which promote access to primary health care services for children, community-based service networks, and case management services for children with special health care needs.

Details of the amendment are available upon request from:

Zsolt H. B. Koppanyi, M.D., M.P.H., Director
Office of Family Health Services
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219

DEPARTMENT OF LABOR AND INDUSTRY

General Notice

Pursuant to the provisions of § 9-6.14:7.1(c) of the Code of Virginia, the regulatory process has been suspended by the Governor for 30 days on proposed final regulation VR 425-01-28, Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, IV, B, (14) Numeric Ratio of Apprentices to Journeymen. The Governor has asked that this agency solicit additional comment on this proposed final regulation.

Written comments are solicited until October 1, 1987 addressed to Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Virginia 23241.

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Deputy Registrar of Regulations, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04

EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE
OR GUBERNATORIAL OBJECTIONS - RR08

ERRATA

VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Title of Regulation: VR 130-01-2. Rules and Regulations.

Publication: 3:24 VA.R. 2817-2866 August 31, 1987

Correction: In § 1.12(B)(3), the published regulation reads "The seal or each person responsible for each discipline shall be used." The regulation should read "The seal of each person responsible for each discipline shall be used."

VIRGINIA STATE BOARD OF GEOLOGY

Title of Regulation: VR 335-01-1. Rules and Regulations.

Publication: 3:24 VA.R. 2867-2875 August 31, 1987

Correction: In § 1.5, the published regulation in line 7 reads "...of the certificate or require requalification or reexamination." The regulation should read "...of the certificate or require requalification or reexamination or both."

CALENDAR OF EVENTS

Symbols Key	
†	Indicates entries since last publication of the Virginia Register
☒	Location accessible to handicapped
☎	Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

..... VIRGINIA CODE COMMISSION

EXECUTIVE

STATE BOARD OF ACCOUNTANCY

October 20, 1987 - 10 a.m. – Public Hearing
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Accountancy intends to amend regulations entitled: **VR 105-01-2. Virginia State Board of Accountancy Rules and Regulations.** These rules and regulations govern the profession of certified public accountants. The board is amending § 1.2 of the regulation to facilitate conformance with § 54-1.28:1 of the Code of Virginia.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Written comments may be submitted until October 17, 1987.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free 1-800-552-3016)

BOARD OF AGRICULTURE AND CONSUMER SERVICES

September 28, 1987 - 1 p.m. – Open Meeting
September 29, 1987 - 8:30 a.m. – Open Meeting

Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. ☒

A regular meeting of the board.

Contact: Raymond D. Vaughan, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3501

STATE AIR POLLUTION CONTROL BOARD

October 19, 1987 - 10 a.m. – Public Hearing
State Air Pollution Control Board, Southwest Virginia Regional Office, 121 Russell Road, Abingdon, Virginia

October 19, 1987 - 10 a.m. – Public Hearing
State Air Pollution Control Board, Valley of Virginia Region, 5338 Peters Creek Road, Suite A, Roanoke, Virginia

October 19, 1987 - 10 a.m. – Public Hearing
State Air Pollution Control Board, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia

October 19, 1987 - 10 a.m. – Public Hearing
State Air Pollution Control Board, State Capitol Region, 8205 Hermitage Road, Richmond, Virginia

October 19, 1987 - 10 a.m. – Public Hearing
State Air Pollution Control Board, Hampton Roads Regional Office, Old Greenbriar Village, 2010 Old Greenbriar Road, Suite A, Chesapeake, Virginia

October 19, 1987 - 10 a.m. – Public Hearing
State Air Pollution Control Board, National Capital Regional Office, Springfield Towers, 6320 Augusta Drive, Suite 502, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a)(1) of the Federal Clean Air Act that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulations establish limits for sources of air pollution to the extent necessary to attain and maintain levels of air quality as will protect human health and welfare.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until October 19,

1987, to Director of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Virginia 23240.

Contact: Nancy S. Saylor, Division of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-1249

ALCOHOLIC BEVERAGE CONTROL BOARD

October 6, 1987 - 9:30 a.m. - Open Meeting
October 26, 1987 - 9:30 a.m. - Open Meeting
November 4, 1987 - 9:30 a.m. - Open Meeting
November 17, 1987 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☐

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0617

November 19, 1987 - 10 a.m. - Public Hearing
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Alcoholic Beverage Control Board intends to adopt and amend regulations concerning the possession, sale, distribution and consumption of alcoholic beverages. The proposed amendments will affect the following six categories:

Procedural Rules for the Conduct of Hearings Before the Commission and its Hearing Officers and the Adoption or Amendment of Regulations (VR 125-01-1);

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operators (VR 125-01-5);

Manufacturers and Wholesalers Operators (VR 125-01-6).

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted no later than 10 a.m. on November 19, 1987.

Contact: Robert N. Swinson, Secretary, P. O. Box 27491, 2901 Hermitage Rd., Richmond, Va. 23261, telephone (804) 257-0616

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

November 6, 1987 - 10 a.m. - Public Hearing
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to adopt, amend and repeal regulations entitled: VR 130-01-2. Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects. The purpose of the regulations is to regulate the practice of architects, professional engineering, land surveying and certified landscape architecture and the professional corporations and business entities offering these professions.

Statutory Authority: § 54-25 of the Code of Virginia.

Written comments may be submitted until November 6, 1987.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555 (toll-free 1-800-552-3016)

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† October 23, 1987 - 10 a.m. - Open Meeting
† November 20, 1987 - 10 a.m. - Open Meeting
Fourth Street State Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. ☐
(Interpreter for deaf provided if requested) ☐

A meeting to consider (i) requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) to approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

† October 9, 1987 - 8 a.m. - Open Meeting
Department of Social Services, Tyler Building, 1603 Santa Rosa Road, Suite 221, Richmond, Virginia

Calendar of Events

A meeting to review the Annual Administrative Plan.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

BOARD OF COMMERCE

October 1, 1987 - 10:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☐

A regular business meeting of the board. Agenda items to include the consideration of subcommittee reports on current Board of Commerce legislatively mandated studies as follows:

1. The study of the desirability of regulating the profession of real estate appraisers (H.J.R. 198);
2. The study of the need for certifying interior designers (H.J.R. 245);
3. The study of the need to establish a private investigator's board (S.J.R. 144);
4. The study of issues relating to the practice of public accountancy (H.B. 1019).

