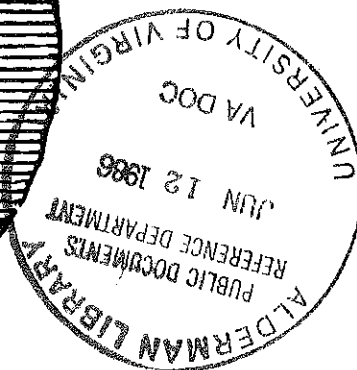
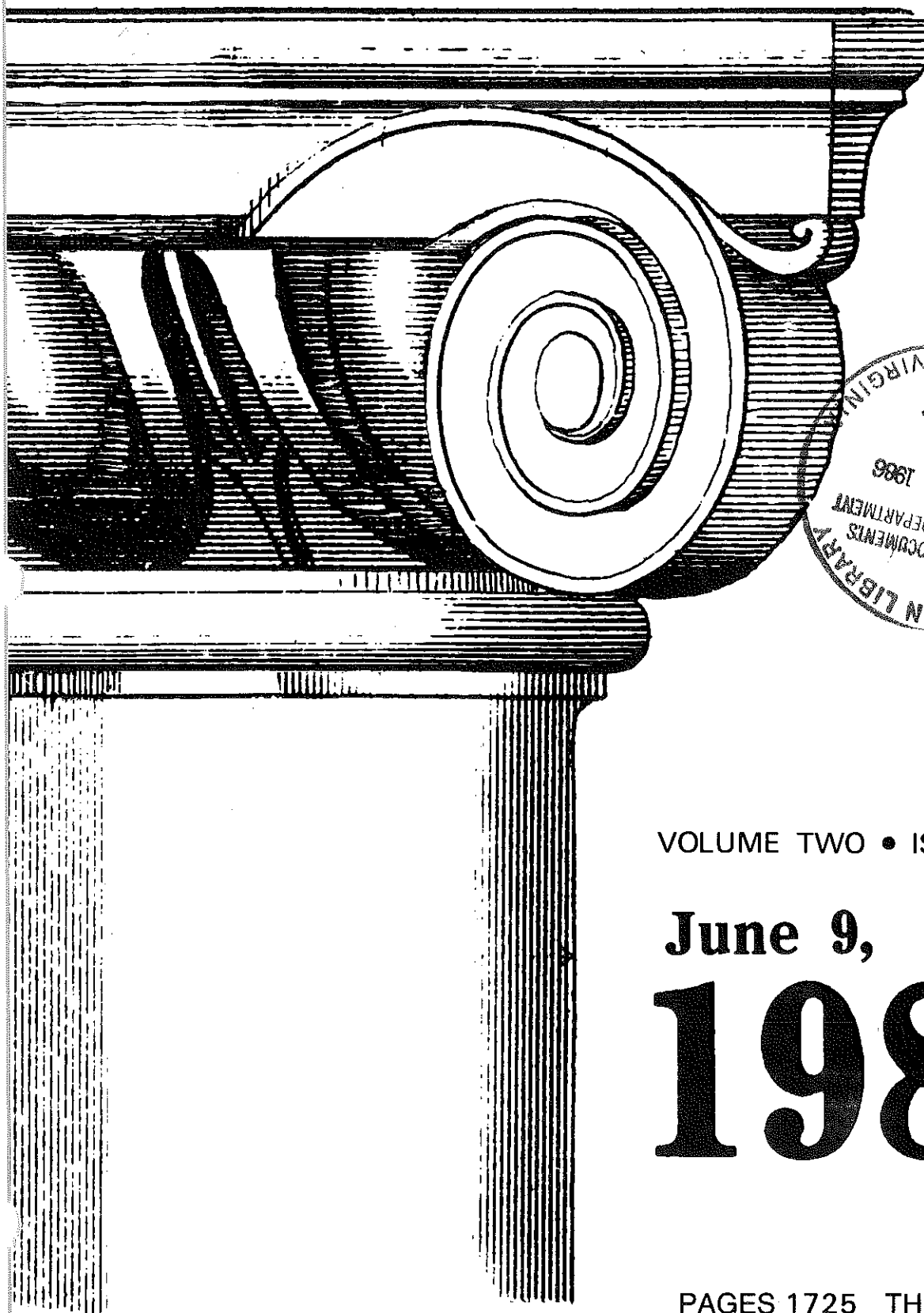


VA
DOC

THE VIRGINIA REGISTER

OF REGULATIONS

COO
5/R26/
2-18



VOLUME TWO • ISSUE EIGHTEEN

June 9,
1986

PAGES 1725 THROUGH 1856

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.

Virginia Register of Regulations. Published bi-weekly, with an index published quarterly by the Commonwealth of Virginia, Virginia Code Commission, P.O. Box 3-AG, Richmond, Virginia 23208, pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Subscriptions \$85 per year, postpaid to points in the U.S., 3rd-Class postage paid at Richmond, Virginia and individual copies \$4 each. Direct all mail to Registrar of Regulations, P.O. Box 3-AG, Richmond, Virginia 23208, Telephone (804) 786-3591.

Members of the Virginia Code Commission: Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emick, Jr., Vice Chairman Senator; A. L. Philippott, 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, Assistant Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 8	June 21
Index	
July 22	July 3
Aug. 5	July 17
Aug. 19	July 31
Sept. 2	Aug. 14
Sept. 16	Aug. 28
Sept. 30	Sept. 11
Final Index - Volume I	
Oct. 14	Sept. 25
Oct. 28	Oct. 9
Nov. 11	Oct. 23
Nov. 25	Nov. 6
Dec. 9	Nov. 20
Dec. 23	Dec. 4
Index	
Jan. 6 1986	Dec. 18
Jan. 20	Dec. 31 (Tuesday)
Feb. 3	Jan. 15
Feb. 17	Jan. 29
Mar. 3	Feb. 12
Mar. 17	Feb. 26
Index	
Mar. 31	Mar. 12
Apr. 14	Mar. 26
Apr. 28	Apr. 9
May 12	Apr. 23
May 26	May 7
June 9	May 21
June 23	June 4
Index	
July 7	June 18
July 21	July 2
Aug. 4	July 16
Aug. 18	July 30
Sept. 1	Aug. 13
Sept. 15	Aug. 27
Sept. 29	Sept. 10
Final Index - Volume II	

TABLE OF CONTENTS

PROPOSED REGULATIONS

VIRGINIA STATE BOARD OF ACCOUNTANCY

Rules and Regulations of the Virginia State Board of Accountancy (VR 105-01-2) 1727

VIRGINIA STATE BOARD OF OPTICIANS

Rules and Regulations of the Board of Opticians (VR 505-01-1) 1750

DEPARTMENT OF SOCIAL SERVICES

Job Training Partnership Act (JTPA), Title II, Part A, Income Disregards in the Aid to Dependent Children (ADC) Program (VR 615-01-10) 1756

STATE WATER CONTROL BOARD

Water Quality Standards § 4. Basin and Sections Description Tables, Potomac River Subbasin § 5. 1757

FINAL REGULATIONS

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law (VR 115-04-04) . 1758

Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores (VR 115-01-11) 1781

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons of Low and Moderate Income (VR 400-02-0003) 1796

VIRGINIA STATE LIBRARY BOARD

Standards for the Microfilming of Public Records for Archival Retention (VR 440-01-137.1) 1810

Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process (VR 440-01-137.2) 1813

Standards for the Microfilming of Ended Law Chancery and Criminal Cases by the Clerks of the Circuit Courts Prior to Disposition (VR 440-01-137.4) 1816

Standards for Computer-Output Microfilm (COM) for Archival Retention (VR 440-01-137.5) 1819

DEPARTMENT OF STATE POLICE

Motor Carrier Safety Regulations (VR 545-01-1) 1821

EMERGENCY REGULATIONS

DEPARTMENT OF THE TREASURY

Virginia Security for Public Deposits Act Regulations (VR 640-02) 1822

STATE CORPORATION COMMISSION

Application of The Washington, D.C. SMSA Limited Partnership for approval of a minimum-maximum tariff, Phase I (Case No. PUC850027) 1827

Order Directing Notice of Intention to amend rules and regulations governing the operation of motor vehicles under lease (Case No. MCS860032) 1829

GOVERNOR

GOVERNOR'S COMMENTS

Virginia State Library Board

Standards for the Microfilming of Public Records for Archival Retention (VR 440-01-137.1)

Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process

Standards for the Microfilming of Ended Law, Chancery and Criminal Cases by the Clerk of the Circuit Courts Prior to Disposition (VR 440-01-137.4)

Standards for Computer Output Microfilm (COM) for Archival Retention (VR 440-01-137.5)

Minimum Standards for Instruments Recorded by a

Table of Contents

Microphotographic Process (Repealed) (VR
440-01-137.3) 1832

GENERAL NOTICES/ERRATA

NOTICES OF INTENDED REGULATORY ACTION ... 1833

GENERAL NOTICES

Notice to State Agencies 1835

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 1836

LEGISLATIVE

Open Meetings and Public Hearings 1852

CHRONOLOGICAL LIST

Open Meetings 1854

Public Hearings 1855

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.

VIRGINIA STATE BOARD OF ACCOUNTANCY

Title of Regulation: VR 105-01-2. Rules and Regulations of the Virginia State Board of Accountancy.

Statutory Authority: § 54-84 of the Code of Virginia.

Public Hearing Date: August 11, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendments increase fees and are necessary to comply with § 54-1.28:1 of the Code of Virginia. There are no other changes in the existing rules and regulations.

VR 105-01-2. Rules and Regulations of the State Board of Accountancy.

PART I. GENERAL.

§ 1.1. Definitions.

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

"Accredited institution" means any four-year degree-granting college or university accredited at the time of the applicant's degree or attendance by any of the following:

1. Middle States Association of Colleges and Secondary Schools;
2. New England Association of Schools and Colleges;
3. North Central Association of Colleges and Secondary Schools;
4. Northwest Association of Schools and Colleges;
5. Southern Association of Colleges and Schools; and
6. Western Association of Schools and Colleges.

"Certification" means the issuance of a certificate to a person who has met all the requirements of these regulations.

"Certify," "Examine," "Review," or "Render or disclaim an opinion," when referenced to financial information or the practice of certified public accountancy, are terms which, when used in connection with the issuance of reports, state or imply assurance of conformity with generally accepted accounting principles and auditing and

review standards. The terms include forms of language disclaiming an opinion concerning the reliability of the financial information referred to or relating to the expertise of the issuer.

"Client" means a person or entity that contracts with or retains a firm for performance of public accounting services.

"Compilation of financial statements" means presenting in the form of financial statements information that is the representation of management (owners) without undertaking to express any assurance on the statements.

"Financial statements" means a presentation of financial data, including but not limited to, accompanying notes derived from accounting records, that purport to show financial position at a point in time or changes in that period of time. It includes statements which use a cash or other incomplete basis of accounting. The term includes balance sheets, statements of income, statements of retained earnings, statements of changes in financial position, and statements of changes in owners' equity. The term does not include either tax returns and supporting schedules, or incidental financial data included in management advisory services reports to support recommendations to a client.

"Firm" means a sole proprietorship, a corporation, partnership, professional association, or any combination practicing public accountancy in Virginia.

"Individual firm name" means a name different from the name in which the individual's license is issued.

"Jurisdiction" means another state, territory, the District of Columbia, or Puerto Rico.

"License" means permission to a natural person to practice as a certified public accountant as part of a firm.

"Practice of public accountancy" means to certify, render, or disclaim an opinion that financial data comply with standards of practice with which regulants are required to comply in Part 3 of these regulations, or use language in a report on which third parties might rely so similar thereto that a reasonably prudent person would be likely to consider it the same as the required language, including use of the terms "audit," "examination," "review," "in conformity with generally accepted accounting principles," or "in accordance with generally accepted auditing standards".

"Principal" means a certified public accountant who is

Proposed Regulations

the sole proprietor of, or a partner or shareholder in, a firm.

"Professional association" means a firm organized in accordance with Chapter 25 of Title 54 of the Code of Virginia.

"Professional services and engagements" means the association between a client and the firm to perform, or offer to perform, public accounting services by the firm for the client.

"Professional staff" means employees of a firm engaged in the practice of public accountancy and who make decisions relating to their work, but excludes employees performing routine bookkeeping services.

"Regulant" means any certificate holder, licensee, professional corporation or firm. (§ 54-1.28.5 of the Code of Virginia)

§ 1.2. Fees.

Fees are required as follows and will not be prorated:

[Upon original application or renewal of a registration for a professional corporation	\$50.00
Upon original application for certification	\$85.00
(including by endorsement)	
Upon any reexamination	\$75.00
Upon biennial license and certificate renewal ..	\$30.00
Upon biennial certificate renewal	\$10.00
CPA Examination	\$90.00
CPA Reexamination	\$90.00
Out of State Proctoring Fee	\$75.00
CPA Original License	\$75.00
CPA License Renewal	\$50.00
Late CPA Renewal License Penalty Fee	\$50.00
CPA Original Certificate	\$25.00
Biennial CPA Certificate of Maintenance	\$20.00
Late Biennial CPA Certificate of Maintenance Penalty Fee	\$50.00
CPA Professional Corporation License	50.00
CPA Professional Corporation License Renewal ..	50.00
CPA Professional Corporation License Late Penalty	\$50.00
Certificate by Endorsement	\$90.00]

§ 1.3. Renewal of licenses and registration.

Each license, certificate or registration of a professional corporation shall expire on September 30, of each even-numbered year and will be renewed upon receipt of the appropriate renewal application and fee. Failure of the regulant to receive written notice of expiration does not relieve him from the requirement to renew the license, certificate or registration.

Any person may renew an expired license, certificate or registration within six months after expiration by submitting the required renewal fee equal to 1 1/2 times

the fee. If the regulant fails to renew within six months following expiration, he will be required to apply for reinstatement. The applicant will be required to present reasons for reinstatement, and the board, in its discretion, may grant reinstatement or require a requalification and/or reexamination. The application fee for reinstatement shall be an amount equal to twice the license fee. (§ 54-1.28.4 of the Code of Virginia)

§ 1.4. Notification of change of address.

Every regulant shall notify the board within 30 days of any change of address or name. (§ 54-1.28.5 of the Code of Virginia)

§ 1.5. Appeals.

Any person aggrieved by any case decision of the board may appeal any decision in accordance with the Administrative Process Act and the Department of Commerce Agency Rules of Practice for Hearing Officers. (§ 54-1.28.5 of the Code of Virginia)

§ 1.6. License required, renewal.

Any person holding a Virginia certificate shall either maintain a Virginia license to practice public accounting, or file biennially as a certificate holder not engaged in the practice of public accountancy and pay the required renewal fee. (§ 54-1.28.3 of the Code of Virginia)

§ 1.7. License required; exception.

Only a certified public accountant, holding a valid license, may engage in practice of public accountancy in Virginia, provided this does not:

1. Prohibit any person from affixing his signature to any statement or report for internal or management use designating the position, title, or office of the person; or
2. Prohibit the act of any public official or public employee in the performance of his duties; or
3. Prohibit the performance by any person of services involving the use of accounting skills, rendering tax services, management advisory or consulting services, the keeping of books of account and related accounting records, and the preparation of financial statements without the expression of an opinion or assurance. (§ 54-84 of the Code of Virginia)
4. Prohibit the issuance by any person or persons of a compilation report provided this report does not use any form of language conventionally used by licensees with respect to a compilation of financial statements.

§ 1.8. Use of term Certified Public Accountant.

Only a person holding a valid certificate in Virginia, or

Proposed Regulations

other jurisdiction, shall use or assume the title or designation "certified public accountant," or "public accountant," the abbreviations of that, or any title, designation, word, card, or device tending to indicate that the person is a certified public accountant or public accountant in Virginia. (§ 54-1.84 of the Code of Virginia)

No licensee or certificate holder in Virginia shall use or assume the titles or designations "certified public accountant," "public accountant," "CPA," or any other titles, designations, phrases, acronyms, abbreviations, signs, cards or devices tending to indicate the practice of public accountancy in his firm name unless all principals of that firm who work in Virginia or who have substantial contact with work in Virginia are licensed as CPAs in this state. (§ 54-1.84 of the Code of Virginia)

§ 1.9 . Regulant accountable for services rendered.

Whenever a regulant offers or performs any services in Virginia related to the practice of public accountancy, regardless of the necessity to hold a license to perform that service, the regulant shall be subject to the provisions of these regulations. A regulant shall be responsible for the acts or omissions of his staff.

**PART II.
ENTRY.**

§ 2.1. General.

Any person applying for certification as a certified public accountant shall meet the requirements of good character, education, and shall have passed an examination. Any person applying for a license to practice public accounting in Virginia shall hold a Virginia certificate as a certified public account and must meet the experience requirement. (§ 54-1.28.1 of the Code of Virginia)

§ 2.2. Good character.

Each applicant shall have fiscal integrity and a lack of history of acts involving dishonesty or acts which would constitute a violation of these regulations. The board may deny certification upon a finding supported by clear and convincing evidence of a lack of good character. (§ 54-1.28.1 of the Code of Virginia)

§ 2.3. Education required.

Each applicant shall have earned one of the following:

1. A baccalaureate or higher degree with either a major in accounting or a concentration in accounting from an accredited institution as defined in § 1.1;
2. One hundred twenty semester hours of earned credit from an accredited institution, which must include the following business related courses or their equivalent:

	Semester Hours
Principles of Accounting	6
Principles of Economics	3
Principles of Marketing	3
Principles of Management	3
Finance	3
Information Systems	3
Statistics	3
Business Policy	3
Financial Accounting and Accounting Theory	6
Cost/Managerial Accounting	3
Auditing	3
Taxation	3
Commercial Law (not to exceed six semester hours)	3
Business Electives	15
Total	60

3. Completion of a written examination approved by the board demonstrating that the applicant has obtained the knowledge, skill or ability equivalent to a bachelor's degree and 27 semester hours in accounting subjects from an accredited institution, which must include courses in accounting, auditing, cost accounting and not more than six semester hours in commercial law;

4. Until July 31, 1988, the education requirements will be satisfied with an earned baccalaureate or higher degree from an accredited institution or completion of a written examination approved by the board demonstrating that the applicant has obtained the knowledge, skill or ability equivalent to a bachelor's degree; and completion of 27 semester hours in accounting subjects from an accredited institution, which shall include courses in accounting, auditing, cost accounting and shall not include more than six semester hours in commercial law.

§ 2.4. Evidence of education.

Each applicant shall submit evidence of having obtained required education in the form of official transcripts transmitted directly from the accredited institution. In unusual circumstances other evidence of education may be

Proposed Regulations

accepted when deemed equivalent and conclusive. (§ 54-1.28.1 of the Code of Virginia)

§ 2.5. Education prerequisite to examination.

The educational requirements shall be met prior to examination, provided, however, an applicant may be admitted to the examination, when the applicant has filed evidence of enrollment in the required courses. He may be admitted to a May examination if he will meet education requirements by June 30, and to a November examination if he will meet education requirements by December 31. (§ 54-1.28.2 of the Code of Virginia)

§ 2.6. Basic examination.

Each applicant for an original certificate to practice public accountancy in Virginia shall pass a basic four-part written national uniform examination in auditing, business law, theory of accounting, and accounting practice. Each part of the basic examination must be passed with a grade of 75 percent. The board is authorized to make use of all or any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants and the National State Boards of Accountancy to assist it in performing its duties. (§ 54-1.28.2 of the Code of Virginia)

§ 2.7. Examination credits.

Credit will be given for basic examination parts passed through five successive offerings subsequent to the first occasion when credit is earned, provided:

1. No credit will be allowed until accounting practice or two other parts are passed at a single sitting; and
2. When two or three parts are failed at a single sitting; a minimum grade of 50 is achieved on each of those failed parts; and
3. An applicant sits for all part not credited. (§ 54-1.28.2 of the Code of Virginia)

§ 2.8. Extension of unexpired credits.

The board may extend earned basic examination credits to any applicant who has been on active duty in the armed forces for a period of six months immediately prior to an examination month. Request for extension shall be made in writing within six months of completion of active duty but no later than ten years from the date the last credit was earned. (§ 54-1.28.2 of the Code of Virginia)

§ 2.9. Conduct in basic examination.

A. An admittance card with recent photograph permanently attached shall be presented to sit for the examination.

Identification numbers assigned by the board shall be

use in lieu of name on all papers submitted.

B. No resource or reference material, unless specified by the board is permitted in the examination site.

C. Work on each examination must be completed within the time specified.

D. All writing must be clear and legible.

E. No communication between examinees is permitted during the examination.

F. Each applicant shall honestly represent only his own personal knowledge, skill, or ability in answering questions. (§ 54-1.28.2 of the Code of Virginia)

G. Each applicant shall agree to submit to an inspection if required to enforce compliance with these regulations.

§ 2.10. Loss of credit or eligibility.

Any applicant found in violation of regulations governing conduct in examination will lose established eligibility to be admitted or credit for examination parts earned. (§ 54-1.28.2 of the Code of Virginia)

§ 2.11. Application deadline.

Application to sit for the basic examination shall be made on a form provided by the board and shall be filed with all required documents by the first Friday in March for the May examination and by the first Friday in September for the November examination. (§ 54-1.28.2 of the Code of Virginia)

§ 2.12. Failure to appear; excused examination.

An applicant who fails to appear for the basic examination or reexamination shall forfeit the fees charged for the examination or reexamination unless excused.

The board may excuse an applicant for an examination until the next examination for military service when documented by orders or a letter from the commanding officer; or for serious injury, illness, or physical impairment, any of which must be documented by a statement from the treating physician; or for other good cause of similar magnitude approved by the board.

§ 2.13. Ethics examination.

In addition to the basic examination, prior to obtaining a certificate, each applicant may be required to pass an examination in ethics. (§ 54-1.28.2 of the Code of Virginia)

§ 2.14. Experience required.

Subject to the foregoing, an individual will be eligible for licensure if he possesses one of the following:

1. Two years of experience in accounting with the attest function and/or the review function constituting not less than 800 hours of that experience; or

2. Three years of experience in accounting in its broadest sense. For those with more than a four-year lapse between completion of the CPA Examination and submission of the experience application, continuing professional education will be required. Such education may include courses in auditing, accounting and tax; or

3. Four years of diversified teaching experience in accounting subjects at an institution recognized by the board in conjunction with no less than five months experience with a public accounting firm with at least 600 hours of the work in auditing and preparation of financial statements.

"Diversified teaching experience" as used above means upper level courses in accounting, auditing and taxation.

§ 2.15. Education substituted for experience.

An applicant having an undergraduate degree in accounting will be credited with one year of required experience for completion of a master's degree at an accredited institution, which shall include 15 semester hours in graduate level accounting subjects. (§ 54-1.28.2 of the Code of Virginia)

§ 2.16. Certificate by endorsement.

Upon payment of the specified fee, a certificate will be granted to an applicant who holds a like valid and unrevoked certificate issued under the law of any jurisdiction showing that applicant is in good standing in the jurisdiction; provided:

1. The applicant meets all current requirements in Virginia at the time application is made; or (§ 54-1.28.3 of the Code of Virginia)

2. At the time the applicant's certificate was issued in the other jurisdiction, the applicant met all requirements then applicable in Virginia; or (§ 54-1.28.3 of the Code of Virginia)

3. The applicant has met all requirements applicable in Virginia except the education requirement, or has passed the examination under different credit provisions, and either:

a. The applicant has five years of experience in the practice of public accountancy within the 10 years prior to application, or

b. The applicant has five years of experience in the practice of public accountancy, one year of which was immediately prior to application, and has completed 15 semester hours of accounting, auditing,

and related subjects in an accredited institution. (§ 54-1.28.1 of the Code of Virginia)

PART III. STANDARDS OF PRACTICE.

§ 3.1. Sole proprietor name.

A sole proprietor shall use his own name as the firm name except that a proprietor surviving the death or withdrawal of all other partners may continue using the names of those partners for not more than two years after becoming a sole proprietor. (§ 54-1.28.5 of the Code of Virginia)

§ 3.2. Partnership name.

A licensee shall not practice in a partnership that includes a fictitious name, indicates specialization, or includes the terms "company" or "associates" or any similar term unless used to designate at least one unnamed, currently licensed partner, provided, that the name of one or more past partners or shareholders of a predecessor corporation may be included in the firm name of the successor partnership. (§ 54-1.28.5 of the Code of Virginia)

§ 3.3. Corporate names.

A licensee shall not practice in a corporation the name of which indicates fields of specialization, or includes the terms "company," "associates," or similar terms or derivatives unless used to designate at least one unnamed shareholder, or which constitutes a fictitious name. Names of one or more past shareholders or partners in a predecessor partnership may be included in the corporate name. The shareholder surviving the death or withdrawal of all other shareholders may use the names of those past shareholders or partners for up to two years after death or withdrawal. The corporate name must always be followed by the designation "a professional corporation." (§§ 54-1.28.5 and 54-91.1 of the Code of Virginia)

§ 3.4. Notification of changes in firms.

A licensee shall notify the board in writing within 30 days after occurrence of any of the following:

1. The admission of any new shareholder or partner; or

2. The retirement or death of a copartner or shareholder; or

3. A change in the name of any partnership or professional corporation; or

4. The termination of any partnership or professional corporation; or

5. The change in the supervisor of any branch office;

Proposed Regulations

or

6. The change in the number or location of Virginia offices; or

7. Any event which would cause the partnership or professional corporation not to be in conformity with the provisions of these regulations. (§ 54-1.28.5 of the Code of Virginia)

§ 3.5. Mandatory use of "CPA."

The term "certified public accountant(s)," or the abbreviation "CPA," shall appear with the name of a certified public accountant when used in connection with an expression of opinion. (§ 54-1.28.5 of the Code of Virginia)

§ 3.6. Sharing in office.

When sharing office facilities with any person who is not in the same firm, the licensee shall use practices and procedures which enable a reasonable person clearly to distinguish between the practice of the licensee and the operation of the other occupation or business. (§ 54-1.28.5 of the Code of Virginia)

§3.7. Resident manager in Virginia in charge of branch office.

Each branch office of a firm shall be managed by a certified public accountant licensed in Virginia. No licensed certified public accountant shall manage more than one office until such time as the licensee can provide, and the board approve, management plan to provide supervision and quality control over the work product of all offices under the supervision of the licensee. (§ 54-1.28.5 of the Code of Virginia)

§ 3.8. Misleading firm name.

Nothing shall be contained in the name, styling, or letterhead of any firm which implies an ability, relationship, or condition that does not exist. (§ 54-1.28.6 of the Code of Virginia)

§ 3.9. Independence.

A regulant shall not express an opinion on financial statements of an entity in such a manner as to imply that its licensees are acting in an independent capacity when the licensee has any of the following interests in that entity:

1. Commitment to acquire any direct or material indirect financial interest; or

2. Position as trustee, executor, or administrator of any estate if such trust or estate is committed to acquire any direct or material indirect financial interest; or

3. Ownership of any joint closely-held business investment with the entity or any officer, director, or principal stockholder thereof which was material in relation to the net worth of the licensee; or

4. Relationship with the entity as a promoter, underwriter, or voting trustee, director, or officer, or in any capacity equivalent to that of a member of management or of an employee; or

5. Having any loan to or from the entity, or from any officer, director, or principal stockholder thereof except loans made by a financial institution under normal lending procedures, terms and requirements such as: loans obtained by the licensee or firm which are not material in relation to the net worth of the borrower; or home mortgages; or other secured loans, except those secured solely by a guarantee of the firm of its licensees. (§ 54-1.28.9 of the Code of Virginia)

§ 3.10. Integrity and objectivity.

A licensee shall not knowingly misrepresent facts or subordinate his judgement to others. In tax practice, a licensee may resolve doubt in favor of his client when there is reasonable support for the position. (§ 54-1.28.9 of the Code of Virginia)

§ 3.11. Commissions.

A regulant shall not pay a commission to obtain a client, or accept a commission for a referral to a client of products or services of another. Payments for the purchase of all, or part, of an accounting practice, retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons are permitted. (§ 54-1.28.9 of the Code of Virginia)

§ 3.12. Contingent fees.

A regulant shall not offer or perform the practice of accounting for a fee which is contingent upon the findings or results of these services. This regulation does not apply either to services involving taxes in which the sole findings are those of the tax authorities or to professional services for which the fees are to be fixed by courts or other public authorities. (§ 54-1.28.9 of the Code of Virginia)

§ 3.13. Incompatible occupations.

A regulant shall not concurrently engage in any other business or occupation which impairs his independence or objectivity in the practice of public accounting. (§ 54-1.28.9 of the Code of Virginia)

§ 3.14. Competence.

A regulant shall not undertake performance of professional services which he cannot reasonably expect to

complete with due professional competence, including compliance, when applicable, with these regulations. (§ 54-1.28.9 of the Code of Virginia)

§ 3.15. Auditing standards.

A regulant shall not permit his name to be associated with financial statements involving the attest function in a manner that might be construed to imply he is acting as an independent public accountant unless he has complied with applicable, generally accepted auditing standards in use in Virginia at the time his name is so associated. Departures from compliance with generally accepted auditing standards must be justified. (§ 54-1.28.9 of the Code of Virginia)

§ 3.16. Accounting principles.

A regulant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from generally accepted accounting principles in current use in Virginia, which has a material effect on the statement as a whole. Any departure is permissible only if the regulant can demonstrate that, by reason of unusual circumstances, the financial statements would otherwise be misleading. In such a case, the regulant's report shall describe the departure, the approximate effects, if practicable, and the reasons that compliance with the generally accepted accounting principle would result in a misleading statement. (§ 54-1.28.9 of the Code of Virginia)

§ 3.17. Other technical standards.

A regulant shall comply with other technical standards pertaining to accounting, tax services and management advisory services that are current practices in Virginia. (§ 54-1.28.9 of the Code of Virginia)

§ 3.18. Forecasts or projections.

No regulant shall vouch for the achievability for any forecast or projection. (§ 54-1.28.9 of the Code of Virginia)

§ 3.19. Confidential client information.

A regulant shall not, without the consent of his client, disclose any confidential information pertaining to his client obtained in the course of the practice of public accounting, except in response to a subpoena or summons enforceable by order of a court, in response to any inquiry made by the board or its agents, by a government agency, or by a recognized organization of certified public accountants, or by the client himself or his heirs, successors or authorized representative, or in connection with a peer review of the regulant's practice. (§ 54-1.28.9 of the Code of Virginia)

§ 3.20. Client's records.

A regulant shall furnish to its client or former client, regardless of any payment due the firm, within a reasonable time upon request:

1. A copy of a client's tax return; or
2. A copy of any report, or other document, issued by the regulant to or for the client and not formally withdrawn by the regulant prior to the request; or
3. Any accounting or other record belonging to the client, or obtained from or on behalf of the client, which the regulant removed from the client's premises or had received for the client's account; or
4. A copy of the regulant's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records not otherwise available to the client. (§ 54-1.28.9 of the Code of Virginia)

§ 3.21. Acting through others.

A regulant shall not permit others to carry out on his behalf, acts which, if carried out by the regulant, would place him in violation of these regulations. A regulant shall not perform services for a client who is performing the same or similar services for another, if the firm could not perform those services under these rules. (§ 54-1.28.9 of the Code of Virginia)

§ 3.22. Advertising.

A regulant shall not make any false, fraudulent, misleading, deceptive, or unfair statement or claim, including but not limited to:

1. A misrepresentation of fact; or
2. Failure to make full disclosure of any relevant fact; or
3. Representations of services of exceptional quality not supported by verifiable facts; or
4. A representation that might lead to unjustified expectation of higher level of performance or of favorable results. (§ 54-1.28.9 of the Code of Virginia)

§ 3.23. Solicitation.

A regulant shall not by any direct personal communication solicit an engagement to perform professional services if the communication is overreaching or contains use of coercion, duress, compulsion, intimidation, threats, or harassment. (§ 54-1.28.9 of the Code of Virginia)

§ 3.24. Response to board communication.

A regulant shall respond by registered or certified mail

Proposed Regulations

within 30 days of the mailing of any communication from the board when requested. (§ 54-1.28.6 of the Code of Virginia)

§ 3.25. Revocation, suspension, and fines.

The board may suspend, deny renewal, or revoke any certificate, or license, or may fine the holder thereof, upon a finding of:

1. Any fraud or misrepresentation in obtaining a certificate, or license; or
2. Cancellation, revocation, suspension, or refusal to renew authority to engage in the practice of public accountancy in any other jurisdiction for any cause; or
3. Suspension or revocation of the right to practice before any state or federal agency; or
4. Dishonesty, fraud, or negligence in the practice of public accountancy; or
5. Violation of or noncompliance with any of the provisions of these regulations; or
6. Conviction of a felony or of any crime an element of which is dishonesty or fraud, under the laws of the United States or of any jurisdiction; or
7. Any conduct reflecting adversely upon the regulant's fitness to engage in the practice of public accountancy; or
8. Violation of any of the provisions of Chapter 1.1 or Chapter 5 of Title 54 of the Code of Virginia. (§ 54-1.28.7 of the Code of Virginia)

§ 3.26. Practice inspection and continuing professional education.

In lieu of, or in addition to, any remedy provided in § 3.26, the board may require an inspection of a firm's practice or a completion of specified continuing education. (§ 54-1.28.7 of the Code of Virginia)

§ 3.27. Petition for reinstatement or modification of a penalty.

No petition shall be considered while the petitioner is under sentence for a criminal offense related to the practice of public accountancy, including any period during which the petitioner is on court imposed probation or parole for such offense. Otherwise, a person whose certificate or license has been revoked or suspended may petition the board for reinstatement or modification of any penalty, no sooner than one year from the effective date of that decision. The petition shall be accompanied by at least two verified recommendations from licensees who have had personal knowledge of the activities of the petitioner since the time the disciplinary penalty was

imposed. The board may consider all activities of the petitioner dating from the time the disciplinary action was taken; the offense for which the petitioner was disciplined; the petitioner's activities prior to the imposition of the penalty; the petitioner's rehabilitative efforts and restitution to damaged parties; and the petitioner's general reputation for truth and professional ability. (§ 54-1.28.5 of the Code of Virginia)

§ 3.28. Single act evidence.

Evidence of the commission of a single act prohibited by these regulations shall be sufficient to justify a finding of violation, without evidence of a general course of conduct. (§ 54-1.28.5 of the Code of Virginia)

§ 3.29. Ownership of records.

All statements, records, schedules, working papers, and memoranda made by a regulant incident to rendering services to client in the practice of public accountancy, shall become the property of the regulant absent an express agreement between the firm and the client to the contrary. No such statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client to anyone other than a regulant. (§ 54-101 of the Code of Virginia)

§ 3.30. Severability.

If any provisions of these regulations be held invalid, other provisions shall not be affected. (§ 54-1.28.5 of the Code of Virginia)

Proposed Regulations

VIRGINIA STATE BOARD OF ACCOUNTANCY
DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VA 23230-4917
(804) 257-8505
TOLL FREE: 1 (800) 552-3016

FEE-~~\$10.00~~ \$20.00
(Make check payable to
the Treasurer of Virginia)

APPLICATION FOR ORIGINAL CERTIFICATION AS A CPA IN VIRGINIA

PLEASE TYPE OR PRINT

NAME: _____
(Use name as you wish it to appear on certificate)

Social Security Number _____

ADDRESS: _____

(ZIP) () Telephone Number

BUSINESS ADDRESS: _____
(Please include firm name)

(ZIP) () Telephone Number

Date of completion of Uniform CPA Examination _____
Give Month and Year

Date of completion of Ethics Examination _____
(Attach copy of grade sheet or certificate) Month and Year

I hereby declare that I am not now in the practice of public accountancy on my own and that I will not do so in Virginia without first making application for license to the Virginia State Board of Accountancy, completing the prescribed continuing professional education courses, if required, and paying the required fee.

Date Signature

AFFIDAVIT:
State of _____
City/County of _____

This statement was signed and sworn to before me this _____ day of _____ 19 ____ .

Notary Public
My commission expires _____

VSBA CM-1
2/86

Proposed Regulations

FEE:--\$30.00- \$75.00
(Make check payable
to Treasurer of
Virginia)

COMMONWEALTH OF VIRGINIA
Department of Commerce
Virginia State Board of Accountancy
3600 West Broad Street
Richmond, Virginia 23230-4917
Telephone: (804) 257-8505
Toll Free: 1 (800) 552-3016

APPLICATION FOR LICENSE AS A CERTIFIED PUBLIC ACCOUNTANT IN VIRGINIA

MUST BE TYPED OR PRINTED

NAME _____
Last First Middle Social Security Number
HOME ADDRESS _____
Street number and name () Telephone Number
City State Zip Code

EMPLOYER _____
BUSINESS ADDRESS _____ ()
Street number and name Telephone Number
City State Zip Code

Date CPA Examination was passed _____

AICPA Ethics Exam completed _____

Former name if different when you were certified _____

FOR BOARD USE ONLY

Certificate Number _____	Board Approval _____	Conditions, if any: _____
Date _____	Date: _____	_____
Reviewed for Completeness _____	Member: _____	_____
By _____ on _____	Member: _____	_____
By _____ on _____		

VSBA-5
3/1/86

Proposed Regulations

FEE: \$50.00
 (Make check
 payable to
 Treasurer of
 Virginia)

COMMONWEALTH OF VIRGINIA
 Department of Commerce
 Virginia State Board of Accountancy
 3600 West Broad Street
 Richmond, Virginia 23230-4917
 Telephone: (804) 257-8505
 Toll Free: 1 (800) 552-3016

APPLICATION FOR REGISTRATION UNDER THE PROFESSIONAL DESIGNATION
 "CERTIFIED PUBLIC ACCOUNTANT(S)" OR "PUBLIC ACCOUNTANTS"
 AS A CORPORATION.