October 22, 1987 - 10:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☐

A tentative meeting of the board. Agenda items may include additional consideration of subcommittee reports on current Board of Commerce legislatively mandated studies as follows:

1. The study of the desirability of regulating the profession of real estate appraisers (H.J.R. 198);
2. The study of the need for certifying interior designers (H.J.R. 245);
3. The study of the need to establish a private investigator's board (S.J.R. 144);
4. The study of issues relating to the practice of public accountancy (H.B. 1019).

Contact: Catherine M. Walker, Policy Analyst, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 257-8564

VIRGINIA COUNCIL ON COORDINATING PREVENTION

† **October 9, 1987 - 10 a.m. - Open Meeting**
Ninth Street Office Building, Ninth and Grace Streets, 6th Floor Cabinet Meeting Room, Room 622, Richmond, Virginia. ☐

This will be the first meeting of the council. The Honorable Eva S. Teig will serve as Chairperson. The meeting will be an orientation session focusing on the history behind the establishment of the council and its duties and responsibilities.

Contact: Harriet M. Russell, Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1530

STATE BOARD OF CORRECTIONS

October 14, 1987 - 10 a.m. - Open Meeting
† **November 18, 1987 - 10 a.m. - Open Meeting**
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☐

A regular monthly meeting to consider such matters as may be presented.

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

CRIMINAL JUSTICE SERVICES BOARD

October 7, 1987 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: **VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, and Officers of the Department of Corrections, Division of Adult Institutions.** The proposed regulations mandate in-service training standards for law-enforcement officers, jailors or custodial officers and officers of the Department of Corrections, and set forth procedures for approved training facilities to follow when conducting such training.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until September 21, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Va. 23219.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

* * * * *

October 7, 1987 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt new regulations entitled: **VR 240-01-14. Rules Relating to Compulsory Minimum Training Standards for Corrections Officers of the Department of Corrections, Division of Adult Institutions.** Regulations for entry-level training standards for correctional officers of the Department of Corrections, Division of Adult Institutions.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until September 21, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Va. 23219.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

† **October 7, 1987 - 2 p.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

Committee on Training

† **October 7, 1987 - 9 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

A meeting to discuss matters related to training for criminal justice personnel.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

† **December 5, 1987 - 9 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C (Tentative), Richmond, Virginia. ☐

An informational hearing for the purpose of receiving comment on regulation of administration of general anesthesia, conscious sedation and nitrous oxide oxygen inhalation analgesia and other possible regulations believed to be necessary to the public.

Contact: N. Taylor Feldman, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

STATE BOARD OF EDUCATION

October 21, 1987 - 9 a.m. - Open Meeting
October 22, 1987 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested) ☎

A regularly scheduled meeting to conduct business according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va., telephone (804) 225-2540

GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

October 21, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

A regular monthly meeting to discuss and consider final reports of the commission's work. The agenda will be available prior to meeting.

Contact: Leonard L. Hopkins, Governor's Office, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

VIRGINIA EMPLOYMENT COMMISSION

Advisory Board

† **October 14, 1987 - 1 p.m. - Open Meeting**
† **October 15, 1987 - 9 a.m. - Open Meeting**
Howard Johnson Hotel, 3207 North Boulevard, Richmond,

Calendar of Events

Virginia. ☒

A regular meeting of the advisory board to conduct general business.

Contact: Ronald M. Montgomery, 703 E. Main St., Richmond, Va. 23219, telephone (804) 786-1070

VIRGINIA FARMERS' MARKET BOARD

† **September 30, 1987 - 10 a.m. - Open Meeting**
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☒

A business meeting to discuss the architectural and engineering design for Farmers' Market Network.

Contact: R. Duke Burruss, Program Manager, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3549

BOARD OF FORESTRY

† **October 11, 1987 - 2 p.m. - Open Meeting**
Holiday Inn, Norton, Virginia. ☒

A regular scheduled meeting.

Contact: Barbara A. Worrell, Department of Forestry, P. O. Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **October 26, 1987 - 9 a.m. - Open Meeting**
† **October 27, 1987 - 9 a.m. - Open Meeting**
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

October 26, 1987 - Informal fact-finding conferences

October 27, 1987 - A general board meeting to certify candidates for the November, 1987, examination. Regulations may be discussed.

† **November 16, 1987 - 9 a.m. - Open Meeting**
† **November 17, 1987 - 9 a.m. - Open Meeting**
Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia.

November 16, 1987 - Examination - National Conference

November 17, 1987 - A meeting to administer the Virginia State Board Examination, and a general board

meeting. Regulations may also be discussed.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

October 2, 1987 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. ☒

The board will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects and City Planning Consultants, P. O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

Division of Consolidated Laboratory Services

October 2, 1987 - 9:30 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

The Advisory Board will discuss issues, concerns, and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

VIRGINIA BOARD OF GEOLOGY

November 13, 1987 - 10 a.m. - Public Hearing
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Geology intends to adopt, amend, and repeal regulations entitled: **VR 335-01-2. Rules and Regulations of the Virginia Board of Geology.** The purpose is to regulate the certification of professional geologists and their practice.

Statutory Authority: § 54-963 of the Code of Virginia.

Written comments may be submitted until November 3,

1987.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555 (toll-free 1-800-552-3016)

STATE BOARD OF HEALTH

October 1, 1987 - 10 a.m. - Open Meeting

October 2, 1987 - 9 a.m. - Open Meeting

James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

On October 1, the board will meet in a working session to discuss department operations.

On October 2, the board will conduct its regular business meeting.

Contact: Sally Camp, 109 Governor St., Suite 400, Richmond, Va. 23219, telephone (804) 786-3561

DEPARTMENT OF HEALTH REGULATORY BOARDS

Regulatory Evaluation and Research Committee

† September 30, 1987 - 4 p.m. - Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to conduct business, including review of comments on proposed regulations of health regulatory boards.