CORPORATE NAME _____

ADDRESS OF MAIN OFFICE _____
Number and Street City or Town State Zip

MAILING ADDRESS _____

OFFICERS OF CORPORATION

Name of Each Officer	Title	Legal Residence Address in Full	Va. Cert. No.

BOARD OF DIRECTORS

Name of Each Director	Legal Residence Address in Full	No. Shares Stock Owned	Va. Cert. No.

THE FOLLOWING QUESTIONS MUST BE ANSWERED IN DETAIL:

1. Number of Shares of Stock Authorized to be Issued _____
2. Number of Shares of Stock Issued and Outstanding _____

LIST BELOW THE NAMES OF EACH OWNER OR CAPITAL STOCK IN THE CORPORATION

Name of Each Owner	Legal Residence Address in Full	No. Shares Stock Owned	Va. Cert. No.
TOTAL (Must agree with Item 2 above)			

Proposed Regulations

VIRGINIA STATE BOARD OF ACCOUNTANCY
CERTIFICATION OF EXAMINATION SUBJECTS

Print or type all information
MUST BE COMPLETED AND SENT WITH APPLICATION

Name of Applicant _____

Baccalaureate degree received _____ expected _____

on _____ from _____
month, year College or University

This form must have a transcript (official or student copy) attached. For any courses which are not descriptive, attach course description.

Foreign applicants attach letter evaluating courses complete in foreign schools.

PART I (Applicable Until July 31, 1988)

1. Baccalaureate degree received _____ expected _____
on _____ from _____
month, year College or University

2. Specify twenty-seven semester hours or equivalent in quarter hours in accounting subjects which must include courses in accounting, auditing, and cost accounting. Do not include more than six semester hours in commercial law. Financial accounting includes principles of accounting.

List complete accounting courses below:

COURSE TITLE	NO. OF HOURS SEMESTER OR QUARTER	COLLEGE OR UNIVERSITY
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

Proposed Regulations

Business, including Acct.
Electives 15 Title

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
TOTAL 60	_____	_____

Affidavit:

State of _____

City/County of _____

The statement was signed and sworn to before me
this _____ day of _____, 19 ____.

Notary Public

My commission expires _____

Proposed Regulations

VIRGINIA STATE BOARD OF ACCOUNTANCY
DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
Richmond, VA. 23230-4917
(804) 257-8505
Toll Free: 1-800-552-3016

A candidate currently enrolled in courses, credit for which is required to satisfy any of the educational requirements for examination, must provide certification that he/she is so enrolled and that all such courses will be completed no later than the last day of the next month after the examination for which application is made.

CERTIFICATION OF ENROLLMENT

1. I hereby declare that I am now enrolled in the following courses and for which credit is necessary to satisfy the provisions of Section 2.5 of Boards regulations.

<u>College or University</u>	<u>Course Title</u>	<u>Course Number</u>	<u>Semester or Quarter Hrs.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. The above requirements will be completed by _____, 19____.

AFFIDAVIT:

State of _____

City/County of _____

The statement was signed and sworn to before me this _____ day of _____
19____.

Notary Public
My Commission expires _____

Rev. 4/86

Proposed Regulations

~~FEE:--\$85.00-~~ \$90.00
(Make check
payable to
Treasurer of
Virginia)

COMMONWEALTH OF VIRGINIA
Department of Commerce
Virginia State Board of Accountancy
3600 West Broad Street
Richmond, Virginia 23230-4917
Telephone: (804) 257-8505
Toll Free: 1 (800) 552-3016

APPLICATION FOR A VIRGINIA CPA CERTIFICATE BY ENDORSEMENT

MUST BE TYPED OR PRINTED

NAME _____
Last First Middle Social Security Number

HOME ADDRESS _____
Street number and name Telephone Number

City State Zip Code

EMPLOYER _____

BUSINESS ADDRESS _____
Street number and name Telephone Number

City State Zip Code

LENGTH OF RESIDENCE OR EMPLOYMENT IN VIRGINIA _____

PLACE OF BIRTH _____

Have you ever been convicted of a felony? Yes ___ No ___ or has your right to practice accountancy in any jurisdiction ever been suspended or revoked? Yes ___ No ___

If your answer is "YES," attach a statement providing all relevant details.

ORIGINAL CERTIFICATE NUMBER _____ ISSUED BY _____ ON _____
JURISDICTION DATE

(CPAs submit Form R-2 and VSBA-7. Non-certified applicants, submit Form VSBA-7 re Endorsement of Grades)

ETHICS:

Have you satisfactorily completed the AICPA Course in Ethics? Yes ___ No ___; if "YES" provide evidence; if "NO," see memorandum)

BOARD USE ONLY Date: _____

Reviewed By _____ Certificate No. _____ Member: _____ Member: _____

Date _____ Date of Issuance _____ Member: _____ Member: _____

VSBA R-1

2/85



COMMONWEALTH of VIRGINIA

Department of Commerce

DAVID R. HATHCOCK
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917

TELEPHONE: (804) 257-8500
TOLL FREE: 1 (800) 552-3016

TO: Name of Board which issued applicant's original certificate

FROM: Roberta L. Banning, Assistant Director
Virginia State Board of Accountancy

The application for a Virginia CPA certificate submitted by states that his or her original certificate was issued by your Board.

We would very much appreciate it if you would provide us with the following information.

- 1. Certification Number was issued on 19.
2. The basis (or bases) for certification were those checked below:
a written examination prepared by this Board.
grades reported by the Advisory Grading Service for the Uniform CPA Examination.
Other

CERTIFICATION

I certify that the foregoing statements are correct to the best of my knowledge and belief.

SEAL
OF
BOARD

Signature of Authorized Person

Title

Date

VSBA R-2
03-86

Proposed Regulations



COMMONWEALTH of VIRGINIA

Department of Commerce

DAVID R. HATHCOCK
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917

TELEPHONE: (804) 257-8500
TOLL FREE: 1 (800) 552-3018

TO: Roberta L. Banning, Assistant Director
Virginia State Board of Accountancy

FROM: _____
Name of Board transferring grades

I certify that _____ sat for the Uniform CPA Examination under our jurisdiction on the dates listed below, with the results noted:

<u>DATE</u>	<u>I.D. NO.</u>	<u>AUDITING</u>	<u>LAW</u>	<u>THEORY</u>	<u>PRACTICE</u>
-------------	-----------------	-----------------	------------	---------------	-----------------

These grades were furnished by the Advisory Grading Service of the AIPCA and we recommend that they be accepted.

CERTIFICATION

I certify that the foregoing statements are correct to the best of my knowledge and belief.

S E A L

O F

B O A R D

Signature of Authorized Person

Title

Date

VSBA-7
03-86

VIRGINIA STATE BOARD OF ACCOUNTANCY

Department of Commerce
3600 West Broad Street
Richmond, Virginia 23230
(804) 257-8505
Toll Free: 1(800)552-3016

TO THE ENDORSER OF AN APPLICANT FOR A VIRGINIA CPA CERTIFICATE BY ENDORSEMENT

The applicant named below has applied for a Virginia CPA Certificate by Endorsement. You have been named as one of the applicant's endorsers, and the Virginia State Board of Accountancy would very much appreciate your frank answers to the following questions. Any other comments you care to make regarding this applicant would also be of value.

ENDORSEMENT

1. Applicant's name _____
2. What type of relationship have you had with applicant? (Business, professional or social?) _____
3. Number of years you have known applicant: _____
4. Is he/she of good moral character? _____
5. To the best of your knowledge, has he or she been employed as an accountant and, if so, for how long? _____
6. If the answer to Number 5 is in the affirmative, what is his or her professional reputation? _____
7. Are you aware of any facts which might negatively affect the Board's consideration of this application? If so, please specify. _____

8. Your comments or recommendations: _____

Continue on reverse side if necessary.

Signature _____
Name (Printed) _____
Address: _____

Occupation: _____
Date: _____

VSBA R-3
3/86

Proposed Regulations



COMMONWEALTH of VIRGINIA

Department of Commerce

DAVID R. HATHCOCK
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917

TELEPHONE: (804) 257-8500
TOLL FREE: 1 (800) 552-3016

MEMORANDUM

TO: CPA Candidates

FROM: Roberta L. Banning, Assistant Director
Virginia State Board of Accountancy

SUBJECT: Ethics Examination

DATE: February 21, 1986

Attached is an order form for AICPA's "Professional Ethics for Certified Public Accountants," a self-study course required of all candidates for a Virginia original or reciprocal certificate. A grade of at least 90 must be achieved in order for you to be eligible for certification.

The Institute is responsible for grading the self-administered exam, the results of which will then be sent to you and to the Board.

The course is not required prior to taking the Uniform CPA Examination, but evidence of its satisfactory completion must be provided to the Board for certification and licensure.

R. L. B.

RLB:pjs

Attachment

VSBA
A-8
2/86

Proposed Regulations

ORDER FORM

TO: American Institute of Certified Public Accountants
1211 Avenue of the Americas
New York, New York 10036

Enclosed is my payment for the self-study course and examination,
"Professional Ethics for Certified Public Accountants -- No. 723992."

I understand that my payment covers the cost of the course materials, examination grading, and notification of successful completion to me and to the Virginia State Board of Accountancy.

My check in the amount of \$45.00, made payable to the AICPA, is enclosed.

NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____

Code 15543

Proposed Regulations

VIRGINIA STATE BOARD OF OPTICIANS

Title of Regulation: VR 505-01-1. Rules and Regulations of the Board of Opticians.

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

Public Hearing Date: August 12, 1986 - 9:30 a.m.
(See Calendar of Events section for additional information)

Summary:

These regulations govern the licensure of opticians in Virginia and, as such, apply directly to approximately 955 actively licensed Virginia opticians of which 296 hold contact lens certification, and indirectly to those individuals who utilize their services.

The Virginia State Board of Opticians proposes to amend the current regulations to decrease the license renewal fee from \$80 to \$65 in accordance with § 54-1.28:1 of the Code of Virginia.

The proposed change from \$80 to \$65 will affect all 955 actively licensed Virginia opticians. The anticipated impact of the fee reduction to licenses is a savings of \$14,325 per biennium.

VR 505-01-1. Rules and Regulation of the Board of Opticians.

SECTION ONE PART I. GENERAL.

§ 1.1. Certificate of Registration.

Each applicant successfully completing the Virginia examination or qualifying as an out-of-state optician for a certificate by endorsement shall receive a certificate of registration as a "registered optician." (§ 54-1.28)

1.2 The fee for a license by examination or by endorsement shall be \$100 and shall be in the form of a check or money order payable to the Treasurer of Virginia. (§ 54-1.28)

1.3 § 1.2. License renewal required. (§ 54-1.28)

1.3.1 A. Licenses issued under these regulations shall expire on December 31 of each even-numbered year. The Department of Commerce shall mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew. (§ 54-1.28)

1.3.2 B. Each licensee applying for renewal shall return the renewal notice and fee of ~~\$80~~ \$65 to the Department of Commerce prior to the expiration date shown on the license. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required

fee. (~~§ 54-1.28~~)

1.3.3 C. Any licensee who fails to renew their license within one month after the license expires ~~will~~ shall be required to pay a late renewal fee which shall be equal to twice the regular renewal fee. (~~§ 54-1.28~~)

1.3.4 D. If the licensee fails to renew the license within six months after the expiration date, request may be made for consideration after reinstatement of the license by submitting to the Department of Commerce a renewal application and fee of \$160, with a statement of the reasons for failing to renew prior to the expiration date. (~~§ 54-1.28~~)

1.3.5 E. Upon receipt of the renewal application, fee, and statement, the board may grant reinstatement of the license or require requalification, reexamination, or both before granting the reinstatement. (~~§ 54-1.28~~)

1.3.6 F. The date renewal application and fee is received by the Department of Commerce or its agent shall be the factor determining whether a license shall be renewed without penalty fees or shall be subject to reinstatement procedures. (~~§ 54-1.28~~)

1.3.7 G. Revoked licenses, suspended licenses and licenses not renewed from past renewal periods shall not be renewable under this regulation. (~~§ 54-1.28~~)

SECTION TWO PART II. ENTRY REQUIREMENTS.

§ 2.1. Qualifications of applicant.

Any person desiring to sit for examination shall submit an application with the required fee and evidence satisfactory to the board that the applicant: (~~§ 54-1.28~~)

2.1.1 1. Is at least 18 years of age; and (~~§ 54-1.28~~)

2.1.2 2. Is a graduate of an accredited high school, or has completed the equivalent of grammar school and a four-year high school course, or is a holder of a certificate of general educational development; and (~~§ 54-1.28~~)

2.1.3 3. Has satisfactorily completed a two-year course in a school of opticianry, including the study of topics essential to qualify for practicing as an optician; or (~~§ 54-1.28~~)

2.1.4 4. Has completed a three-year apprenticeship in accordance with the standards established by the State Department of Labor and Industries Division of Apprenticeship Training and approved by the Virginia State Board of Opticians; (~~§ 54-1.28~~) and

2.1.5 5. Provided, however, that any person desiring to sit for the board's examination before completing all prerequisites therefore, as provided in Sections 2.1.1 -

Proposed Regulations

~~2-1-4, paragraphs 1 and 4 of § 2.1 of these regulations, shall be allowed to do so upon certification to the board by the proper officials of the school of opticianry the applicant is attending, or by the Virginia Department of Labor and Industry, Apprenticeship Division, if the applicant is in an apprenticeship program that the applicant is within seven months of graduating or completing the apprenticeship program; but such applicant shall not be notified of the results of the examination until (ie) has graduated or completed the apprentice program, or (ie) 45 days prior to the next scheduled examination, whichever shall first occur. (§ 54-1-28)~~

§ 2.2. Examination time and place.

The board shall schedule an examination to be held at least twice each calendar year at a time and place to be designated by the board. (~~§ 54-1-28~~)

§ 2.3. Character of optician examination.

The optician examination given by the board may include, but not be limited to, the following topics:

- ~~2-3-1 Ophthalmic materials (§ 54-1-28)~~
- ~~2-3-2 Ophthalmic optics (§ 54-1-28)~~
- ~~2-3-3 Ophthalmic spectacle lens grinding (§ 54-1-28)~~
- ~~2-3-4 Prescription interpretation (§ 54-1-28)~~
- ~~2-3-5 Theory of light (§ 54-1-28)~~
- ~~2-3-6 Finishing, fitting and adjusting of eyeglasses and frames (§ 54-1-28)~~
- ~~2-3-7 Ethics of relationship in respect to patient and physician or optometrist (§ 54-1-28)~~
- ~~2-3-8 Anatomy and physiology (§ 54-1-28)~~

§ 2.4. Evaluation of examination.

The minimum passing grade shall be 70% on each of the two sections of the examination. (~~§ 54-1-28~~)

~~2-5 1. An applicant who fails any section shall be required to take a reexamination and may take that section for an additional fee of \$35. This applicant shall not be required to file another application. (§ 54-1-28)~~

~~2-6 2. Any applicant who fails to pass the failed section within the next two successive scheduled examinations will be required to take the entire examination and pay the full initial examination fee. (§ 54-1-28)~~

2-7 § 2.5. Licensing of out-of-state opticians.

The board may in its discretion issue a certificate to any person: (~~§ 54-1-28~~)

~~2-7-1 1. Who has met the requirements listed in § 2.1; and (§ 54-1-28)~~

~~2-7-2 2. Who has passed an examination substantially equivalent, in the opinion of the board, to the examination given in this state; and (§ 54-1-28)~~

~~2-7-3 3. Who is in good standing in the state of licensure. (§ 54-1-28)~~

~~2-7-3-1 If training received out of state is less than Virginia's requirement, the Apprenticeship Council is to evaluate the training and place the applicant in the Virginia curriculum at the level determined by the Apprenticeship Council. Upon completion of the required course, this applicant may sit for the Virginia examination. (§ 54-1-28)~~

2-8 § 2.6. Certification to fit contact lenses.

The board shall administer a contact lens examination of the Virginia licensed opticians desiring to be certified to fit contact lenses. Contact lens certification shall be mandatory for opticians to fit contact lenses. (~~§ 54-1-28~~)

~~2-9 Fees for contact lens examination or reexamination shall be \$45. (§ 54-1-28)~~

SECTION THREE PART III. STANDARDS OF PRACTICE.

§ 3.1. Discipline.

After a hearing, the board may revoke, suspend, or refuse to renew a license, ~~and/~~ or impose a fine up to \$1,000 per for an offense on a licensee for any of the following reasons:

~~3-1-1 1. Using alcohol or drugs to the extent that professional competence is adversely affected; (§ 54-1-28)~~

~~3-1-2 2. Displaying professional incompetence or negligence which endangers the public health, safety or welfare; (§ 54-1-28)~~

~~3-1-3 3. Fraudulently certifying that an applicant possesses the qualifications required under § 2.1 of these regulations; (§ 54-1-28)~~

~~3-1-4 4. Violating or inducing others to violate any provisions of Chapters 1:1 and 14.1 of Title 54 of the Code of Virginia, or of any other statute applicable to the practice of the profession herein regulated, or of any provision of these regulations; (§ 54-1-28)~~

~~3-1-5 5. Publishing or causing to be published any advertisement that is false, deceptive, or misleading.~~

Proposed Regulations

SECTION II

Complete Subsection Applicable:

Subsection A

1. Name and address of School of Opticianry attended _____

- A. Date enrolled _____ Date completed _____
Degree received _____

Attach Certified Transcript

Subsection B

2. Name and address of shop or shops in which you served three year apprenticeship in accordance with the standards established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry as a Dispensing Optician _____

- A. Attach "Change of Status" form.
B. Date enrolled _____ Date completed _____

Signature of Apprenticeship Representative for the Department of Labor and Industry _____ Date _____

Subsection C

3. Applicants presently registered in another State as an Optician:
- A. Documentary evidence from State Board in which licensed that you passed an examination which in the opinion of the Virginia Board is substantially equivalent to the examination given in Virginia, and is in good standing in the state of licensure attached.
- B. Copy of current Optician License attached.

NOTE: All Applications Must Be Accompanied By Certification of High School Graduation.

SECTION III

(To Be Executed By All Applicants) Have this AFFIDAVIT completed by a Notary Public.

State of _____

County or City of _____

I, do hereby certify that the information given by me in this application and attachments is true to the best of my knowledge and belief and is made for the express purpose of obtaining a certificate to practice opticianry in the Commonwealth of Virginia. I am fully familiar with the fact that the Virginia State Board of Opticians has the authority to revoke, or to refuse to grant the certificate for which I have applied, if such certificate is obtained on the basis of any misrepresentation whatsoever.