Scope and Standards of Practice Committee

† September 30, 1987 - 11 a.m. - Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to conduct business, including discussion of its report on the need to regulate hypnosis and hypnotherapy.

Contact: Richard D. Morrison, Executive Director, Council on Health Regulatory Boards, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9904

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

October 28, 1987 - 9:30 a.m. - Open Meeting

NOTE: CHANGE OF LOCATION

Department of Rehabilitative Services, 4901 Fitzhugh

Avenue, Richmond, Virginia. ☒

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-6371

GOVERNOR'S COMMISSION TO STUDY HISTORIC PRESERVATION

† October 15, 1987 - 10 a.m. - Open Meeting

General Assembly Building, Capitol Square, Richmond, Virginia. ☒

The committees on (i) general state legislation; (ii) state-owned landmarks; (iii) local legislation and (iv) budget and finance will meet.

† October 15, 1987 - 2 p.m. - Open Meeting

General Assembly Building, Capitol Square, Richmond, Virginia. ☒

A general business meeting.

† October 29, 1987 - 7 p.m. - Public Hearing

Roanoke Municipal Building, 215 Church Avenue, S.W., Council Chambers, Roanoke, Virginia

† November 5, 1987 - 7 p.m. - Public Hearing

Richmond City Hall, 900 East Broad Street, Council Chambers, Richmond, Virginia. ☒

† November 10, 1987 - 7 p.m. - Public Hearing

Jefferson/Madison Library, 201 East Market Street, Charlottesville, Virginia

† November 12, 1987 - 7 p.m. - Public Hearing

Frederick County Courthouse, 5 North Kent Street, Winchester, Virginia

† November 18, 1987 - 7 p.m. - Public Hearing

The Lyceum, 201 South Washington Street, Alexandria, Virginia

† December 3, 1987 - 7 p.m. - Public Hearing

Norfolk City Hall, 810 Union Avenue, Council Chambers, Norfolk, Virginia. ☒

A public hearing to receive comment on the preservation program in Virginia.

Contact: Margaret Peters, Information Officer, Division of Historic Landmarks, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

Calendar of Events

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

November 16, 1987 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-2. Certification of Tradesmen Standards.** The purpose of the amendments is to update minimum, statewide standards for the Certification of Tradesmen to be used by local governments that choose to require tradesmen who work within their boundaries to be certified.

Statutory Authority: § 15.1-11.4 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

* * * * *

November 16, 1987 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-04. Virginia Amusement Device Regulations/1987.** The purpose of these regulations is to provide uniform safety standards for the construction, maintenance, operation and inspection of amusement devices.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

* * * * *

November 16, 1987 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-6. Virginia Statewide Fire**

Prevention Code/1987. The purpose of these regulations is to provide uniform fire prevention standards for the protection of life and property in the use and maintenance of buildings.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

* * * * *

November 16, 1987 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code - Volume I - New Construction Code/1984.** The purpose is to provide for minimum safety to life and property for the construction and use of buildings and structures.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

* * * * *

November 16, 1987 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-22. Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code/1984.** The purpose is to provide uniform building maintenance standards for the protection of life and property in the use and maintenance of buildings.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

* * * * *

November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-31. Virginia Industrialized Building and Mobile Home Safety Regulations/1984.** The purpose of these amendments is to provide for safety to life and property from fire in manufactured buildings as defined in §§ 36-70 - 36-85.1 of the Code of Virginia.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

* * * * *

November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-41. Virginia Public Building Safety Regulations/1984.** These amendments are proposed to provide for safety to life and property from fire in public buildings.

Statutory Authority: § 27-72 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

* * * * *

November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and

Community Development intends to amend regulations entitled: **VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations.** The purpose of the amendment is to establish minimum general standards covering design, installation and operation of LP Gas equipment and the odorization thereof for the protection of health, welfare and safety of the people.

Statutory Authority: § 27-87 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

Amusement Device Technical Advisory Committee

† **October 6, 1987 - 8:30 a.m. - Open Meeting**

† **November 10, 1987 - 8:30 a.m. - Open Meeting**
205 North Fourth Street, 7th Floor Conference Room, Richmond, Virginia. ☐

A meeting to develop recommended regulations pertaining to the construction, maintenance, operation and inspection of amusement devices for consideration by the Board of Housing and Community Development.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

DEPARTMENT OF LABOR AND INDUSTRY

October 6, 1987 - 7 p.m. - Open Meeting

Virginia Department of Transportation, 870 Bonham Road, Auditorium, Bristol, Virginia

October 7, 1987 - 1 p.m. - Open Meeting

Roanoke County Administration Building, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia

October 8, 1987 - 10 a.m. - Open Meeting

Virginia Department of Transportation, Commerce Road, Auditorium, Staunton, Virginia

October 9, 1987 - 1 p.m. - Open Meeting

Fairfax City Council Chambers, 10455 Armstrong Street, Room 305, Fairfax, Virginia

October 13, 1987 - 7 p.m. - Open Meeting

Department of Motor Vehicles, Military Circle Branch Office, 5745 Poplar Hall Drive, Norfolk, Virginia

October 14, 1987 - 7 p.m. - Open Meeting

Lynchburg Public Library, 2315 Memorial Avenue, Community Meeting Room, Lynchburg, Virginia

Calendar of Events

October 15, 1987 - 7 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

In accordance with § 9-6.14:25 of the Code of Virginia and Executive Order 26 (86), the Department of Labor and Industry is currently undergoing an extensive regulatory review and is reviewing all of its existing regulations. The purpose of this review is to reduce the burden imposed by regulations, improve their clarity, and evaluate their effectiveness in meeting their stated purpose. Comments are encouraged to help identify regulations that are unclear, duplicative, or in conflict with regulations of other state agencies or the federal government. As a part of this review process, public meetings will be held throughout the Commonwealth for the purpose of soliciting comments and suggestions related to the below listed regulations:

1. Boiler and Pressure Vessel Rules and Regulations;
2. Rules and Regulations Governing Manufacture, Storage, Handling, Use and Sale of Explosives;
3. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia (except numeric ratio and evaluation procedure);
4. Virginia Rules and Regulations Declaring Hazardous Occupations as Promulgated by the Commissioner, Virginia Department of Labor and Industry;
5. Rules and Regulations for Public Safety for Passenger Tramways and Related Devices (Ski Resorts).