Subscribed and sworn to before me this _____ day of _____ 19____

Signature of Notary Public _____ Signature of Applicant _____

My Commission expires: _____

Proposed Regulations

Rev. 2/20/86

COMMONWEALTH OF VIRGINIA
VIRGINIA BOARD OF OPTICIANS

P. O. Box 11066
Richmond, Virginia 23230-1066

INSTRUCTIONS FOR REINSTATEMENT OF LICENSE

The Application for Reinstatement form must be completed in its entirety.

1. A reinstatement fee of one hundred sixty dollars (\$160.00) is required.

GUIDELINES FOR REINSTATEMENT OF AN INDIVIDUAL LICENSE

- A. Persons whose license is not current in Virginia, who show proof of a current license in another jurisdiction, may obtain a Virginia license by endorsement.
 - B. If the licensee fails to renew their license within six months after the expiration date, request may be made for consideration of reinstatement of the license by submitting to the Department of Commerce a renewal application and a fee of \$160.00 with a statement detailing the reasons for failing to renew prior to the expiration date. Upon receipt of the renewal application, fee, and statement, the Virginia Board of Opticians may grant reinstatement of the license or require requalification, reexamination, or both before reinstatement.
2. This application and the appropriate fee should be returned in the enclosed envelope.
 3. Make checks payable to the "Treasurer of Virginia." All fees are nonrefundable, including cases when the application is denied.

APPLICATION FOR REINSTATEMENT OF LICENSE
ANSWER ALL QUESTIONS

Name: _____ Date: _____ 19__

Address: _____

Present Telephone Number:	Certificate Number:	Date Issued:
------------------------------	---------------------	--------------

CENTRAL FEE PROCESSING

Proposed Regulations

Give reasons for failure to renew. (Use a separate sheet if necessary.) _____

Do you wish to appear before the Board to discuss this matter? Yes _____ No _____

List the States where you are now currently licensed and your license number:

State	License No.	Expiration Date

AFFIDAVIT AND NOTORIZATION

(To Be Executed By all Applicants) Have this AFFIDAVIT completed by a Notary Public

State of _____

County or City of _____

The undersigned being duly sworn deposes and says that they are the person who executed this application, that the statements herein contained are true, that they have not suppressed any information that might affect this application, and that they have read and understand this affidavit.

Signature of Applicant

Signature of Notary Public

Subscribed and sworn to before me this _____ day of _____, 19____.

My commission expires: _____

For Official Use Only		
Date	Approved	Disapproved

Proposed Regulations

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-01-10. Job Training Partnership Act (JTPA), Title II, Part A, Income Disregards in the Aid to Dependent Children (ADC) Program.

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

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

Summary:

The Board intends to amend this regulation to disregard a dependent child's earned income derived from participation in Job Training Partnership Act (JTPA), Title II, Part A, programs for six calendar months per calendar year and to disregard a dependent child's unearned income derived from participation in the Job Training Partnership Act (JTPA), Title II, Part A, programs indefinitely.

It is the position of the Board that this proposed amendment will further encourage children to seek and retain employment and training opportunities as the proposed regulation will provide the least effect on the amount of the family's monthly assistance payments allowable under federal regulations.

VR 615-01-10. Job Training Partnership Act (JTPA), Title II, Part A, Income Disregards in the Aid to Dependent Children (ADC) Program.

PART I. DEFINITIONS.

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

"Aid to Dependent Children (ADC) Program" means the program, administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his dependent children.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive an assistance payment.

"Board" means the State Board of Social Services.

"Dependent child" means a child who has not attained the age of 18 years, or if 18 and in school, is expected to graduate by his 19th birthday. The child must be living with a relative, and deprived of support and care of at least one parent by reason of death, disability, or continued absence.

"Determination of eligibility" means the screening procedure to determine the need for assistance and the amount of the monthly assistance payment. This includes the 185% screen, determination of need, and grant computation.

"Disregard" means that income which is not considered when determining eligibility for the Aid to Dependent Children (ADC) Program.

PART II. DISREGARDED INCOME OF DEPENDENT CHILDREN.

§ 2.1. As specified below, certain earned income of members of the assistance unit must be disregarded in the determination of eligibility. This income shall also be disregarded in determining the need for assistance of any other individual in another assistance unit. In addition, income disregarded under the provisions of other federal assistance programs must not be counted as income to the assistance unit. With the exception of items numbered 1 and 2, the items listed below are not disregarded during the 185% screen. Income disregards are to be applied to gross earned income in the following order:

1. Earned income of any eligible child derived from employment under Title II ~~Part~~ *Parts A and B* of the Job Training Partnership Act (JTPA) and Job Corps shall be disregarded for a total of six months per calendar year in the 185% screen, determination of need (for applicants) and grant computation. Title II, Part B, programs include all projects known as Summer Youth Employment Programs.

a. Full-time students. Subsequent to these six months, Title II, ~~Part~~ *Parts A and B*, JTPA/Job Corps earnings are to be counted in the 185% screen and determination of need but will continue to be disregarded in the grant computation.

b. All other eligible children. Subsequent to these six months, Title II, ~~Part~~ *Parts A and B*, JTPA/Job Corps earnings are to be counted in the 185% screen, determination of need and grant computation.

2. Other earned income of any eligible child who is a full-time student must be disregarded for a total of six months per calendar year in the 185% screen, determination of need (for applicants) and grant computation. Subsequent to these six months, such earnings will only be disregarded in the grant computation.

3. Earned income of any eligible child who is a part-time student, not employed full-time, must be disregarded.

Certain unearned income of a member of the assistance unit, a parent not included in the assistance unit, or

Proposed Regulations

anyone whose income is used in determining eligibility or the amount of assistance must be disregarded. Any unearned income received by an eligible child under Title II, Part Parts A and B of the Job Training Partnership Act (JTPA) is to be disregarded.

STATE WATER CONTROL BOARD

NOTICE: Due to its length, the Water Quality Standards filed by the State Water Control Board, 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 Water Quality Standards, is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

Title of Regulation: Water Quality Standards, § 4. Basin and Section Description Tables, Potomac River Subbasin, § 5.

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

Public Hearing Date: August 11, 1986 - 7 p.m.

Background:

Water quality standards consist of narrative statements that describe water quality requirements in general terms and of numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Summary:

The proposed amendment will establish a new stream segment section, Section 5C, in the Potomac Basin for the Quantico Bight and its tidal tributaries. This section will be classed as Class II waters with no special standards. Quantico Bight and its tributaries are now part of Section 5, so Section 5 will also be amended to exclude Quantico Bight and its tidal tributaries. The following standards will apply to

Section 5C, Class II - Estuarine Waters:

<u>Dissolved Oxygen mg/l</u>	pH	Max.Temp.°C
Minimum	Daily Average	
4.0	5.0	6.0-9.0
		--

Water Quality Standards, § 4. Basin and Section Description Tables, Potomac River Subbasin, § 5.

POTOMAC RIVER BASIN
POTOMAC RIVER SUBBASIN

SECTION	CLASS	SPECIAL STANDARDS
5	II	b
<i>Tidal portions of tributaries to the Potomac River from Brent Point to Shipping Point, including tidal portions of Chopawamsic Creek and its tidal tributaries, but excluding Quantico Bight and its tidal tributaries.</i>		
5C	II	
<i>Quantico Bight and its tidal tributaries.</i>		

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.

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE: The following regulations do not comply with the format established by the Registrar of Regulations since the Board of Agriculture and Consumer Services is bound and preempted by the Federal Fair Packaging and Labeling Act of the United States and the rules and regulations adopted under the U. S. Food and Drug Administration Act and the Federal Trade Commission Act concerning "Labeling of Commodities in Package Form"; and preemptive labeling by U. S. Department of Agriculture and other federal agencies. The most up-to-date manual on this subject is the National Bureau of Standards Handbook 130 (NBS No. 130) Uniform Laws and Regulations, sections entitled Packaging and Labeling Regulation and Method of Sale of Commodities Regulation, published annually by the U. S. Department of Commerce, National Bureau of Standards, as adopted by the National Conference on Weights and Measures annually. The Department has adopted this manual in its latest form as the basis for regulations of "Commodities in Package Form" for the Commonwealth.

Title of Regulation: VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

Statutory Authority: §§ 3.1-926 and 3.1-943 of the Code of Virginia.

Effective Date: July 9, 1986

Summary:

Amendments to the Virginia Weights and Measures Regulations were made to improve sentence structure, add clarity and simplicity, and to make them uniform with the Federal Fair Packaging and Labeling Act (FPLA), National Bureau of Standards Handbook 130 Uniform Laws and Regulations. Also, the amendments reflect the deletion of six requirements no longer needed and the addition of 10 new requirements to cover new needs or trends. As a result of the amendments: (i) 99 requirements were modified to improve sentence structure and add clarity and simplicity to current regulations with no substantive changes; (ii) six requirements no longer needed were deleted; and (iii) 10 requirements to address new needs or trends were added.

The modifications, deletions, and new requirements reflect no change in current policy or operating procedures because the regulated industries have

implemented the requirements either as a result of federal legislation (FPLA) or the adoption and publication of National Bureau of Standards Handbook 130.

VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

The Board of Agriculture and ~~Commerce~~ *Consumer Services*, recognizing that the department is bound and preempted by the Fair Packaging and Labeling Act of the United States and the rules and regulations adopted pursuant to the Act by *under* the U. S. Food and Drug Administration Act and the Federal Trade Commission Act concerning "Labeling of Commodities in Package Form"; and preemptive labeling by U. S. Department of Agriculture and other federal agencies; and recognizing that the most up-to-date manual on this subject is the National Bureau of Standards Handbook 130 (NBS No. 130) Uniform Laws and Regulations, sections entitled Packaging and Labeling Regulation and Method of Sale of Commodities Regulation, published annually by the U. S. Department of Commerce, National Bureau of Standards, as adopted by the National Conference on Weights and Measures annually, does hereby give official status to, adopt, and establish this manual in its latest form as the basis for regulations of "Commodities in Package Form" for the Commonwealth.

To promote uniformity with the Packaging and Labeling Laws and Regulations of the United States and sister states, the board directs the Commissioner of the Department of Agriculture and Consumer Services to publish and enforce changes made to the Model State Packaging and Labeling Regulation Uniform Packaging and Labeling Regulation and Method of Sale of Commodities Regulation as received in accordance with the provisions of the Administrative Process Act, (§§ 9-6.14:6 and 9-6.14:9 of the Code of Virginia .)

PACKAGING AND LABELING REQUIREMENTS

Section § 1. Application.

This regulation shall apply to packages and to commodities in package form, but shall not apply to:

A. Inner wrappings not intended to be individually sold to the customer,

B. Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event shall this exclusion

apply to packages of consumer or nonconsumer commodities, as defined herein,

C. Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

D. Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold), or

E. Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

~~Section~~ § 2. Definitions.

2.1. Commodity in Package Form. The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as herein defined.

2.2. Consumer Package: Package of Consumer Commodity. A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

2.3. Nonconsumer Package: Package of Nonconsumer Commodity. A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

2.4. Random Package. The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

2.5. Label. The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer

commodity or a package containing any consumer commodity, for the purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except that an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

2.6. Person. The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association, and society.

2.7. Principal Display Panel or Panels. The term "principal display panel or panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

2.8. Multi-Unit Package. The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

~~Section~~ § 3. Declaration of Identity: Consumer Package.

3.1. Declaration of Identity: Consumer Package. A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

3.1.1. Parallel Identity Declaration: Consumer Package. A declaration of the identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

~~Section~~ § 4. Declaration of Identity: Nonconsumer Package.

A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

~~Section~~ § 5. Declaration of Responsibility: Consumer and Nonconsumer Packages.

Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name,

Final Regulations

or when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by" "Distributed by" or any other wording of similar import that expresses the facts.

~~Section~~ § 6. Declaration of Quantity: Consumer Packages.

6.1. General¹ The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems may be presented in a dual declaration of quantity. ~~Except where additional exemption is otherwise provided herein, all metric labeling requirements affected by this 1978 revision shall apply to labels:~~

- A. Revised after the effective date of this regulation or
- B. As of July 1, 1980, whichever occurs first.

¹Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

6.2. Largest Whole Unit. Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed (following the requirements of Section 6.10 Fractions):

A. Inch-Pound Units.

1. In common or decimal fractions of such largest whole unit, or in
2. The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

B. Metric Units, in decimal fractions of such largest whole unit.

6.3. Net Quantity. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity (except as

noted in Section 10.3), shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see subsections 6.7 through 6.8.3), shall be in terms of the largest whole unit.

6.3.1. Use of "Net Weight." The term "net weight" shall be used in conjunction with the declaration of quantity in units of weight. The term may either precede or follow the declaration of weight.

6.3.2. Lines of Point or Type. A declaration of quantity may appear on one or more lines of print or type.

6.4. Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such a declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

6.4.1. Combination Declaration.

A. A declaration of quantity in terms of weight shall be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative.

B. A declaration of quantity in terms of measure shall be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative.

C. A declaration of quantity in terms of count shall be combined with appropriate declarations of the weight, measure, and size of the individual units unless a declaration of count alone is fully informative.

6.5. Inch-Pound Units: Weight, Measure. A declaration of Quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon and shall express the volume at 68°F, except in the case of petroleum products [or distilled spirits], for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in

the refrigerated state, for which the declaration shall express the volume at 40°F [; , and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1°F;]

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

F. In units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel.

6.5.1. Symbols and Abbreviations. Any of the following symbols and abbreviations, and none other, shall be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	ounce	oz
cubic	cu	pint	pt
feet or foot	ft	pound	lb
fluid	fl	quart	qt
gallon	gal	square	sq
inch	in	weight	wt
liquid	liq	yard	yd

(There normally are no periods following, nor plural forms of, symbols. For example, "oz" is the symbol for both "ounce" and "ounces". Both upper and lower case letters are acceptable.)

6.5.2. Units of Two or More Meanings. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "20 fluid ounces, 1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

6.6. Metric Units: Weight, Measure. A declaration of quantity in:

A. Units of weight shall be in terms of the kilogram, gram, or milligram;

B. Units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20°C, except in the case of petroleum products [or distilled spirits,] for which the declaration shall express the volume at 15°C, and except also in the case of [malt beverages or] a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of

a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4°C;

C. Units of linear measure shall be in terms of the meter, centimeter, or millimeter;

D. Units of area measure, shall be in terms of the square meter or square centimeter;

E. Units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

6.6.1. Symbols. Any of the following symbols for metric units, and none other, may be employed in the quantity statement on a package of commodity:

kilogram	kg
gram	g
milligram	mg
liter	L or l
milliliter	mL or ml
meter	m
centimeter	cm
millimeter	mm
square meter	m ²
square centimeter	cm ²
cubic meter	m ³
cubic centimeter	cm ³

A. Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after the symbol. Symbols are always written in the singular form—do not add "s" to express the plural when the symbol is used.

B. The "l" symbol for liter and "ml" symbol for milliliter are permitted; however, the "L" symbol and the "mL" symbol are preferred.

6.7. Prescribed Units, Inch-Pound System.

6.7.1. Less than 1 Foot, 1 Square Foot, 1 Pound, or 1 Pint. The declaration of quantity shall be expressed in terms of:

A. In the case of length measure of less than 1 foot, inches and fractions of inches;

B. In the case of area measure of less than 1 square foot, square inches and fractions of square inches;

C. In the case of weight of less than 1 pound, ounces and fractions of ounces;

D. In the case of liquid measure of less than 1 pint, fluid ounces and fractions of fluid ounces;

Provided , that the quantity declaration appearing on a

Final Regulations

random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three¹ decimal places.

¹ Packages entering interstate commerce are restricted by federal regulations to two decimal place quantity declarations. For example, see 9 CFR § 317.2(h)(5) for meat and meat products, 21 CFR § 101.105(j)(2) for non-meat and non-poultry foods, and 16 CFR § 500.9(b) for certain non-food consumer commodities.

6.7.2. Weight: Dual Quantity Declaration. On packages containing 1 pound or more but less than 4 pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit: *provided*, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

6.7.3. Liquid Measure: Dual Quantity Declaration. On packages containing 1 pint or more, but less than 1 gallon, the declaration shall be expressed in fluid ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.4. Length Measure: Dual Quantity Declaration. On packages containing 1 foot or more, but less than 4 feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.5. Area Measure: Dual Quantity Declaration. On packages containing 1 square foot or more but less than 4 square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.6. Four Feet, 4 Square Feet, 4 Pounds, 1 Gallon, or More. In the case of:

A. Length measure of 4 feet or more

The declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

B. Area measure of 4 square feet or more;

C. Weight of 4 pounds or more;

D. Liquid measure of 1 gallon or more

The declaration of quantity shall be expressed in terms

of the largest whole unit.

6.7.7. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

A. If less than 1 square foot, in terms of linear inches and fractions of linear inches;

B. If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; *provided*, that

1. No square inch declaration is required for a bidimensional commodity of 4 inches width or less,

2. A dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

3. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. *Count: Ply* .) require a declaration of unit area but not a declaration of total area of all such units,

C. If 4 square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit; *provided*, that

1. No declaration in square feet is required for a bidimensional commodity with a width of 4 inches or less,

2. Bidimensional commodities, with a width of 4 inches or less, shall have the length expressed in inches followed by a statement in parentheses of the length in the largest whole unit. (Example: 2 inches by 360 inches (10 yards).)

3. A dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

D. No declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.8. Prescribed Units, Metric System.

6.8.1. Less Than 1 Meter, 1 Square Meter, 1 Kilogram, or 1 Liter. The declaration of quantity shall be expressed in terms of:

A. In the case of length measure of less than 1 meter, centimeters, or millimeters;

B. In the case of area measure of less than 1 square meter, square centimeters and decimal fractions of square centimeters;

C. In the case of weight of less than 1 kilogram, grams and decimal fractions of a gram, but if less than 1 gram, then in milligrams;

D. In the case of liquid or dry measure of less than one liter, milliliters;

Provided, that the quantity declaration appearing on a random weight package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three¹ decimal places.

¹ Packages entering interstate commerce are restricted by federal regulations to two decimal place quantity declarations. For example, see 9 CFR § 317.2(h)(5) for meat and meat products, 21 CFR § 101.105(j)(2) for nonmeat and nonpoultry foods and 16 CFR § 500.9(b) for certain nonfood consumer commodities.

6.8.2. One Meter, 1 Square Meter, [1 Kilogram,] 1 Liter or More. In the case of:

A. Length measure of 1 meter or more; in meters and decimal fractions to not more than two places.

B. Area measure of 1 square meter or more; in square meters and decimal fractions to not more than two places.

C. Weight of 1 kilogram or more; in kilograms and decimal fractions to not more than two places.

D. Liquid or dry measure of 1 liter or more; in liters and decimal fractions to not more than two places.

6.8.3. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

A. If less than 1 square meter in terms of length and width.

B. If 1 square meter or more, in terms of square measure followed in parentheses by a declaration of length and width: *provided*, that

1. Quantity declarations on bidimensional commodities with a width of 100 millimeters or less may be expressed in terms of width and length, only.

2. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. *Count: Ply*.) require a declaration of unit area but not a declaration of total area of all such units.