Contact: Janice M. Hathcock, Information Officer, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-9873

VIRGINIA STATE LIBRARY AND ARCHIVES

NOTE: CHANGE OF DATE AND LOCATION
October 8, 1987 - 10 a.m. - Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☒

The October 3, 1987, meeting has been rescheduled for October 8, 1987.

The hearing is an opportunity for public comment on public library standards to be issued jointly by the Virginia Library Association and the Virginia State Library and Archives. The standards are not binding on the public libraries - these are not regulations.

Contact: Ricky Johnson, Director, Public Library Development Division, Richmond, Va., telephone (804)

786-2332

LIBRARY BOARD

† **October 8, 1987 - 12:30 p.m. - Open Meeting**
Ninth Street Office Building, Room 410, Richmond, Virginia. ☒

A regular meeting to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library and Archives, Ninth Street Office Bldg., 10th Fl., Richmond, Va. 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

† **October 5, 1987 - 9 a.m. - Open Meeting**
Town of Christiansburg, Montgomery County area (site to be determined)

Oral presentations by the Town of Christiansburg - Montgomery County regarding settlement agreements.

† **October 5, 1987 - 7:30 p.m. - Public Hearing**
Town of Christiansburg, Montgomery County area (site to be determined)

Public hearing regarding the Town of Christiansburg - County of Montgomery settlement agreement.

Contact: Barbara W. Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

LONG-TERM CARE COUNCIL

October 29, 1987 - 9:30 a.m. - Open Meeting
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Room 622, Richmond, Virginia. ☒

The council will discuss issues related to the development and coordination of long-term care services in Virginia.

Contact: Catherine P. Saunders, Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219, telephone (804) 225-2271

MARINE RESOURCES COMMISSION

October 6, 1987 - 9:30 a.m. - Open Meeting
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia. ☒

The Virginia Marine Resources Commission meets on the first Tuesday of each month, at 9:30 a.m., in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Patricia A. Leonard, Acting Secretary to the Commission, 2401 W. Avenue, P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2206

† November 5, 1987 - 9:30 a.m. - Open Meeting

NOTE: TENTATIVE DATE

Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia. ☐

The Virginia Marine Resources Commission will meet on the first Tuesday of each month, except November, which is a state holiday, at 9:30 a.m. in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. The commission will hear and decide cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It will also hear and decide appeals made on local wetlands board decisions.

Fishery management and conservation measures will be discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measure within 5 days.

Contact: Sandra S. Blaher, Secretary to the Commission, 2401 West Ave., P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2206

BOARD OF MEDICAL ASSISTANCE SERVICES

† October 8, 1987 - 10 a.m. - Open Meeting

600 East Broad Street, Suite 1300, Richmond, Virginia. ☐

An open meeting to discuss: 1. Budget Addendum; (i) Transportation Fee Increase; and (ii) Nursing Home/Hospital Plan Changes; 2. Technical changes to the State Plan; 3. Other business pertinent to the board.

Contact: Jacqueline M. Fritz, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

† November 30, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: VR 460-03-4.194. Nursing Home Payment System. The purpose is to establish methods and standards for Medicaid reimbursement of nursing home providers.

STATEMENT

Purpose: The purpose of this amendment is to provide clarification in the intent of the regulations as to the types of construction excluded from the bid requirements and the affect on reimbursement when related organizations are involved.

Summary and analysis: This amendment is a change clarifying the methods and standards used for establishing payment rates for long-term care with regards to related organization requirements.

The current Nursing Home Payment System went through a comment period (March-May, 1986) in compliance with the Virginia Administrative Process Act requirements. The Board of Medical Assistance Services approved the final regulations on July 8, 1986. Since that time, with the implementation of the payment system, providers have requested additional clarifying language in the payment system with regard to construction requirements applicable to related organizations. This amendment eliminates the requirement for obtaining three bids when a new plant is constructed or beds are added to an existing facility and the work is done by a related organization. Reimbursement is limited to the costs of the related organization or the applicable construction cost index, whichever is lower.

Impact: This plan action is a clarification of existing language. It effects nursing homes under new construction or having major renovation where the bed complement is being increased and the work is being completed by a related party. There is no estimated budgetary impact on the program.

There are about 198 licensed and operating nursing homes (23,557 beds) in the Commonwealth. Currently, there are about 64 Certificates of Need (CON) issued to build new nursing homes and to increase existing homes' bed complements. These approved CON's will add about 3,559 beds. The State Department of Health has indicated there

Calendar of Events

will be a need for an additional 1,788 beds by 1991. Since the department is unaware of related party involvement until the facility is operational, no estimate of the number of affected facilities is available.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

Contact: N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7931

COMMISSION ON MEDICAL CARE FACILITIES CERTIFICATE OF PUBLIC NEED

October 5, 1987 - 10 a.m. - Open Meeting
November 9, 1987 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room D & E, Richmond, Virginia. ☒

By Executive Order 31 (86) Governor Baliles created an advisory commission with two responsibilities: (i) to examine the effectiveness of the Certificate of Public Need program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need process.

Contact: E. George Stone, State Health Department, James Madison Bldg., 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

VIRGINIA STATE BOARD OF MEDICINE

† October 6, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Board Room 1, Richmond, Virginia. ☒

A meeting to inquire into allegations that practitioners may have violated laws and regulations governing the practice of medicine in Virginia.

October 16, 1987 - 9:30 a.m. - Open Meeting
Sheraton Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

A formal hearing. The Virginia State Board of Medicine will inquire into allegations that a practitioner may have violated laws and regulations governing the practice of medicine in Virginia.

November 4, 1987 - 10 a.m. - Open Meeting
November 5, 1987 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

The informal conference previously scheduled for September 1, 1987 has been rescheduled for November 4 and 5, 1987. The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

Informal Conference Committee

† October 1, 1987 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☒

† October 23, 1987 - 11 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

VIRGINIA STATE BOARDS OF MEDICINE AND NURSING

October 19, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia State Boards of Medicine and Nursing intend to promulgate new regulations and repeal existing regulations entitled: VR 465-07-1; VR 495-02-1. **Regulations Governing the Certification of Nurse Practitioners.** The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Statutory Authority: § 54-274 of the Code of Virginia.

Written comments may be submitted until October 19, 1987.

Contact: Corinne F. Dorsey, Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

VIRGINIA STATE BOARD OF NURSING

September 28, 1987 - 9 a.m. - Open Meeting
September 29, 1987 - 9 a.m. - Open Meeting
September 30, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐
(Interpreter for deaf provided if requested) ☛

Meetings of the Virginia State Board of Nursing to consider matters relating to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the board.

Informal Conference Committee

October 13, 1987 - 8:30 a.m. - Open Meeting
October 22, 1987 - 8:30 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐
(Interpreter for deaf provided if requested) ☛

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

VIRGINIA BOARD OF OPTOMETRY

October 3, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Optometry intends to amend regulations entitled: **VR 510-01-1. Regulations of the Virginia Board of Optometry.** The regulations proposed to be amended charged a fee for the board's review of continuing education courses.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until October 3, 1987.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

October 13, 1987 - 9 a.m. - Open Meeting
Surry Building, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia

October 14, 1987 - 9 a.m. - Open Meeting
Koger Building, 1801 Franklin Farms Drive, Koger Conference Room 124, Richmond, Virginia

A meeting to (i) discuss general board business; (ii) discuss regulations and licensure fees; and (iii) consider disciplinary cases.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

VIRGINIA OUTDOORS FOUNDATION

September 28, 1987 - 10:30 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☐

A general business meeting to consider acceptance of proposed donations and administration.

Contact: Tyson B. Van Auken, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

STATE BOARD OF PHARMACY

† November 4, 1987 - 9:30 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐

A routine business meeting and adoption of proposed regulations.

Contact: Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9921

ADVISORY COMMITTEE ON PHYSICIAN ASSISTANTS

October 2, 1987 - 10:30 a.m. - Open Meeting
Department of Health Regulatory Boards, Surry Building, 1601 Rolling Hills Drive, Board Room 1, 2nd Floor, Richmond, Virginia. ☐

A meeting to develop rules and regulations regarding supervision of physician assistants, review the regulations for proposed adoption, develop guidelines for protocols of physician assistants and any other items which may come before the committee at that time.

Calendar of Events

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl. Richmond, Va. 23229-5005, telephone (804) 662-9925

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† **October 14, 1987 - 10 a.m.** – Open Meeting
† **October 15, 1987 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center, 2nd Floor, Richmond, Virginia. ☒

October 14, 1987 - A meeting to review credentials.

October 15, 1987 - A board meeting to conduct general business, review correspondence and set policies.

Contact: Joyce D. Williams, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

VIRGINIA BOARD OF PSYCHOLOGY

† **October 8, 1987 - 10 a.m.** – Open Meeting
Holiday Inn, 39th Street, Virginia Beach, Virginia. ☒

A meeting to conduct board business, discuss proposed regulations, and discuss October written examinations.

Contact: Phyllis Henderson, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† **November 18, 1987 - 10:30 a.m.** – Open Meeting
Virginia Beach Pavilion, Director's Conference Room, Virginia Beach, Virginia. ☒

A meeting to consider preproposals and proposals from various localities requesting matching grand funds from the board.

Contact: Jack E. Frye, P. O. Box 1024, Gloucester Point, Va. 23062, telephone (804) 642-7121

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

October 8, 1987 - 10 a.m. – Open Meeting
Department of Information Technology, 110 South 7th Street, 4th Floor, Richmond, Virginia. ☒

A quarterly meeting of the Virginia Public

Telecommunications Board regarding public television and radio issues.

Contact: Suzanne Piland, Department of Information Technology, 110 S. 7th St., 1st Fl., Richmond, Va. 23219, telephone (804) 344-5560

BOARD OF REHABILITATIVE SERVICES

September 28, 1987 - 2 p.m. – Open Meeting
Fort Magruder Inn, Route 60, East, Williamsburg, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to consider committee reports, proposed bylaws and conduct the regular business of the board.

The board will co-host a reception at 6 p.m. with past presidents of the Virginia Rehabilitation Association at the Fort Magruder Inn.

Finance Committee

September 28, 1987 - 10 a.m. – Open Meeting
Fort Magruder Inn, Route 60, East, Williamsburg, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to discuss fiscal policies, budgetary process and develop recommendations for presentation to the board.

Legislative and Evaluation Committee

September 28, 1987 - 10 a.m. – Open Meeting
Fort Magruder Inn, Route 60, East, Williamsburg, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to discuss legislative development for recommendation to the board.

Program Committee

September 28, 1987 - 10 a.m. – Open Meeting
Fort Magruder Inn, Route 60, East, Williamsburg, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to discuss board bylaws, amendments and implementation plans for final Independent Living Regulations.

Contact: James L. Hunter, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-6446 (toll-free 1-800-552-5019 (TDD or Voice))

BOARD FOR RIGHTS OF THE DISABLED

† **October 27, 1978 - 2 p.m. - Open Meeting**
James Monroe Building, 101 North 14th Street, Conference Room C & D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☛

A quarterly meeting of Board for Rights of the Disabled to review committee reports and biennial report.

Contact: Sarah A. Liddle, 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free in Virginia 1-800-552-3962)

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

October 14, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, James Madison Bldg., 109 Governor St., Room 500, Richmond, Va. 23219, telephone (804) 786-3559

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

October 2, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-20. Lump Sum Payments in the Aid to Dependent Children (ADC) Program.** These regulations specify types of payments that must be treated as lump sum income and, in regard to casualty property loss payments, provide a temporary disregard of such lump sum payments when received, and used for repair or replacement of resources.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until October 2, 1987, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

* * * * *

October 27, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Appropriations, 9th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services intends to adopt regulations entitled: **VR 615-50-5. Fees for Services Provided by Local Departments of Social Services Related to Court Actions.** The purpose is to establish regulations and fee schedules for payment by the petitioner to the local department of social services for certain court ordered investigations.