3. No declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on

the label.

6.9. *Count: Ply*. If the commodity is in individually usable units of one or more components or [*ply plies*], the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of [*ply plies*] and total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of:

A. Total area measurement,

B. Number of [*ply plies*],

C. Count of usable units, and

D. Dimensions of a single usable unit.

6.10. Fractions.

A. *Metric*: A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.

B. *Inch-Pound*: An inch-pound statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eights, sixteenths, or thirty-seconds, except that:

1. If there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed, and

2. If linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

C. *Common Fractions*: A common fraction shall be reduced to its lowest term (Example: 2/4 becomes 1/2).

D. *Decimal Fractions*: A decimal fraction shall not be carried out to more than two places.

6.11. Supplementary Declarations.

6.11.1. *Supplementary Quantity Declarations*. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "larger"

Final Regulations

liter, "full" gallon, "when packed," "minimum," or words of similar import).

6.11.2. Combined Metric and Inch-Pound Declarations. An equivalent statement of the net quantity of contents in terms of either the inch-pound or metric system is not regarded as a supplemental statement and such statement may also appear on the principal display panel; *provided*, that it conforms to both subsections 6.5 and 6.6.

6.11.3. Rounding. In all conversions for the purpose of showing an equivalent metric or inch-pound quantity to a rounded inch-pound or metric quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated. As a general rule, converted values should be rounded down by dropping any digit beyond the first three. (Example: 196.4 grams becomes 196 grams or 1.759 feet becomes 1.75 feet.)

6.12. Qualification of Declaration Prohibited. In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than" or any words of similar import, nor shall any unit [of] weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

6.13. Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

§ 7. Declaration of Quantity: Nonconsumer Packages.

7.1. General. The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems might be combined in a dual declaration of quantity.¹

¹ Note: Although nonconsumer packages under this regulation might bear only metric declarations, this regulation should not be construed to supersede any labeling requirement specified in federal law.

7.2. Location. A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see subsection 6.2. Largest Whole Unit).

7.3. Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of

solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

7.4. Inch-Pound Units: Weight, Measure. A declaration of quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F except in the case of petroleum products [*or distilled spirits*,] for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F [*and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1°F*;]

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

F. In units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel.

7.4.1. Symbols and Abbreviations. Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted symbols and abbreviations, see subsection 6.5.1. Symbols and Abbreviations.)

7.5. Metric Units: Weight, Measure. A declaration of quantity:

A. In units of weight, shall be in terms of the kilogram, gram, or milligram;

B. In units of liquid measure, shall be in terms of the liter or milliliter, and shall express the volume at 20°C, except in the case of petroleum products [*or distilled spirits*,] for which the declaration shall express the volume at 15°C, and except also in the case of [*malt*

beverages or] a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4°C;

C. In units of linear measure, shall be in terms of the meter, centimeter, or millimeter;

D. In units of area measure, shall be in terms of the square meter or square centimeter;

E. In units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

7.5.1. Symbols. Only those symbols as detailed in subsection 6.6.1. Symbols, and none other, may be employed in the quantity statement on a package of commodity.

7.6. Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

§ 8. Prominence and Placement: Consumer Packages.

8.1. General. All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

8.1.1. Location. The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent $\%$ of the principal display panel or panels. For cylindrical containers, see also subsection 10.7 for additional requirements.

8.1.2. Style of Type or Lettering. The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

8.1.3. Color Contrast. The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a

declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

8.1.4. Free Area. The area surrounding the quantity declaration shall be free of printed information:

A. Above and below, by a space equal to at least the height of the lettering in the declaration, and

B. To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

8.1.5. Parallel Quantity Declaration. The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

8.2. Calculation of Area of Principal Display Panel for Purposes of Type Size. The area of the principal display panel shall be:

A. In the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

B. In the case of a cylindrical or nearly cylindrical container, 40 percent $\%$ of the product of the height of the container times the circumference; or

C. In the case of any other shaped container, 40 percent $\%$ of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), in which event the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

8.2.1. Minimum Height of Numbers and Letters. The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards. In the case of the symbol for milliliter, the "m" shall meet the minimum height standard.

8.2.2. Numbers and Letters: Proportion. No number or letter shall be more than three times as high as it is wide.

Final Regulations

TABLE 1.
MINIMUM HEIGHT OF NUMBERS AND LETTERS.

Area of Principal Display Panel	Minimum Height of Numbers and Letters	Minimum Height: Label Information Blown, Formed, or Molded on Surface of Container
5 square inches (in/2) and less	1/16 inch	1/8 inch
Greater than 5 in/2 and not greater than 25 in/2	1/8 inch	3/16 inch
Greater than 25 in/2 and not greater than 100 in/2	3/16 inch	1/4 inch
Greater than 100 in/2 and not greater than 400 in/2	1/4 inch	5/16 inch
Greater than 400 in/2	1/2 inch	9/16 inch

§ 9. Prominence and Placement: Nonconsumer Packages.

9.1. General. All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

§ 10. Requirements: Specific Consumer Commodities, Nonconsumer Commodities, Packages, Containers.

10.1. Display Card Package. For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

10.2. Eggs. When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

10.3. Aerosols and Similar Pressurized Containers. The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

10.4. Multi-Unit Packages¹. Any package containing more than one individual "commodity in package form" (see subsection 2.1) of the same commodity shall bear on the outside of the package a declaration of:

A. The number of individual units,

B. The quantity of each individual unit, and

C. The total quantity of the contents of the multi-unit package; *provided*, that any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. (example: soap bars, "6 Bars, Net Weight 75 grams each; Total Net Weight 450 grams)

¹ Open multi-unit retail food packages under the authority of the Food and Drug Administration or U. S. Department of Agriculture that do not obscure the number of units or prevent examination of the labeling on each of the individual units are not required to declare the number of individual units or the total quantity of contents of the multi-unit package if the labeling of each individual unit complies with requirements so that it is capable of being sold individually. (See also Section Subsection 11.12)

10.5. Combination Packages. Any package containing individual units of dissimilar commodities (such as an antiquing or a housecleaning kit, for example) shall bear on the label of the package a the label of the package a quantity declaration for each unit. (Example: sponges and cleaner: "2 sponges, each 10 centimeters x 15 centimeters x 2 centimeters; 1 box cleaner, net weight 150 grams")

10.6. Variety Packages. Any package containing individual units of reasonably similar commodities (such as seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package. (Example: plastic tableware: 4 spoons, 4 forks, 4 knives, 12 pieces total.)

10.7. Cylindrical Containers. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent $\%$ of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

10.8. Measurement of Container-Type Commodities, How Expressed.

10.8.1. General. Commodities designated and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

A. For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise).

When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed:

1. Inch-pound units - in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 BAGS, 17

Final Regulations

inches X 20 inches" or "100 BAGS, 20 inches X 2 feet 6 inches" or "50 BAGS, 20 inches X 2-1/2 feet")

2. Metric units - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter (Examples: "25 BAGS, 500 millimeters X 600 millimeters" or "50 BAGS, 750 millimeters X 1.2 meters")

When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length.

(3) Inch-pound units - expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 BAGS, 17 inches X 4 inches X 20 inches" or "100 BAGS, 20 inches X 12 inches X 2-1/2 feet")

(4) Metric units. In millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. (Example: "25 Bags, 430 millimeters X 100 millimeters X 500 millimeters" or "50 bags, 500 millimeters X 300 millimeters X 1.2 meters")

B. For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than 50 millimeters or 2 inches. (Examples: "2 PANS, 8 inches X 8 inches" or "2 PANS, 203 millimeters X 203 millimeters")

C. For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 50 millimeters or two inches. (Examples: "4 PANS, 8 inches diameter X 4 inches" or "4 PANS, 200 millimeters diameter X 100 millimeters")

D. Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Examples: "24 CUPS, 6 fluid ounces capacity" or "24 CUPS 250 milliliter capacity")

10.8.2. Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

A. Inch-Pound Units:

1. Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce, with any remainder in terms of the common or decimal fraction of that

unit). (Examples: Freezer Box - "4 BOXES, 1 quart capacity, 5 inches X 4 inches X 3 inches")

2. Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with a remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 BAGS, 6 bushel capacity, 3 feet X 5 feet")

3. Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent containers. (Example: Garbage Can Liners - "10 LINERS, 2 feet 6 inches X 3 feet 9 inches. FITS UP TO 30-GALLON CANS")

B. Metric Units: Volume measure for all containers and liners. (Examples: "4 BOXES, 1 liter capacity. 150 millimeters X 120 millimeters X 90 millimeters;" "8 BAGS, 200 liter capacity, 85 millimeters X 1.5 meters" or "10 LINERS, 750 millimeters X 1 meter, fits up to 120 LITER CANS")

10.8.3. Terms. For purposes of this section, the use of the terms "CAPACITY", "DIAMETER", and "FLUID" is optional.

10.9. Textile Products, Threads, and Yarns.

10.9.1. Wearing Apparel. Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by subsection 6.4 of this regulation.

10.9.2. Textiles. Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dishtowels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be exempt from the requirements of subsections 6.7.7 and 6.8.3 of this regulation; *provided*, that:

A. The quantity statement for fitted sheets and mattress covers shall state, in centimeters or inches, the length and width of the mattress for which the item is designed, such as "twin," "double," "king," etc. (Example: "Double Sheet for 135 centimeter X 190 centimeter mattress.")

B. The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "king," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement,

Final Regulations

in centimeters or inches, of the length and width of the finished sheet. (Example: "Twin Flat Sheet for 100 centimeter X 190 centimeter mattress (170 centimeter X 240 centimeter finished size)")

C. The quantity statement for pillowcases shall state the size designation of the pillow for which the pillowcase is designed, such as "youth," "standard," and "queen," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished pillowcase. (Example: "Standard Pillowcase for 50 centimeter X 65 centimeter pillow (53 centimeter X 75 centimeter finished size)")

D. The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin," "double," "king," etc.

E. The quantity statement for tablecloths and napkins shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length and width of the item before hemming and properly identified as such.

F. The quantity statement for curtains, drapes, flags, furniture scarfs, etc., shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

G. The quantity statement for carpets and rugs shall state, in meters or feet, with any remainder in decimal fractions of the meter for metric sizes or common or decimal fractions of the foot or in inches for [*customary inch-pound*] sizes, the length and width of the item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

H. The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., shall state, in centimeters or inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.

I. The quantity statement for textile products such as pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be stated in terms of count and may include size designations and dimensions.

J. The quantity statement for other than rectangular textile products identified in subsections A through H shall state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: "Oval Tablecloth 140

centimeters X 110 centimeters" representing the maximum length and width in this case)

K. The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.

10.9.3. Textiles: Variations From Declared Dimensions.

A. For an item with no declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 3% of a declared dimension and a plus variation greater than 6% of a declared dimension should be considered unreasonable.

B. For an item with a declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 6% of that declared dimension and a plus variation greater than 12% of that declared dimension should be considered unreasonable.

10.9.4. Exemption: Variety Textile Packages. Variety packages of textiles that are required by reason of subsection 6.4.1 to provide a combination declaration stating the quantity of each individual unit, shall be exempt from the requirements in this regulation for:

A. Location (see subsection 8.1.1),

B. Free Area (see subsection 8.1.4), and

C. Minimum height of numbers and letters (see subsection 8.2.1).

10.9.5. Sewing Threads, Handicrafts Threads, and Yarns. Sewing and handicraft threads shall be exempt from the requirements of subsections 6.7.2 and 6.8.2 of this regulation; *provided*, that:

A. The net quantity statement for [*customary inch-pound*] sizes of sewing and handicraft threads shall be expressed in terms of yards.

B. The net quantity statement for yarns shall be expressed in terms of weight.

C. Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, shall be filed with the director.

D. Each unit of industrial thread shall be marked to show its net [*measure length*] in terms of meters or yards or its net weight in terms of kilograms or grams or avoirdupois pounds or ounces, except that ready-wound bobbins that are not sold separately, shall not be required to be individually marked to show the number of bobbins contained therein and the net meters or yards of thread on each bobbin.

10.10. **Packaged Seed.** Packages of seed intended for planting shall be labeled in full accord with this regulation except as follows:

A. The quantity statement shall appear in the upper thirty percent of the principal display panel.

B. The quantity statements shall be in terms of the largest whole unit of the metric system for all weights up to seven grams, and in grams or in ounces for all other weights less than 225 grams or eight ounces; packaged seed weighing 225 grams or eight ounces or more shall not be subject to subsection 10.10.

C. The quantity statement for coated seed, encapsulated seed, pelletized seed, preplanters, seed tapes, etc., shall be in terms of count.

10.11. **Bark Mulch: Variations From Declared Volume.**¹ An individual package minus variation greater than 5 percent % of the declared volume shall be considered unreasonable.

10.12. **Polyethylene Products: Variations From Declared Thickness.**¹ Any individual thickness measurement of polyethylene sheeting, film, or bag may be as much as 20 percent % below the labeled thickness, [<] i.e., at least 80% of the labeled thickness [>]². [*The average thickness of a single package of polyethylene sheeting, film, or bags may be as much as 7 percent below the labeled thickness, i.e., at least 93% of the labeled thickness.*]

¹ In addition, the average net contents of lots, shipments, or deliveries must equal or exceed the labeled net contents. See Section 12.1.

² ASTM Standard D-4397-84, "Specification for Polyethylene Sheeting for Construction, Industrial and Agricultural Applications", 1984.

§ 11. Exemptions.

11.1. **General.** Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity required to appear on the package shall be in terms of the largest whole unit (except see subsection 10.4(c)).

11.2. **Random Packages.** A random package bearing a label conspicuously declaring:

- A. The net weight,
- B. The price per kilogram or pound, and
- C. The total price.

Shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation.

In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label included both such prices at the time it is offered or exposed for sale at retail.

This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

11.3. **Small Confections.** Individually wrapped pieces of "penny candy" and other confectionery of less than 15 grams or one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

11.4. **Individual Servings.** Individual-serving-size packages of foods containing less than 15 grams or 1/2 ounce or less than 15 milliliters or 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

11.5. **Cuts, Plugs, and Twists of Tobacco and Cigars.** When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

11.6. **Reusable (Returnable) Glass Containers.** Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers; *provided*, that such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

11.7. **Cigarettes and Small Cigars.** Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in subsection 8.1.1 Location, subsection 8.2.1 Minimum Height of Numbers and Letters, and subsection 10.4 Multi-Unit Packages; *provided*, that such cartons bear a declaration of the net quantity of commodity in the package.

11.8. **Packaged Commodities With Labeling Requirements Specified in Federal Law.** Packages of meat and meat products, poultry products, tobacco and tobacco products,

Final Regulations

insecticides, fungicides, rodenticides, and alcoholic beverages shall be exempt from those portions of these regulations requiring dual declarations in customary units and specifying location and minimum type size of the net quantity declaration; *provided*, that quantity labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information.

11.9. Fluid Dairy Products, Ice Creams, and Similar Frozen Desserts:

A. When packaged in 1/2-liquid-pint and 1/2-gallon containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2 pint and 1/2 gallon, respectively.

B. When packaged in 1-liquid-pint, 1-liquid-quart, and 1/2-gallon containers, are exempt from the dual net contents declaration requirements of subsection 6.7.3.

C. When measured by and packaged in measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements of subsection 8.1.1 that the declaration of net contents be located within the bottom 30 percent % of the principal display panel.

D. Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirement of subsection 8.1.1 that the declaration of net contents be located within the bottom 30 percent % of the principal display panel; *provided*, that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.10. Single Strength and Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water:

A. When packaged in glass, plastic, or fluid milk type paper containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of subsection 6.5(b), to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or half pint) and 1/2 gallon (or half gallon), respectively.

B. When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and 1/2-gallon capacities, are exempt from the dual net contents declaration requirements of subsection 6.7.4.

C. When packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities, are exempt from the placement requirements of subsection 8.1.1 that the declaration of net contents be located within

the bottom 30 percent % of the principal display panel; *provided*, that other label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.11. Soft-Drink Bottles. Bottles of soft drinks shall be exempt from the placement requirements for the declaration of:

A. Identity, when such declaration appears on the bottle closure, and

B. Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

11.12. Multi-Unit Soft-Drink Packages. Multi-unit packages of soft drinks are exempt from the requirement for a declaration of:

A. Responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and

B. Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

11.13. Butter. When packaged in 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (subsection 3.1.1) and the net quantity declaration (subsection 8.1.5) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for location (subsection 8.1.1) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for dual quantity declaration (subsection 6.7.2).

11.14. Eggs. Cartons containing 12 eggs shall be exempt from the requirement for location (subsection 8.1.1) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

11.15. Flour. Packages of wheat flour in conventional 2-, 5-, 10-, 25-, 50-, and 100-pound packages shall be exempt from the requirement in this regulation for location (subsection 8.1.1) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a dual quantity declaration (subsection 6.7.2).

11.16. Small Packages. On a principal display panel of 5 square inches or less, the declaration of quantity need not appear in the bottom 30% of the principal display panel if that declaration satisfies the other requirements of this regulation.

11.17. Decorative Containers. The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge", "pill box", "compact", or "pencil" variety, and those with a capacity of 1/4 ounce or less, may be a tear-away tag or tape affixed to the decorative container, and bearing the mandatory label information as required by this regulation.

11.18. Combination Packages. Combination packages are exempt from the requirements in this regulation for:

A. Location (see subsection 8.1.1),

B. Free Area (see subsection 8.1.4), and

C. Minimum Height of Numbers and Letters (see subsection 8.2.1).

11.19. Margarine. Margarine in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for location (see subsection 8.1.1) of the net quantity declaration, and shall be exempt from the requirement for a dual quantity declaration (see subsection 6.7.2).

11.20. Corn Flour and Corn Meal. Corn flour and corn meal packaged in conventional 5-, 10-, 25-, 50-, and 100-pound bags shall be exempt from the requirement in this regulation for location (see subsection 8.1.1) of the net quantity declaration.

11.21. Prescription and Insulin-Containing Drugs. Prescription and insulin-containing drugs subject to the provisions of Section 503(b) (1) or 506 of the Federal Food, Drug, and Cosmetic Act shall be exempt from the provisions of this regulation.

11.22. Camera Film. Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this regulation that specify how measurement of commodities should be expressed; *provided, that:*

A. The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of linear meters or feet of usable film contained therein.

B. The net quantity of contents on packages of movie film is expressed in terms of the running time of the exposed film for that portion of film which is of entertainment value.

"Entertainment value" is defined as that portion of a film that commences with the first frame of sound or picture, whichever comes first after the countdown sequence and ends with either:

1. the last frame of credits; or
2. the last frame of the phrase "The End", or
3. the end of sound whichever is last.