Statutory Authority: §§ 14.1-114; 16.1-274; 63.1-25 and 63.1-236.1 of the Code of Virginia.

Written comments may be submitted until October 30, 1987.

Contact: Dorcas Douthit, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9818

* * * * *

November 13, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.** The purpose of the amendments is to define as the home, the house in which the applicant/recipient lives, the lot, and all property contiguous to the lot. For the purpose of establishing eligibility for assistance in the ADC and GR programs, the home is a disregarded resource.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until November 13, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Thomas J. Steinhauser, Program Specialist, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

* * * * *

† **November 27, 1987 -** Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-48-02. Employment Services Program Policy.** The

Calendar of Events

purpose of the amendments is to (i) eliminate applicant job search as a condition of eligibility for ADC & GR; and (ii) waive the recipient job search requirements for ESP recipients under 21 years who participate in education or training activities.

STATEMENT

Basis: This regulation is issued under the authority granted under Titles IV-A and IV-C of the Social Security Act and § 63.1-25 of the Code of Virginia.

Subject: This regulation amends current Employment Services Program policy in two areas.

1. It eliminates applicant job search as a condition of eligibility for Aid to Dependent Children and General Relief assistance.
2. It waives the mandatory recipient job search requirement for Employment Service Program registrants under the age of 21 years who participate in education or training activities.

Purpose: These revisions are proposed for the purpose of improving the Employment Services Program by:

1. Modifying requirements for applicants which have proved to be ineffective, and
2. Targeting education and training services to registrants under 21 years of age.

Substance: These amendments will:

1. Allow each local agency to offer job search assistance, on a voluntary basis, to applicants for Aid to Dependent Children and General Relief assistance, and
2. Allow Employment Services Program registrants under 21 years of age to participate in education or training activities prior to being required to search for employment.

Issues:

1. The current applicant job search requirement increased the administrative responsibilities of local agencies and has not resulted in applicants finding employment.
2. Current policy emphasizes job search activities for all registrants. By changing the focus to education and training for the 16 to 21 age group, it is hoped that long-term welfare dependency will be reduced.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until November 27, 1987.

Contact: Penelope Boyd Pellow, Assistant State Employment Services Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9032 (toll-free 1-800-552-7091)

Division of Licensing Programs

November 12, 1987 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs intends to adopt regulations entitled: **VR 615-31-02. Regulation for Criminal Record Checks.** The purpose is to protect children in those licensed facilities by enforcing mandated requirements for criminal record checks.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

Contact: Sheila B. Rich, Program Development Supervisor, Blair Building, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

TREASURY BOARD

October 21, 1987 - 9 a.m. – Open Meeting
November 18, 1987 - 9 a.m. – Open Meeting
December 16, 1987 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Betty A. Ball, Department of Treasury, James Monroe Bldg., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

BOARD FOR THE VISUALLY HANDICAPPED

† **November 4, 1987 - 10 a.m.** – Open Meeting
397 Azalea Avenue, Administrative Headquarters, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A bi-monthly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreement, and

operating plan.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3140, telephone (804) 264-3148

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

† **October 17, 1987 - 10:30 a.m.** – Open Meeting
397 Azalea Avenue, Administrative Headquarters, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☛

A quarterly meeting to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3140, telephone (804) 264-3148

DEPARTMENT OF WASTE MANAGEMENT

(VIRGINIA WASTE MANAGEMENT BOARD)

† **September 28, 1987 - 1 p.m. and 7 p.m.** – Open Meeting
Fairfax City Hall Council Chambers, 10455 Armstrong Street, Room 306, Fairfax, Virginia

† **October 1, 1987 - 3 p.m. and 7 p.m.** – Open Meeting
Norfolk City Council Chambers, City Hall, 810 Union Street, Norfolk, Virginia

† **October 13, 1987 - 3 p.m. and 7 p.m.** – Open Meeting
Best Western Howard House Inn, 2001 Seymour Drive, South Boston, Virginia

† **October 15, 1987 - 1 p.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒

† **October 15, 1987 - 7 p.m.** – Open Meeting
Chesterfield County Complex, Board of Supervisors Room, Richmond, Virginia

The Department of Waste Management has scheduled a series of public meetings to receive public comment on the draft Strategic Resources Committee's Proposed Initiatives Document. This document includes recommendations for the Commonwealth to undertake major recycling efforts, waste reduction program for hazardous wastes including legislation and other

incentives to accomplish these objectives.

Contact: Cheryl Cashman, 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667

* * * * *

† **October 28, 1987 - 10 a.m.** – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Waste Management intends to amend regulations entitled: **VR 627-30-1. Regulations Governing the Transportation of Hazardous Materials.** The purpose of this action is to adopt by reference the U.S. Department of Transportation Hazardous Materials Regulations already in effect.

STATEMENT

Basis and authority: Sections 10-266 and 10-305 of the Code of Virginia direct the Virginia Waste Management Board to promulgate rules and regulations concerning the transportation of hazardous materials in the Commonwealth. These requirements shall be no more restrictive than applicable federal laws and regulations. Changes in the federal regulations promulgated in 1985-86 necessitate an amendment to keep the Virginia Regulations Governing the Transportation of Hazardous Materials consistent with these federal regulations.

Purpose: The Virginia Waste Management Board of the Virginia Department of Waste Management promulgate these amended regulations in order to ensure that hazardous materials transported within the Commonwealth are loaded, packed, identified, marked, and placarded in order to protect public health and safety and the environment.

Summary and analysis: Amendment 6 proposes to incorporate, by reference, changes that were made by U.S. DOT to Title 49 Code of Federal Regulations, §§ 171-179 and 390-397 from January 1, 1985 to December 31, 1986. Changes in the U.S. DOT regulations include: (i) changes made to reflect new requirements regarding the international transportation of hazardous materials, (ii) reclassification of some explosive materials to reduce risks associated with the transportation of these materials, (iii) improvements in all requirements relating to certain poisonous liquids which pose a potential inhalation risk if there is a release, (iv) improvements in the placarding and shipping paper requirements relating to empty tank cars, (v) incorporate into the hazardous materials tables the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances which require notification if a discharge occurs, (vi) conversion of individual exemptions to make new packaging and shipping alternatives available to the entire regulated community, (vii) extensions provided for certain

Calendar of Events

exemptions and regulatory deadlines, and (viii) corrections, editorial changes, and other minor revisions.

Impact: These requirements have already been through the federal rulemaking process and are in force in the interstate, and some intrastate, transport of hazardous materials. Therefore, these proposed changes in the initial draft of the amendment are not expected to have a significant impact on the regulated community.

Statutory Authority: §§ 10-266 and 10-305 of the Code of Virginia.

Written comments may be submitted until October 28, 1987, to William F. Gilley.

Contact: Cheryl Cashman, Information Officer, Virginia Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667 (toll-free 1-800-552-2075)

STATE WATER CONTROL BOARD

September 28, 1987 - 2 p.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

The State Water Control Board's Construction Assistance Program, which administers federal grant funds for financial assistance in the construction of municipal wastewater treatment facilities, has developed a proposed priority funding list for wastewater treatment projects to receive federal fiscal year 1988 funds. This public hearing will be for the purpose of receiving comments on the proposed funding list.

September 28, 1987 - 7:30 p.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room B, - Richmond, Virginia. ☒

A formal hearing on Solite Corporation to reissue NPDES Permit No. VA0003468 with the pH mixing zone included and grant other relief as deemed appropriate.

September 29, 1987 - 9 a.m. - Open Meeting
September 30, 1987 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

A regular quarterly meeting.

October 1, 1987 - 9 a.m. - Open Meeting
Virginia Beach, Virginia (exact location to be determined)

A policy planning session.

Contact: Doneva A. Dalton, State Water Control Board, P.

O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6829

* * * * *

November 18, 1987 - 7 p.m. - Public Hearing
City of Charlottesville Council Chambers, City Hall, corner of 7th and Downtown Mall, Charlottesville, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-03. Upper James River Basin Water Quality Management Plan.** The purpose of the amendment is to revise poundage limits on the Rivanna River at Charlottesville.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until November 30, 1987, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Charles T. Mizell, Water Resources Development Supervisor, Valley Regional Office, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

† **October 19, 1987 - 9:30 a.m. - Open Meeting**
Henry County (site to be determined)

A regular monthly meeting of the full committee.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., Capitol Sq., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE STUDYING CHILD-SUPPORT FORMULAS

October 7, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

The joint subcommittee will continue to study the feasibility of use of formulas or guidelines to set child support awards. HJR 341

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

SUBCOMMITTEE OF COMMISSION STUDYING RELATIONSHIPS AMONG COUNTIES, CITIES AND TOWNS

† **October 2, 1987 - 10:30 a.m.** – Open Meeting
General Assembly Building, Capitol Square, 4th Floor West
Conference Room, Richmond, Virginia. ☐

The subcommittee, chaired by Delegate Leslie L. Byrne, will meet to receive testimony on the subject.
HJR 163

Contact: Persons wishing to speak contact: Ann R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: C. M. Conner, Jr., Staff Attorney, or Dr. R. J. Austin, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE NEED FOR EARLY CHILDHOOD PROGRAMS

† **October 14, 1987 - 9:30 a.m.** – Open Meeting
Virginia Polytechnic Institute and State University,
Donaldson Brown Continuing Education Center, Blacksburg,
Virginia

This will be the third meeting of this subcommittee.
This will be a combined study tour and working
session.

Contact: Norma Szakal, Staff Attorney, or Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ECONOMIC DEVELOPMENT IN VIRGINIA

September 29, 1987 - 1:30 p.m. – Open Meeting
Newport News City Council Chambers, 2400 Washington
Avenue, Newport News, Virginia

This two-year study subcommittee will receive
testimony with regard to economic development in the
Hampton Roads area. HJR 132

Contact: Persons wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE HEARSAY

RULE AND VIDEO TAPING OF TESTIMONY USED IN CHILD ABUSE CASES

September 28, 1987 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

The subcommittee will hold a working session.

Contact: Persons wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Oscar Brinson, Staff Attorney, or Mary K. Geisen, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING LENDING INSTITUTIONS' PRACTICES IN RESIDENTIAL AND COMMERCIAL REAL ESTATE CLOSINGS

† **October 8, 1987 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Fourth meeting of this subcommittee. This meeting
will be a working session. HJR 228

Contact: Persons wishing to speak contact: Jeff Finch, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227; for additional information contact: Terry Mapp Barrett, Research Associate, or C. William Cramme, III, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ADOPTION OF NEW LYRICS FOR THE OFFICIAL SONG OF THE COMMONWEALTH

October 2, 1987 - 2 p.m. – Public Hearing
Fairfax City Council Chambers, Fairfax City Hall, 10455
Armstrong Street, Room 305, Fairfax, Virginia

October 16, 1987 - 2 p.m. – Public Hearing
James Madison University, Anthony Seeger Auditorium,
South Main and Grace Streets, Harrisonburg, Virginia

December 11, 1987 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Hearings to receive testimony on changing or retaining
lyrics of Virginia's official song.

Contact: Persons wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406,

Calendar of Events

Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING OUTDOOR RECREATIONAL NEEDS

September 28, 1987 - 10 a.m. - Public Hearing
September 28, 1987 - 1 p.m. - Working Session
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

The subcommittee will receive testimony from interested parties on current and long-range outdoor recreational needs of the Commonwealth. At work session, subcommittee will discuss recommendations for proposed legislation to the 1988 Session of the General Assembly regarding basic needs and a long-term funding source. HJR 204

Contact: Persons wishing to speak contact: Barbara H. Hanback, House of Delegates, General Assembly Bldg., 1st Fl., Richmond, Va. 23219, telephone (804) 786-7681; for additional information contact: Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE INVESTIGATING THE EXTENT OF UNFAIR COMPETITION BETWEEN NONPROFIT ORGANIZATIONS AND SMALL FOR-PROFIT BUSINESSES IN VIRGINIA