C. The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 millimeters X 24 millimeters" or "12 exposures, 2-1/4 inches X 2-1/4 inches")

11.23. Paints and Kindred Products:

A. Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

B. Tint base paint may be labeled on the principal display panel [; as required by this regulation,] in terms of a quart or a gallon including the addition of colorant selected by the purchaser, provided that the system employed ensures that the purchaser always obtains a quart or a gallon; and further provided that in conjunction with the required quantity statement on the principal display panel, a statement indicating that the tint base paint is not to be sold without the addition of colorant is presented; and further provided that the contents of the container, before the addition of colorant, is stated in fluid ounces elsewhere on the label.

Wherever the above conditions cannot be met, containers of tint base paint must be labeled with a statement of the actual net contents prior to the addition of colorant in full accord with all the requirements of this regulation.

11.24. Automotive Cooling System Antifreeze. Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

11.25. Motor Oils. Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3. Additionally, motor oil in 1-liquid-quart, 1-gallon, 1-1/4-gallon, 2-gallon, and 2-1/2-gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements, of § 3, Declaration of Identity: Consumer Package, to the extent that the Society of Automotive Engineers (SAE) viscosity number is required to appear on the principal display panel, provided the SAE viscosity number appears on the can lid and is expressed in letters

Final Regulations

and numerals in type size of at least 6 millimeters or 1/4 inch.

11.26. Pillows, Cushions, Comforters, Mattress Pads, Sleeping Bags, and Similar Products. Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags, that bear a permanent label as designated by the Association of Bedding and Furniture Law Officials or by the California Bureau of Home Furnishings shall be exempt from the requirements for location (subsection 8.1.1), size of letters or numbers (subsection 8.2.1 and 8.2.2), free area (subsection 8.1.4) and the declarations of identity and responsibility (subsections 3.1 and 5); *provided*, that declarations of identity, quantity, and responsibility are presented on a permanently attached label and satisfy the other requirements of this regulation, and further *provided* that the information on such permanently attached label be fully observable to the purchaser.

11.27. Commodities' Variable Weights and Sizes. Individual packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of § 6 Declaration of Quantity: Consumer Packages, while moving in commerce and while held for sale prior to weighing and marking; *provided*, that the outside container bears a label declaration of the total net weight.

11.28. Packaged Commodities Sold By Count. When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this regulation except that those containing 6 or less items need not include a statement of count.

11.29. Fishing Lines and Reels. Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of subsection 6.7.6 A; *provided*, that [*quantity length of line*] or capacity [*of reel*], as appropriate is presented in terms of meters or yards in full accord with all other requirements of this regulation.

§ 12. Variations To Be Allowed.

12.1. Packaging Variations.

12.1.1. Variations From Declared Net Quantity. Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be

permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

12.1.2. Variations Resulting From Exposure. Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce; *provided*, that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either:

A. Directly to the purchaser or to his agent, or

B. To a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

12.2. Magnitude of Permitted Variations. The magnitude of variations permitted under subsection 12, 12.1, 12.1.1, and 12.1.2 of this regulation shall be those expressly set forth in this regulation and those contained in the procedures and tables of National Bureau of Standards Handbook 67 133 , *Checking The Net Contents of Prepackaged Commodities Goods* .

§ 13. Retail Sale Price Representations.

13.1. "Cents-Off" Representations. RESERVED

13.2. Introductory Offers. RESERVED

13.3. Economy Size.

A. The term "economy size" means any printed matter consisting of the words "economy size," "economy pack," "budget pack," "bargain size," "value size," or words of similar import placed upon any package containing any consumer commodity, or placed upon any label affixed adjacent to such commodity, stating or representing directly or by implication that a retail sale price advantage is accorded the purchaser thereof by reason of the size of that package or the quantity of its contents.

B. The packager or labeler of a consumer commodity may not have imprinted thereon an "economy" size representation unless:

1. At the same time the same brand of the commodity is offered in at least one other packaged size or labeled form.

2. Only one packaged or labeled form of that brand of commodity labeled with an "economy size" representation is offered.

3. The commodity labeled with an "economy size" representation is sold at a price per unit of weight, volume, measure, or count that is substantially reduced (i.e., at least 5 percent $\%$) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.

C. No "economy size" package shall be made available in any circumstances where it is known that it will be used as an instrumentality for deception, e.g., where the retailer charges a price which does not pass on to the consumer the substantial reduction in cost per unit initially granted.

D. The sponsor of an "economy size" package shall prepare and maintain invoices or other records showing compliance with paragraph B. of the subsection. The invoices or other records required by this section shall be open to inspection and shall be retained for one year.

METHODS OF SALE OF COMMODITIES REGULATION

§ 14.

Regulation No. 2 Food Products¹

14.1. Berries and Small Fruits.

Shall be offered and exposed for sale and sold by weight or by [*measure volume*] in open measure containers having capacities per subsection 14.1(a) or subsection 14.1(b) and when sold by [*measure volume*], the containers When sold by measure in open containers having capacity of 1/2 dry pint, 1 dry pint, or 1 dry quart shall be deemed not [*to*] be packages for labeling purposes. For the purpose of this Section, open containers covered with cellophane or see through tops are not regarded as commodities in package form:

- (a) Inch-Pound Capacities - 1/2 dry pint, 1 dry pint, or 1 dry quart.
- (b) Metric Capacities - 250 milliliters, 500 milliliters, or 1 liter.

14.2. Butter, Oleomargarine, and Margarine.²

Shall be offered and exposed for sale and sold by weight only in units of 1/4 pound, 1/2 pound, 1 pound, or multiples of 1 pound per subsection 14.2(a) or subsection 14.2(b).

- (a) Inch-Pound-Weights - 1/4 pound, 1/2 pound, 1 pound, or a multiple of 1 pound.
- (b) Metric Weights - 125 grams, 250 grams, 500

grams, or a multiple of 500 grams.

¹Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

²Oleomargarine and margarine are not permitted in multiples of one pound, 500 grams, or multiples of 500 grams because Section 407(b) (2) of the Federal Food, Drug, and Cosmetic Act prohibits margarine and oleomargarine packaged in sizes greater than one pound.

14.3. Flour, Cornmeal, and Hominy Grits.

When in package form, and when packed, kept, offered or exposed for sale, or sold; Wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, cornmeal, and hominy grits whether enriched or not, shall be packaged, only in units of three, five, ten, twenty-five, fifty, or one hundred pounds, avoirdupois weight: Provided, that packages in units of less than three pounds or more than one hundred pounds shall be permitted kept, offered, or exposed for sale, or sold only in weights per subsection 14.3(a) or subsection 14.3(b); Provided, that inch-pound sizes less than 2 pounds or more than 100 pounds and that metric sizes less than 1 kilogram or more than 50 kilograms shall be permitted.

(a) Inch-Pound Weights - 2, 5, 10, 25, 50, or 100 pounds.

(b) Metric Weights - 1, 2.5, 5, 10, 25, or 50 kilograms. (Section 3.1-952 Weights and Measures Law).

14.4. Meat, Poultry, Fish, and Seafood¹.

Shall be sold by weight, except the following, which that shellfish may be sold by weight, measure, or count :

- (a) Shellfish.
- (b) Items sold for consumption on the premises.
- (c) Items sold as one of several elements comprising a ready to eat meal sold as a unit for consumption elsewhere than on the premises where sold.
- (d) Items sold as part of a sandwich.

¹ See § 14.9 for additional requirements for ready-to-eat food.

14.4.1. In Combination With Other Foods.

When meat, poultry, fish or seafood is combined with

Final Regulations

some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product or combination, and a quantity representation need not be made for each element. (Weights and Measures Law Section 3.1-950)

14.4.2. Stuffed Fish, Seafood, Poultry or Meat Products.

In the case of ready-to-cook stuffed fish, seafood, poultry, or meat products, the label must show the total net weight of the stuffed fish, seafood, poultry or meat product and the minimum net weight of the fish, seafood, poultry or meat in the product excluding the fish, seafood, meat, or poultry that may be part of the stuffing.

Excluding the poultry or meat that may be part of the stuffing. (Required by the United States Department of Agriculture).

14.5. Fluid Dairy Milk Products.

All fluid dairy milk products, including but not limited to whole milk, lowfat milk, skimmed skim milk, cultured milk milks, and sweet cream; sour cream; and buttermilk, unless specifically exempted by the Board of Agriculture and Commerce, shall be packaged for retail sale only in units of one gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, or multiples of one liquid quart; volumes per subsection 14.5(a), or subsection 14.5(b); provided, that any fluid dairy product which contains not less than eleven percent milk fat may be sold in packages of the capacity of one-half fluid ounce-inch-pound sizes less than 1 gill and metric sizes less than 100 milliliters shall be permitted. (Section 3.1-951 - Weights and Measures Law).

(a) Inch-Pound Volumes - 1 gill, 1/2 liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, 1/2 gallon, 1 gallon, 1-1/2 gallons, 2 gallons, 2-1/2 gallons, or multiples of 1 gallon.

(b) Metric Volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter.

14.6. Other Milk Products.

Cottage cheese, cottage cheese products, and other milk products that are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the United States Public Health Service, as amended in 1965, shall be sold in terms of weight; Provided, that cottage cheese, cottage cheese products, sour cream, and yogurt shall be packaged for retail sale only in units of 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois; in weights per subsection 14.6(a) or subsection 14.6(b). And provided further, that, multipack or single serving inch-pound sizes of 6 ounces or less shall be sold only in even whole ounces increments and that metric sizes of 200 grams or less shall be sold only in 25-gram increments.

(a) Inch-Pound Weights - 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois. And provided further that an 18 ounce size of yogurt may be packed for retail sale.

(b) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms.

(Standard package sizes shall apply to low fat and dry curd cottage cheese products.)

14.6.1. Factory Packaged and Hand Packed Ice Cream and Similar Frozen Products.

Ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered or exposed for sale, or sold in terms of fluid [measure volume].

14.7. Pickles.

The declaration of net quantity of contents on pickles and pickles products, including relishes but excluding one or two whole pickles in a transparent wrapping which may be declared by count, shall be expressed in terms of fluid liquid measure. Sales of pickles from bulk may be by count.

14.8. Pricing of Bulk Food Commodities.

Bulk food commodities or food commodities not in package form and sold by weight shall be priced in terms of whole units of weight and not in common or decimal fractions.

14.9. Ready-To-Eat Food.

The following may be sold by weight, measure, or count:

(a) Items sold for consumption on the premises;

(b) Items sold as one of three or more different elements, excluding condiments, comprising a ready-to-eat meal sold as a unit, for consumption elsewhere than on the premises where sold;

(c) Ready-to-eat chicken parts cooked on the premises but not packaged in advance of sale;

(d) Sandwiches and sandwich-like commodities when offered or exposed for sale on the premises where packed or produced and not intended for resale.

§ 15. Nonfood Products.

15.1. Coatings.

Asphalt paints, coatings, and plastic shall be sold in terms of liquid measure.

15.2. Fireplace and Stove Wood.

For the purpose of this regulation, this section shall apply to the sale of all wood, natural and processed, for use as fuel.

15.2.1. Definitions.

15.2.1.1. "Fireplace and Stove Wood." Any kindlings logs, boards, timbers or other wood, split or not split, advertised, offered for sale, or sold as fuel.

15.2.1.2. "Cord." The amount of wood which is contained in a space of 128 cubic feet, when the wood is raked and well stowed. For the purpose of this regulation, "raked and well stowed" shall be construed to mean that pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

15.2.1.3. "Representation." A "representation" shall be construed to mean Any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

15.2.2. "Identity." A representation may include a declaration of identity that indicates the species group (Example: 50% hickory, 50% miscellaneous softwood). Such a representation shall indicate, within 10% accuracy, the percentages of each group.

15.2.3. "Quantity." Wood, of any type, for use as fuel shall be advertised, offered for sale and sold only by measure, using the term "cord" and fractional parts of a cord, or the cubic meter; except that wood, natural or processed, offered for sale in packaged form shall display the quantity in terms of cubic feet, to include fractions of cubic feet or cubic meters, to include decimal fractions of cubic meters. A single log may be sold by weight or count. Packages of individual logs containing less than 4 cubic feet (1/32 cord) if sold by inch-pound volume, or less than one-tenth cubic meter if sold by metric volume may be sold by net weight plus count.

15.2.4. "Prohibition of Terms." The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel. An agreement after visual inspection, between buyer and seller in the sale of fireplace or stove wood by the "truckload" shall be permitted.

15.2.5. "Delivery Ticket or Sales Invoice." A delivery ticket or sales invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall contain at least the following information:

- (a) The name and address of the vendor;
- (b) The name and address of the purchaser;

(c) The date delivered;

(d) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;

(e) The price of the amount delivered.

15.3. Peat and Peat Moss.

Applies only with respect to organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swampland, or marsh, and containing an ash content not exceeding 25 percent % on a dry-weight basis (dried in an oven at 105°C (221°F) until no further weight loss can be determined).

15.3.1. Declaration of Quantity.

The declaration of quantity of peat and peat moss shall be expressed in weight units or in cubic-measure units.

15.3.2. Units.

15.3.2.1. Weight.

Peat and peat moss sold in package form in terms of weight shall be offered or exposed for sale only in units of 50 pounds, 40 pounds, 20 pounds, 10 pounds, or 5 pound pounds and/or kilograms .

15.3.2.2. Cubic Measure. Peat and peat moss sold in package form in terms of cubic measure shall be offered and exposed for sale only in units of 6, 5.5, 4, 2, 1, 0.7, 0.5, 0.3, or 0.2 cubic feet and/or liters . If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state and the quantity from which the final product was compressed (the latter declaration not exceeding the actual amount of material that can be recovered.)

15.4. Prefabricated Utility Buildings.

These buildings shall be offered for retail sale on the basis of usable inside space as follows:

- (a) Length, measured from inside surface of wall panels at the base;
- (b) Width, measured from inside surface of wall panels at the base;
- (c) Height, measured from the base to the top of the shortest wall panel.

(Inside dimensions in inch-pound units shall be declared to the nearest inch; inside dimensions in

Final Regulations

metric units shall be declared to the nearest 0.01 meter.)

If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic decimeter or cubic foot.

15.5. Roofing and Roofing Material.

Shall be sold either by the square or by the square foot only if sold in inch-pound units or by the square meter only if sold in metric units .

15.5.1. Definitions.

15.5.1.1. "Square Meter." *The quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square meter exclusive of side laps or side joints.*

15.5.1.2. "Square." *The term "square" shall mean The quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover an area of 100 square feet exclusive of side laps or side joints; provided ; that, in the case of roofing or roofing material or of corrugated design, the side lap or side joint shall be one full corrugation.*

15.5.1.3. "Square Foot." *The term "square foot" shall mean The quantity of roofing and roofing material that, when applied according to the directions or instructions of the manufacturer, will cover 1 square foot (144 square inches) exclusive of side laps or side joints.*

15.5.2. "Declaration of Quantity." *When the declaration of quantity on a package of roofing or roofing material contains the term "square," it shall include, plainly and conspicuously, a numerical definition of the term "square;" for example, "One square covers 100 square feet of roof area."*

15.5.2.1. "Common Fractions." *The use of the common fraction one-third (1/3) is specifically authorized in the quantity statement of a package of roofing or roofing material when, and only when, used as the common fraction of the "square."*

15.5.2.2. "Quantity Statement." *The primary declaration if in inch-pound units shall only be in terms of [a square squares] or square feet and if in metric units shall only be in terms of square meters . There is no prohibition against the use of supplementary quantity declarations, such as shingle dimensions but in no case shall the weight of the material be stated or implied. However, the use of numerical description for rolls of felt roofing material may continue to be used.*

15.6. Sealants.

Calking compounds, glazing compounds and putty shall be sold in terms of liquid measure *except that rope caulk shall be sold by weight .*

15.7. Softwood Lumber.¹

Applies to softwood boards, timbers, and dimension lumber that have been dressed on four sides, but shall not apply to rough lumber, to lumber that has been matched, patterned, or shiplapped, or to lumber remanufactured or joined so as to have changed the form or identity, such as individual, assembled, or packaged millwork items.

¹ Values in metric units for softwood lumber will not be added until a new standard is developed to cover metric softwood lumber.

15.7.1. Definitions.

15.7.1.1. "Dressed (Surfaced) Lumber." *Lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.*

15.7.1.2. "Boards." *Lumber 1-1/4 inches or less in actual thickness and 1-1/2 or more inches in actual width. Boards Lumber less than 5-1/2 1-1/2 inches in actual width may be classified as strips.*

15.7.1.3. "Timbers." *Lumber 4-1/2 1-1/2 or more inches in least actual dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.*

15.7.1.4. "Dimension Lumber." *Lumber from 1-1/2 inches to, but not exceeding, 4-1/2 inches in actual thickness, and 1-1/2 or more inches in actual width. Dimension lumber may be classified as framing, joists, planks, rafters, studs, small timbers, etc.*

15.7.1.5. "Rough Lumber." *Lumber that has not been dressed but which has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.*

15.7.1.6. "Matched Lumber." *Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces together; when end-matched, the tongue and groove are worked in the ends also.*

15.7.1.7. "Patterned Lumber." *Lumber that is shaped to a pattern or to a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.*

15.7.1.8. "Shiplapped Lumber." *Lumber that has*

been worked or rabbeted on both edges of each piece to provide a close-lapped joint by fitting two pieces together.

15.7.1.9. "Grade." The commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.

15.7.1.10. "Species." The commercial name assigned to a species of trees.

15.7.1.11. "Species Group." The commercial name assigned to two or more individual species having similar characteristics.

15.7.1.12. "Representation." A "representation shall be construed to mean Any advertisement, offering, invoice, or the like that pertains to the sale of lumber.

15.7.1.13. "Minimum Dressed Sizes (Width and Thickness)." The standardized width and thickness at which lumber is dressed when manufactured in accordance with the United States Department of Commerce Voluntary Product Standard 20-70, "American Softwood Lumber Standard," and regional grading rules conforming to VPS 20-70. (See Table 1.)

15.7.2. "Identity." Representations shall include a declaration of identity that specifies the grade or grades, species or species group, and whether the lumber is unseasoned (green) or dry.

15.7.3. "Quantity." Representations shall be in terms of the number of pieces, the minimum dressed width and thickness, the length of individual pieces, or the lineal footage, except that:

(a) The use of nominal dimensions shall be allowed when used in conjunction with the required minimum dressed sizes and actual length.

(b) With respect to all invoices, a table of minimum dressed sizes may appear on the reverse side of the invoice, so long as appropriate reference to the table is prominently and conspicuously shown on the face of the invoice.

**TABLE 1.
SOFTWOOD LUMBER SIZES.**

Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the United States Department of Commerce in Product Standard 20-70.