† October 13, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

The subcommittee will meet to develop recommendations for legislation. HJR 303

Contact: Terry Barrett, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

September 28
Agriculture and Consumer Services, Board of Hearsay Rule and Video Taping of Testimony Used in Child Abuse Cases, Joint Subcommittee Studying the

Nursing, Virginia State Board of Outdoors Foundation, Virginia Outdoor Recreational Needs, Joint Subcommittee Studying Rehabilitative Services, Board of
- Finance Committee
- Legislative and Evaluation Committee
- Program Committee
† Waste Management, Department of Water Control Board, State

September 29
Agriculture and Consumer Services, Board of Nursing, Virginia State Board of Water Control Board, State

September 30
† Farmers' Market Board, Virginia
† Health Regulatory Boards, Department of
- Regulatory Evaluation and Research Committee
- Scope and Standards of Practice Committee
Nursing, Virginia State Board of Water Control Board, State

October 1
Commerce, Board of Health, State Board of
† Medicine, Virginia State Board of
- Informal Conference Committee
† Waste Management, Department of Water Control Board, State

October 2
† Counties, Cities and Towns, Subcommittee of Commission Studying Relationships among General Services, Department of
- Art and Architectural Review Board
- Division of Consolidated Laboratory Services
Health, State Board of Physician Assistants, Advisory Committee on

October 5
† Local Government, Commission on Medical Care Facilities Certificate of Public Need, Commission on

October 6
Alcoholic Beverage Control Board
† Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
Labor and Industry, Department of Marine Resources Commission
† Medicine, Virginia State Board of

October 7
Child-Support Formulas, Joint Subcommittee Studying
† Criminal Justice Services Board
- Committee on Training
Labor and Industry, Department of

October 8

Labor and Industry, Department of
 † Lending Institutions' Practices in Residential and Commercial Real Estate Closings, Joint Subcommittee Studying
 † Library Board
 † Medical Assistance Services, Board of
 † Psychology, Virginia Board of
 Public Telecommunications Board, Virginia

October 9

† Children's Residential Facilities, Coordinating Committee for Interdepartmental Licensure and Certification of
 † Coordinating Prevention, Virginia Council on Labor and Industry, Department of

October 11

† Forestry, Board of

October 13

Labor and Industry, Department of
 Nursing, Virginia State Board of
 Optometry, Virginia Board of
 † Unfair Competition Between Nonprofit Organizations and Small For-Profit Businesses in Virginia, Joint Subcommittee Investigating the Extent of
 † Waste Management, Department of

October 14

Corrections, State Board of
 † Early Childhood Programs, Joint Subcommittee Studying the Need for
 † Employment Commission, Virginia
 - Advisory Board
 Labor and Industry, Department of
 Optometry, Virginia Board of
 † Professional Counselors, Virginia Board of
 Sewage Handling and Disposal Appeals Review Board, State

October 15

† Employment Commission, Virginia
 - Advisory Board
 † Historic Preservation, Governor's Commission to Study
 Labor and Industry, Department of
 † Professional Counselors, Virginia Board of
 † Waste Management, Department of

October 16

Medicine, Virginia State Board of

October 17

† Visually Handicapped, Department for the
 - Advisory Committee on Services

October 19

† Appropriations Committee, House

October 20

Alcoholic Beverage Control Board

October 21

Education, State Board of
 Efficiency in Government, Governor's Commission on
 Treasury Board

October 22

Commerce, Board of
 Education, State Board of
 Nursing, Virginia State Board of
 - Informal Conference Committee

October 23

† Building Code Technical Review Board, State
 † Medicine, Virginia State Board of
 - Informal Conference Committee

October 26

† Funeral Directors and Embalmers, Virginia Board of

October 27

† Funeral Directors and Embalmers, Virginia Board of
 † Rights of the Disabled, Board for

October 28

Health Services Cost Review Council, Virginia

October 29

Long-Term Care Council

November 4

Alcoholic Beverage Control Board
 Medicine, Virginia State Board of
 † Pharmacy, State Board of
 † Visually Handicapped, Board for the

November 5

† Marine Resources Commission
 Medicine, Virginia State Board of

November 9

Medical Care Facilities Certificate of Public Need, Commission on

November 10

† Housing and Community Development, Board of
 - Amusement Device Technical Advisory Committee

November 16

† Funeral Directors and Embalmers, Virginia Board of

November 17

Alcoholic Beverage Control Board
 † Funeral Directors and Embalmers, Virginia Board of

November 18

† Corrections, State Board of
 † Public Beaches, Board on Conservation and Development of
 Treasury Board

November 20

Calendar of Events

† Building Code Technical Review Board, State

December 5

† Dentistry, Virginia Board of

December 16

Treasury Board

PUBLIC HEARINGS

September 28

Agriculture and Consumer Services, Department of
Outdoor Recreational Needs, Joint Subcommittee
Studying
Water Control Board, State

September 29

Economic Development in Virginia, Joint
Subcommittee Studying

October 2

New Lyrics for the Official Song of the
Commonwealth, Joint Subcommittee Studying Adoption
of

October 5

† Local Government, Commission on

October 7

Criminal Justice Services Board

October 8

† Library and Archives, Virginia State

October 16

New Lyrics for the Official Song of the
Commonwealth, Joint Subcommittee Studying Adoption
of

October 19

Air Pollution Control Board, State

October 20

Accountancy, State Board of

October 27

Social Services, Department of
† Waste Management, Department of

October 29

† Historic Preservation, Governor's Commission to
Study

November 5

† Historic Preservation, Governor's Commission to
Study

November 6

Architects, Professional Engineers, Land Surveyors and
Certified Landscape Architects, State Board of

November 10

† Historic Preservation, Governor's Commission to
Study

November 12

† Historic Preservation, Governor's Commission to
Study

November 13

Geology, Virginia Board of

November 16

Housing and Community Development, Board of

November 18

† Historic Preservation, Governor's Commission to
Study
Water Control Board, State

November 19

Alcoholic Beverage Control Board

December 3

† Historic Preservation, Governor's Commission to
Study

December 11

New Lyrics for the Official Song of the
Commonwealth, Joint Subcommittee Studying Adoption
of