Product Classification	Minimum Dressed Sizes (See Note 2)
------------------------	---------------------------------------

(Normal Size)

Inches	Unseasoned Inches	Dry Inches
Dimension Lumber		
2 x 4	1-9/16 x 3-9/16	1-1/2 x 3-1/2
2 x 6	1-9/16 x 5-5/8	1-1/2 x 5-1/2
2 x 8	1-9/16 x 7-1/2	1-1/2 x 7-1/4
2 x 10	1-9/16 x 9-1/2	1-1/2 x 9-1/4
2 x 12	1-9/16 x 11-1/2	1-1/2 x 11-1/4

(See Note 1)

Board Lumber		
1 x 4	25/32 x 3-9/16	3/4 x 3-1/2
1 x 6	25/32 x 5-5/8	3/4 x 5-1/2
1 x 8	25/32 x 7-1/2	3/4 x 7-1/4
1 x 10	25/32 x 9-1/2	3/4 x 9-1/4
1 x 12	25/32 x 11-1/2	3/4 x 11-1/4

Note 1. The dry thicknesses of nominal 3" and 4" lumber are 2 1/2" and 3 1/2"; unseasoned thicknesses are 2 9/16" and 3 9/16". Widths for these thicknesses are the same as shown above.

Note 2. Product Standard 20-70 defines dry lumber as being 19 percent % or less in moisture content and unseasoned lumber as being over 19 percent % moisture content. The size of lumber changes approximately 1 percent % for each 4 percent % change in moisture content. Lumber stabilizes at approximately 15 percent % moisture content under normal use conditions.

15.8. *Polyethylene Products. Consumer products offered and exposed for sale at retail shall be sold in terms of:*

15.8.1. Sheeting and Film.

- (a) Length and width.
- (b) Area in square feet or square meters.
- (c) Thickness.
- (d) Weight.

15.8.2. Food Wrap.

- (a) Length and width.
- (b) Area in square feet or square meters.

15.8.3. Lawn and Trash Bags.

- (a) Count.
- (b) Dimensions.
- (c) Thickness.

15.8.4. Food and Sandwich Bags.

Final Regulations

- (a) Count.
- (b) Dimensions.

Products not intended for the retail consumer shall be offered and exposed for sale in terms of:

15.8.5. Sheeting and Film.

- (a) Length.
- (b) Width.
- (c) Thickness.
- (d) Weight.

15.8.6. Bags.

- (a) Count.
- (b) Dimensions.
- (c) Thickness.
- (d) Weight.

15.8.7. Declaration of Weight.

The labeled statement of weight for polyethylene products under subsections 15.8.1, 15.8.5, and 15.8.6 shall be not less than the weight calculated by using the following formula:

$W = T \times A \times 0.03613xD$, where

W = net weight in pounds

T = nominal thickness in inches

A = nominal length in inches times nominal width in inches

D = density in grams per cubic centimeter as determined by ASTM Standard D1505-68 "Standard Method of Test for Density of Plastics by the Density Gradient Technique" (or latest issue).

0.03613 is a factor for converting g/cm³ to lb/in³.

15.9. Insulation.

15.9.1. **Packaged Loose-Fill Insulation Except Cellulose.** Packaged loose-fill insulation, except cellulose, shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 1000 square feet, and minimum weight per square foot at R-values of 11, 19, and 22. This information shall also be supplied for any additional R-values listed.

15.9.2. **Packaged Loose-Fill Cellulose Insulation.** The principal display panel of packaged loose-fill cellulose insulation shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 100 square feet, and minimum weight per square foot at R-values of 13, 19, 24, 32, and 40. This information shall also be supplied for any additional R-values listed.

15.9.3. **Batt and Blanket Insulation.** The principal display panel of packaged batt or blanket insulation shall declare the square feet of insulation in the package, and the length and width of the batt or blanket. In addition, R-value and thickness shall be declared on the package.

15.9.4. **Installed Insulation.** Installed insulation must be accompanied by a contract or receipt. For all insulation except loose fill and aluminum foil, the receipt must show the coverage area, thickness, and R-value of the insulation installed. For loose-fill, the receipt must show those three items plus the number of bags used. For aluminum foil, the receipt must show the number and thickness of the air spaces, the direction of heat flow, and R-value. The receipt must be dated and signed by the installer.

EXAMPLE: This is to certify that the insulation has been installed in conformance with the requirements indicated by the manufacturer to provide a value of R-19 using 31.5 bags of insulation to cover a 1500 square foot area. Signed and dated.

15.10. **Liquified Petroleum Gas Cylinder Tare Weights.** Whenever stamped tare weights on cylinders are employed in the sale of liquified petroleum gas, the following shall apply:

15.10.1. **Allowable Difference.** The allowable difference between the actual tare weight and the stamped tare weight for a new or used cylinder shall be 1% of the actual tare weight. The tare weight shall include the weight of the cylinder (including paint), valve, and other permanent attachments. The weight of a protective cap shall not be included in tare or gross weights.

15.10.2. **Average Requirement.** The tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference limit shall be considered to be not in conformance with these requirements.

15.11. **Bark Mulch.** All bark mulch shall be sold, offered, or exposed for sale in terms of volume measure: in inch-pound units, in terms of the cubic yard or cubic foot; in metric units, in terms of the cubic meter or liter.

§ 16. GENERAL.

16.1. **Presentation of Price.** Whenever an advertised, posted, or labeled price per unit of weight, measure, or count for any commodity includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half of the height and width of the numerals representing the whole cent. (Sec. 3.1-949 Weights and Measures Law)

16.2. **Allowable Differences: Combination Quantity Declarations.** Whenever the method of sale for a bulk or packaged commodity requires the use of a statement including two or more declarations of weight and measure, or count, or size, or other appropriate combinations, that includes count in addition to weight, measure, or size, the following shall apply to the particular commodity:

16.2.1. **Beverageware: Pressed and Blown Tumblers and Stemware.** The allowable difference between actual and declared capacity shall be:

(a) *For Inch-Pound:*

(1) Plus or minus $\frac{1}{4}$ [fluid] ounce for items of 5 [fluid] ounce capacity or less;

(2) Plus or minus 5 percent $\%$ of the stated capacity for items over 5 [fluid] ounce capacity.

(b) *For Metric:*

(1) Plus or minus 10 milliliters for items of 200 milliliter capacity or less;

(2) Plus or minus 5 $\%$ of the stated capacity for items over 200 milliliter capacity.

16.2. **Paper Plates.** The allowable difference between actual and declared dimensions shall be minus $\frac{1}{8}$ inch to plus $\frac{1}{4}$ inch.

16.3. **Sanitary Paper Products.** The allowable difference between actual and declared dimensions for toilet tissue shall be plus or minus $\frac{1}{16}$ inch. The allowable difference for paper towels, paper napkins, and facial tissue shall be plus or minus $\frac{1}{8}$ inch.

16.3. **Machine Vended Commodities.** All vending machines dispensing packaged commodities shall indicate:

(a) Product identity.

(b) Net Quantity.

(c) Name, address, and telephone number of responsible party.

The requirements for product identity and net quantity

can be met either by display of the package or by information posted on the outside of the machine.

16.4. **Railroad Car Tare Weights.** Whenever stenciled tare weights on freight cars are employed in the sale of commodities or the assessment of freight charges, the following conditions and requirements shall apply:

16.4.1. **Newly or Restenciled Tare Weights.** All newly stenciled or restenciled tare weights shall be accurately represented to the nearest 100 pounds for inch-pound units and the nearest 50 kilograms for metric units and the representation shall include the date of weighing.

16.4.2. **Allowable Differences.** The allowable difference between actual tare weight and stenciled tare weight on freight cars in use shall be per subsection 16.4.2(a) or subsection 16.4.2(b).

(a) *Inch-pound allowable difference:*

(1) Plus or minus 300 pounds for cars 50,000 pounds or less;

(2) Plus or minus 400 pounds for cars over 50,000 pounds to and including 60,000 pounds;

(3) Plus or minus 500 pounds for cars over 60,000 pounds.

(b) *Metric allowable difference:*

(1) Plus or minus 150 kilograms for cars 25,000 kilograms or less;

(2) Plus or minus 200 kilograms for cars over 25,000 kilograms to and including 30,000 kilograms;

(3) Plus or minus 250 kilograms for cars over 30,000 kilograms.

16.4.3. **Change of Stenciled Weights.** Tare weight determinations for verification or change of stenciled weights shall only be made on properly prepared and adequately cleaned freight cars.

16.4.4. The provisions in Section 16.4 shall be effective as of July 1, 1973, for all railroad cars stenciled or restenciled with a tare weight after that date and for all railroad cars as of January 1, 1978.

16.4.5. **Responsibility For Reweighing and Restenciling.** Tank cars, covered hopper cars, flat cars equipped with multideck racks, or special superstructure, mechanical refrigerator cars, and house-type cars equipped with special lading protective devices must be reweighed and restenciled only by owners or other authorized representatives:

(a) When car bears no light weight (empty weight)

Final Regulations

stenciling;

(b) When repairs or alterations result in a change of weight in excess of the permissible lightweight tolerance.

Regulation No.

§ 17. Exemptions From Sealing or Marking and/or Annual Retesting of Weights and Measures Devices.

17.1. *Weights and Measures Specifically Exempted.* The weights and measures listed below shall be specifically exempted from the sealing and marking requirements of §§ 3.1-926 and 3.1-934, Title 3.1, Chapter 35 of the Code of Virginia.

17.1.1. Measure containers.

2. Milk bottles.

3. Lubricating oil bottles.

4. Berry baskets and boxes.

17.2. *Annual Retesting Exemption.* The weights and measures listed below shall be specifically exempted from the annual retesting requirements of §§ 3.1-926 and 3.1-928 of Title 3.1, Chapter 35 of the Code of Virginia, and shall be retested only as required by the Commissioner :

17.2.1. Vehicle tanks used as measures.*

17.2.2. Farm milk tanks.*

17.2.3. Liquid measures.*

17.2.4. Glass graduates.*

17.2.5. Measures containers.*

6. Milk bottles.*

7. Lubricating oil bottles.*

17.2. 7 6. Linear measures.*

17.2. 8 7. Dry measures.*

10. Berry baskets and boxes.

* Whenever an item of this class is damaged, repaired, or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

Regulation No.

§ 18. Weighing Tobacco in Auction Warehouses.

18.1. *Sale By Net Weight - Value of Minimum Graduation.* All tobacco received at tobacco auction warehouses ; for the purpose of sale ; must be weighed and sold on a ~~the basis of net weight~~ , basis and shall be weighed on approved scales. The value of the minimum graduated interval on the main-weighbeam elements, on the tare-weighbeam elements, and on the reading face elements of scales in tobacco weighing service shall be not greater than one pound. The weighbeam or any other device or mechanism that is used to set the tare weight of the pushcart, dollies, baskets and/or sheets shall be completely enclosed by July 1, 1977 .

18.2. *Variation Permitted in Basket or Truck.* In markets where baskets and trucks used in placing tobacco on the warehouse floor are represented as being of an average weight and uniform weight deductions are made ; to determine net weight, no basket or truck shall vary more than one-half pound either above or below the true average weight. If uniform weight deductions are made for the average weight of the basket and truck, the scale shall be balanced at the average weight of trucks and baskets used ; by back-balancing the scale. Each warehouse operation using baskets shall ; ~~for each warehouse operation,~~ have (available at the warehouse at least 8 week prior to the opening date of each sales season) a reasonable number (but not less than 100) of baskets on which the average weight can be determined by the Weights and Measures Inspector.

18.3. *Baskets Required To Be Marked.* In markets where baskets are not represented as being of an average weight , or where baskets vary more than 1/2 pound from the average weight of baskets used, each such basket shall be plainly marked with its correct weight , and this weight shall be deducted from the gross weight at the time of weighing. In all such markets, scales shall be balanced at the average weight of the truck only by back-balancing the scale. No warehouse truck shall vary more than 1/2 pound either above or below the true average weight.

18.4. *Scale Ticket Requirements.* All baskets or other containers of tobacco weighed and placed on the warehouse floor for the purpose of sale shall be accompanied by a scale ticket on which there shall be plainly and conspicuously stated the name of the seller and the net weight of the tobacco. The date of weighing and the initials of the ~~weighmaster~~ weighmasters must be shown on each floor sheet (Tobacco Sale Bill). The seller shall be given a copy of this floor sheet at the time the tobacco is weighed.

18.5. *Weigh To The Nearest Whole Pound.* All tobacco weighed for the purpose of sale, offering for sale, or sold, including "House" and/or "Speculators" tobacco , shall be weighed and recorded accurately to the nearest ~~one~~ whole pound effective July 1, 1977 .

18.6. *Reworked or Resale Tobacco.* All "reworked" or "resale" tobacco must be reweighed before it is again offered or exposed for sale.

18.7. *Weighmaster Name and Address To be Posted.* In all tobacco warehouse offices, the shall be posted the full name and complete address (residence) of all weighmasters shall be posted. Each weighmaster shall personally initial the posted lists in a manner consistent with the same initials he will use on floor sheets.

18.8. *Record Retention.* It shall be the duty of every tobacco auction market manager to retain a copy of all records, including sales coupons, weight tickets, accounts of sales, and other records covering each transaction, for a period of three years. which This copy shall at all times be available for, and open to, the confidential inspection of the Commissioner of Agriculture and Commerce Consumer Services, or his authorized agents at all times.

Regulation No.

§ 19. Regulation Requiring Delivery Ticket.

19.1. *Requirements For Delivery Tickets.* All coal, coke, charcoal, agricultural limestone (whether burnt or unburnt), and fertilizer shall be sold by weight. Unless the product is delivered to the purchaser in package form, each delivery of coal, coke, charcoal, agricultural limestone (whether burnt or unburnt) and fertilizer to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated:

- (a) The name and address of the vendor,
- (b) The name and address of the purchaser, and
- (c) The net weight of the delivery and the gross and tare weight from which the net weight is computed, each expressed in pounds.

However, on any agricultural commodity, produce, sand, gravel, or any other commodity product or merchandise that is being sold in bulk form by weight, the gross and tare weights need not appear on the delivery ticket. The net weight may be expressed in pounds or kilograms. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the product, or shall be surrendered; on demand; to the Commissioner of Agriculture and Consumer Services; or his assistant, or an inspector, or sealer. who If he the official desires to retain it the ticket as evidence, shall issue a substitute weight slip in lieu thereof for delivery shall be given to the purchaser. Provided However, if the purchaser carries away the purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket at the time of sale stating the number of pounds of product delivered to him.

Title of Regulation: VR 115-05-11. Rules and Regulations Pertaining to the Sanitary and Operating Requirements

in Retail Food Stores.

Statutory Authority: § 3.1-364 of the Code of Virginia.

Effective Date: July 9, 1986

Summary

This regulation formalizes requirements for (i) retail food stores and covers potentially hazardous food products, (ii) temperatures for preparing and storing hot and cold foods products, (iii) reheating hot foods, (iv) methods and materials to be used in sanitation of food processing equipment, (v) employee hygiene and cleanliness practices, (vi) food sample demonstration and food promotion, (vii) construction and maintenance of physical facilities and (viii) water supply and plumbing requirements.

VR 115-05-11. Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores.

PART I.

§ 1.1. Definitions.

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

"Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

"Corrosion-resistant materials" means those materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue can be effectively removed by normal cleaning methods.

"Employee" means the individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food store.

"Equipment" means items other than utensils used in the storage, preparation, display, and transportation of food such as stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, and similar items used in the operation of a retail food store. This item does not include fork lift trucks or dollies.

"Food" means any raw, cooked, or processed edible substance; ice, beverage or ingredient used or intended for

Final Regulations

use, or for sale, in whole or in part for human consumption.

"Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes into contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

"Hermetically sealed container" means a container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

"Law" includes applicable federal, state, and local statutes, ordinances, and regulations.

"Packaged" means bottled, canned, cartoned, bagged, or securely wrapped.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a retail food store who is the supervisor of the retail food store at the time of inspection.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include: clean, whole, uncracked, odor-free shell eggs; foods that have pH level of 4.6 or below or a water activity (aw) value of 0.85 or less than under standard conditions; food products in hermetically sealed containers processed to prevent spoilage.

"Regulatory authority" means the state and/or local enforcement authority or authorities having responsibility for enforcing these regulations.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities [~~only~~ or individual portions] . The term does not include establishments

which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh vegetables for sale; food service establishments; or food and beverage vending machines'.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials are food additives or color additives as defined in § 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act' as used they are "safe" only if they are used in conformity with regulations established pursuant to § 409 or § 706 of that Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in § 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act' and are used in conformity with all applicable regulations of the Food and Drug Administration.

"Sanitation" means effective bactericidal treatment⁴ by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on cleaned food-contact surfaces of utensils.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Single-serve articles" means items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time use. The term does not include "single use" articles such as number 10 cans, aluminum pie pans, bread wrappers and similar articles into which food has been packaged by the manufacturer.

"Transportation" (transported) means movement of food within the retail food store or delivery of food from that retail food store to another place while under the control of the person in charge.

"Utensil" means any food-contact implement used in the storage, preparation, transportation, or dispensing of food.

"Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

PART II. FOOD.

§ 2.1. Food supplies.

A. General.

Food shall be in sound condition and safe for human consumption. Food shall be obtained from sources that comply with the applicable laws relating to food safety. Food prepared in a home shall not be used or offered for sale.

B. Special requirements.

1. Fluid milk and milk products used or offered for sale shall comply with the Grade "A" standards as established by law. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.

2. Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be received and/or repacked in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the state certification number issued according to law. Shucked shellfish should be kept in the container in which they were received until used or sold.

Each original container of unshucked shellfish (oysters, clams, or mussels) shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shell-fish processor, the kind and quantity of shellfish, and the certification number issued by the state or foreign shellfish control agency, where applicable.

3. Only clean shell eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.

4. Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged.

§ 2.2. Food protection.

A. General.

At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food shall be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. The temperature of potentially hazardous foods shall be 45°F (approx. 7°C) or below or 140°F (60°C) or above, at all times, except as otherwise provided in these regulations. Hermetically sealed packages shall be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and those food items that have been returned to, or are being detained by, the retail food store because of spoilage, container damage, or other public health considerations, shall be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the regulatory authority.

B. Emergency occurrences.

The person in charge of a retail food store that is affected by a fire, flood, extend power outage, or a similar significant occurrence that creates a reasonable probability that food in the retail food store may have been contaminated or that the temperature level of food which is in a potentially hazardous form may have caused that food to have become hazardous to health, shall take such action as is necessary to protect the public health and shall promptly notify the regulatory authority of the emergency.

§ 2.3. Food storage.

A. General.

1. Food packaged in an immediate closed container, once the container is opened in the retail food store prior to use or retail sale, shall be kept covered. Food, whether raw or prepared, if removed from the immediate closed container in which it was originally packaged prior to use or retail sale, shall be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and fresh raw fruits shall be exempted from this requirement. Container covers shall be impervious and nonabsorbent. During periods of storage, subprimal cuts of meat shall be covered with single-service wrapping material. Primal cuts, quarters or sides of meat, or processed meats such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered on clean, sanitized hoods or placed on clean, sanitized metal racks in such a manner as to preclude contamination of any food products in storage.

2. Containers of food shall be stored a minimum of six inches (152 millimeters (mm)) above the floor or stored on dollies, skids, racks, or open-ended pallets, provided such equipment is easily movable either by hand or with the use of pallet-moving equipment that is on the premises and used. Such storage areas shall be kept clean. Cased food packaged in cans, glass, or other waterproof containers need not be elevated when the case of food is not exposed to floor moisture and the storage area is kept clean.

3. Food and containers of food shall not be stored under exposed or unprotected sewer lines, or water lines that are leaking on or which condensed water has accumulated.

4. Packaged foods shall not be stored in contact with water or undrained ice.

5. A food ingredient, such as flour, sugar, salt, baking powder, cooking oil or vinegar, that is not stored in the original package and is not readily identifiable on sight, shall be stored in a container identifying it by common name.

Final Regulations

6. Toilet rooms and their vestibules, and garbage or mechanical rooms shall not be used for the storage of food.

B. Refrigerated/frozen storage.

1. Refrigeration units or effectively insulated units shall be provided in such number of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ (approx. $\pm 1^{\circ}\text{C}$). The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}\text{F}$ (approx. $\pm 1^{\circ}\text{C}$) may be used in lieu of indicating thermometers.

2. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45°F (approx. 7°C) or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period shall not exceed four hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45°F (approx. 7°C) or below unless maintained in accordance with the hot storage requirements of these regulations.

3. Potentially hazardous frozen foods shall be kept frozen and should be stored at an air temperature of 0°F (approx. $\pm 18^{\circ}\text{C}$) or below except for defrost cycles and brief periods of loading or unloading.

4. Ice used as a cooling medium for food storage shall not be used or sold for human consumption.

C. Hot storage.

1. Hot food storage units shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at the required temperature during storage. Each hot food storage unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ (approx. $\pm 1^{\circ}\text{C}$). The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers accurate to $\pm 3^{\circ}\text{F}$ (approx. $\pm 1^{\circ}\text{C}$) may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as heat lamps, calrod units, or insulated food transport carriers, a

food product thermometer shall be available and used to check internal food temperature.

2. The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F (60°C) or above, except during necessary periods of preparation.

Potentially hazardous food to be transported shall be held at a temperature of 140°F (60°C) or above unless maintained in accordance with the refrigerated storage requirements of these regulations.

Food storage locations are restricted to minimize risk of food contamination from other foods, equipment, routine employee activities, and environmental systems. Labeling of bulk ingredients is required to prevent confusion which could lead to inadvertent contamination of food during preparation.

Provisions covering the availability of hot and refrigerated/frozen food storage facilities, and the parameters defining the cooling period for foods in storage, are included since controlling product temperature is the best means available for controlling growth of pathogens in food. Thermometers are required in or on equipment to provide a means for monitoring air temperatures around potentially hazardous foods.

§ 2.4. Food preparation.

A. General.

1. Food shall be prepared with a minimum of manual contact. Food shall be prepared on food-contact surfaces and with utensils which are clean and have been sanitized.

2. Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which are clean and have been sanitized. Salads and other ready-to-eat foods should be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

3. Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products should be prepared from chilled products.

B. Raw fruits and raw vegetables.

Raw fruits and raw vegetables that will be cut or combined with other ingredients or will be otherwise processed into food products by the retail food store shall be thoroughly cleaned with potable water before being used.

C. Cooking potentially hazardous foods.

Potentially hazardous foods being processed within the retail food store by cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F (60°C), except that:

1. Poultry, poultry stuffings, stuffed meats, and stuffings containing meat, shall be cooked to heat all parts of the food to at least 165°F (approx. 74°C) with no interruption of the cooking process.

2. Pork and pork products shall be cooked to heat all parts of the food to at least 150°F (approx. 60°C), or, if cooked in a microwave oven, to at least 170°F (approx. 77°C).

3. When beef roasts under 10 pounds (approx. 5 kilograms (kg)) in weight are cooked in a still dry heat oven, the oven shall be preheated to and held at an air temperature of at least 350°F (approx. 177°C) throughout the process. If cooked in a convection oven, the oven shall be preheated to and held at an air temperature of at least 325°F (approx. 163°C) throughout the process.

When beef roasts of 10 pounds (approx. 5 kilograms (kg)) or over in weight are cooked in a dry heat oven, the oven shall be preheated to and held at an air temperature of at least 250°F (approx. 122°C) throughout the process.

Further, in order to meet public health requirements for the processes cited above, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature.

MINIMUM HOLDING TIMES FOR BEEF ROASTS AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
°F	°C	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

4. Beef roasts, if cooked in a microwave oven, shall be cooked to an internal temperature of at least 145°F (approx. 63°C).

D. Bakery product fillings.

Custards, cream fillings, and similar products, including synthetic fillings, shall meet the temperature requirement in § 2.3, B. 2. of these regulations following preparation and be maintained at that temperature during storage, transportation and display. Products with synthetic fillings may be excluded from this requirement if:

1. The food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less under standard conditions; or

2. It is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or

3. Other scientific evidence is on file with the regulatory authority demonstrating that the specific product will not support the growth of pathogenic microorganisms.

Bakery products with synthetic fillings, which meet the above criteria, may be labeled to state that refrigeration is not required.

E. Reheating.

Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to an internal temperature of 165°F (approx. 74°C) or higher before being placed in hot food storage holding units. Food warmers and other hot food holding units shall not be used for the reheating of potentially hazardous foods.

F. Food product thermometers.

Metal stem-type numerically scaled indicating thermometers, accurate to ± 2°F (approx. ± 1°C) shall be provided and used to assure attainment and maintenance of proper temperature during preparations of all potentially hazardous foods.

G. Thawing potentially hazardous foods.

Potentially hazardous foods shall be thawed:

1. In refrigerated units at a temperature not to exceed 45°F (approx. 7°C); or

2. Under potable running water at a temperature of 70°F (approx. 21°C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not to exceed that reasonably required to thaw the food; or

Final Regulations

3. In a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

4. As part of the conventional cooking process.

§ 2.5. Food display.

A. Potentially hazardous foods.

Potentially hazardous foods shall be held at an internal temperature of 45°F (approx. 7°C) or below or at an internal temperature of 140°F (approx. 60°C) or higher during display, except that rare roast beef which is offered for sale hot shall be held at a temperature of at least 130°F (approx. 55°C).

B. Frozen foods.

Foods intended for sale in a frozen state should be displayed at an air temperature of 0°F (approx. -18°C) or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods should be displayed below or behind product food lines according to cabinet manufacturers' specifications.

C. Food display.

Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, shall be protected from contamination by being packaged, by display cases, by covered containers for self-service, or by similar protective equipment. All food shall be displayed above the floor in a manner that will protect the food from contamination. Hot or cold food units shall be provided to assure the maintenance of potentially hazardous food at the required temperature during display. Potentially hazardous food shall not be provided for consumer self-service.

D. Dispensing utensils.

To avoid unnecessary manual contact with the food, suitable dispensing utensils and single-service articles shall be used by employees. Consumers who serve themselves bulk food shall be provided suitable dispensing utensils. Dispensing utensils shall be:

1. Stored in the food with the dispensing utensil handle extended out of the food; or
2. Stored clean and dry; or
3. Stored in running potable water.

E. Food sample demonstrations and food promotions.

When food sample demonstrations and food promotions are authorized in the retail food store, the person in

charge shall ensure that such activities comply with the applicable sanitation provisions of these regulations.

§ 2.6. Food transportation by the retail food store.

A. General.

Food, other than hanging primal cuts, quarters, or sides of meat, and raw fruits and raw vegetables, shall be protected from contamination by use of packaging or covered containers while being transported. All food being transported shall meet the applicable requirements of these regulations relating to food protection and food storage. Foods packaged in immediate closed containers do not need to be overwrapped or covered if the immediate closed containers have not been opened, torn, or broken.

PART III. PERSONNEL HYGIENE.

§ 3.1. Employee health.

A. General

No employee, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while affected with a boil, an infected wound, or an acute respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

§ 3.2. Personal cleanliness.

A. General.

Employees engaged in food preparation and warewashing operations shall thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work; after smoking, eating or using the toilet; before and after handling raw meat, or raw poultry, or raw seafood; and as often as is necessary during work to keep them clean. Employees shall keep their fingernails trimmed and clean.

§ 3.3. Clothing.

A. General.

1. Employees shall wear clean outer clothing.
2. Employees shall use effective hair restraints where necessary to prevent the contamination of food or food-contact surfaces.

§ 3.4. Employee practices.

A. General.

1. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

2. Employees shall consume food or use tobacco only in designated areas. Such designated areas must be located so that the eating or tobacco use of an employee does not result in contamination of food, equipment, or utensils.

PART IV. EQUIPMENT AND UTENSILS.

§ 4.1. Materials.

A. General.

Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and shall be nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, taste, nor contribute to the contamination of food.

B. Solder.

If solder is used, it shall be composed of safe materials and be corrosion resistant.

C. Wood.

Hard maple or equivalent nonabsorbent wood that meets the general requirements set forth in subsection A of § 4.1 of these regulations, may be used for cutting blocks, cutting boards, and bakers' tables. Wood shall not be used as a food-contact surface under other circumstances, except for contact with raw fruits, raw vegetables, and nuts in the shell.

D. Plastics and rubber materials.

Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods, and which meet the general requirements set forth in subsection A of § 4.1 of these regulations, are permitted for repeated use.

E. Cutting surfaces.

Cutting surfaces subject to scratching or scoring must be resurfaced so as to be easily cleaned, or be discarded when these surfaces can no longer be effectively cleaned and sanitized.

F. Single-service articles.

Single-service articles shall not be reused.

§ 4.2. Design and fabrication.

A. General.

All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

1. Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is used for cooking. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers, hot oil cooking equipment, or hot oil filtering systems, such threads shall be minimized.

2. Equipment containing bearings and gears requiring lubricants not made of safe materials shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces shall be lubricated with materials meeting the requirements of 21 CFR 178.3570^e.

3. Sinks and drain boards shall be sloped to drain and be self-draining.

B. Accessibility.

Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

1. Without being disassembled; or

2. By disassembling without the use of tools; or

3. By easy disassembling with the use of only simple tools, such as mallets, screwdrivers, or open-end wrenches which are kept near the equipment.

C. Cleaned in place (CIP).

Equipment designed and constructed for CIP shall meet requirements equivalent to those contained in § 4-203 of the FDA Model Food Service Sanitation Ordinance.¹

D. Food product thermometers.

Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to $\pm 2^\circ\text{F}$ (approx. $\pm 1^\circ\text{C}$).

Final Regulations

E. Nonfood-contact thermometers.

Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris, or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

F. Ventilation hoods.

Ventilation hoods and devices, where installed, shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement, if not designed to be cleaned in place.

G. Maintenance of equipment and utensils.

All equipment and utensils shall be maintained in good repair to comply with the requirements of these regulations.

§ 4.3. Equipment installation and location.

A. General.

Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, water lines that are leaking or on which condensed water has accumulated, open stairwells, or other sources of contamination.

B. Table-mounted equipment.

1. Table-mounted equipment, shall be installed to facilitate the cleaning of the equipment and the adjacent areas.

2. Equipment that is mounted on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four inch (102 mm) clearance between the table or counter, except that if no part of the table under the equipment is more than 18 inches (457 mm) from cleaning access, the clearance space shall be three inches (76 mm) or more; or if no part of the table under the equipment is more than three inches (76 mm) from cleaning access, the clearance space shall be two inches (51 mm) or more.

3. Equipment is portable within the meaning of § 4.3 B. 2. of these regulations if:

- a. It is small and light enough to be moved easily by one person; and
- b. It has no utility connection, has a utility

connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning; and

c. It is table-mounted, such as powered mixers, grinders, slicers, tenderizers, and similar equipment, and:

- does not exceed 80 pounds (approx. 36 kilograms (kg)), or
- is equipped with a mechanical means of safely tilting the unit for cleaning.

C. Floor-mounted equipment.

1. Floor-mounted equipment, unless easily movable, shall be:

a. Sealed to the floor; or

b. Elevated on legs to provide at least a six inch (152 mm) clearance between the floor and equipment, except that equipment may be elevated to provide at least a four inch (102 mm) clearance between the floor and equipment if no part of the floor under the equipment is more than six inches (152 mm) from cleaning access.

c. Display shelving units, display refrigeration units, display freezer units are exempt from the provisions of § 4.3, C.1. a and b of these regulations if they are installed so that the floor beneath the units can be cleaned.

2. Equipment is easily movable if:

a. It is mounted on wheels or casters; and

b. It has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

3. Unless sufficient space is provided for easy cleaning between, behind, and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be no more than 1/32 inch (0.8 mm) and, if exposed to seepage, the space shall be sealed.

D. Aisles and working spaces.

Aisles and working spaces between units of equipment and between equipment and walls, shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as dollies, skids, racks, and open-ended pallets shall be positioned to provide accessibility to working areas.

**PART V.
CLEANING, SANITIZATION, AND STORAGE OF
EQUIPMENT AND UTENSILS.**

§ 5.1. Equipment and utensil cleaning and sanitization.

A. Cleaning frequency.

1. Utensils and food-contact surfaces of equipment shall be cleaned and sanitized:

a. Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat foods;

b. After any interruption of operations during which time contamination may have occurred; and

c. After final use each working day.

2. Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be cleaned and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.

3. The food-contact surfaces of cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once each day of use, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all baking equipment and pans shall be kept free of encrusted grease deposits and other accumulated soil.

4. Nonfood-contact surfaces of equipment, including transport vehicles, shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

B. Wiping cloths.

1. Cloths or sponges used for wiping food spills on food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in § 5.1, C. 8. of these regulations and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

2. Cloths or sponges used for cleaning nonfood-contact surfaces of equipment shall be clean and rinsed as specified in § 5.1, B.1. of these regulations and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

3. Single-service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use.

C. Manual cleaning and sanitizing.

1. For manual cleaning and sanitizing of equipment and utensils, a sink with two or three compartments shall be provided and used. Sink compartments shall be large enough to accommodate the immersion of most equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Where immersion in sinks is impracticable (e.g., because equipment is too large), equipment and utensils shall be cleaned and sanitized manually or by pressure spray methods.

2. Drain boards or easily movable utensil tables of adequate size shall be provided for proper storage and handling of soiled utensils prior to cleaning and for cleaned utensils following sanitizing and shall be located so as not to interfere with proper use of the warewashing facilities.

3. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove food particles and soil.

4. The sinks shall be cleaned before use.

5. When a three-compartment sink is utilized for warewashing, the operation shall be conducted in the following sequence:

a. Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label; and

b. Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and

c. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in § 5.1, C. 8. a through e of these regulations.

6. When a two-compartment sink is utilized for warewashing, one of the following two methods shall be used:

a. Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label; and shall be sanitized in hot water in the second compartment in accordance with § 5.1. C. 8. a of these regulations; or

b. Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent-sanitizer solution that is kept clean and at a concentration indicated on the manufacturer's

Final Regulations

label; and shall be sanitized in the second compartment in hot water in accordance with § 5.1, C. 8. a of these regulations, or with a solution containing that same detergent-sanitizer in accordance with § 5.1, C. 8. b through e of these regulations.

7. When pressure spray methods are utilized for cleaning and sanitizing, the equipment and utensils shall be thoroughly flushed with a detergent-sanitizer solution until the article is free of visible food particles and soil. The detergent-sanitizer shall be used in accordance with the manufacturer's instructions and shall be of the type that does not require a potable water rinse when used according to those instructions.

8. The food-contact surfaces of all equipment and utensils shall be sanitized by:

a. Immersion for at least one-half minute in clean, hot water of a temperature of at least 170°F (approx. 77°C); or

b. Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F (approx. 24°C); or

c. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine, having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75°F (approx. 24°C); or

d. Immersion for at least one minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75°F (approx. 24°C). The quaternary ammonium compound used shall have been compounded by the manufacturer to assure effectiveness in waters up to 500 parts per million hardness at use concentration; or

e. Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010⁵ that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75°F (approx. 24°C) for one minute; or

f. Treatment with steam free from materials or additives other than those specified in 21 CFR 173.310⁵ in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

g. Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under

§ 5.1. C. 8. b, c, e of these regulations in the case of equipment too large to sanitize by immersion.

9. When hot water is used for sanitizing, the following equipment shall be provided and used:

a. An integral heating device or fixture installed in, on or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F (approx. 77°C); and

b. A numerically scaled indicating thermometer, accurate to $\pm 3^\circ\text{F}$ (approx. $\pm 1^\circ\text{C}$) convenient to the sink for the frequent checks of water temperature; and

c. Utensil racks or baskets of such size and design to permit complete immersion of utensils and equipment in the hot water.

10. When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 CFR 178.1010⁵ and a test kit or other device that measures the parts per million concentration of the solution shall be provided and used.

D. Mechanical cleaning and sanitizing.

Mechanical cleaning and sanitizing equipment and practices shall conform to the provisions contained in § 5-104 of the Model Food Service Sanitation Ordinance¹.

E. Drying.

Unless used immediately after sanitization, all equipment and utensils shall be air dried. Towel drying shall not be permitted.

F. Retail food stores without equipment and utensil cleaning facilities.

Retail food stores that do not have facilities for proper cleaning and sanitizing of utensils and equipment shall not prepare or package food or dispense unpackaged food other than raw fruits and raw vegetables.

§ 5.2. Equipment and utensil handling and storage.

A. Handling.

Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

B. Storage.

1. Cleaned and sanitized utensils and equipment shall be stored at least six inches (152 mm) above the floor in a clean, dry location in a way that protects them from splash, dust, and other means of contamination. The food-contact surfaces of fixed equipment shall

also be protected from contamination. Equipment and utensils shall not be placed under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

2. Utensils shall be air dried before being stored or shall be stored in a self-draining position.

3. Stored utensils shall be covered or inverted wherever practical.

C. Single-service articles.

1. Single-service articles shall be stored in closed cartons or containers at least six inches (152 mm) above the floor or on easily movable dollies, skids, racks, or open-ended pallets. Such storage shall protect the articles from contamination and shall not be located under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

2. Single-service articles shall be handled in a manner that prevents contamination of surfaces that may come in contact with food.

D. Prohibited storage areas.

Food equipment, utensils, or single-service articles shall not be stored in locker rooms, toilet rooms or their vestibules, garbage rooms, or mechanical rooms.

PART VI. SANITARY FACILITIES AND CONTROLS.

§ 6.1. Water supply.

A. General.

Sufficient potable water for the needs of the retail food store shall be provided from a source constructed, maintained, and operated according to law.

B. Water delivery.

All potable water not provided to the retail food store directly from the source by pipe shall be delivered in a bulk water transport system and shall be transferred to a closed water system. Both of these systems shall be constructed, maintained, and operated according to law.

C. Water under pressure.

Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

D. Steam.

Steam used in contact with food or food-contact surfaces shall be free from any materials or additives

other than those specified in 21 CFR 173.310⁵.

§ 6.2. Sewage.

A. General.

All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated according to law. Nonwater carried sewage disposal facilities are prohibited, except as permitted by the regulatory authority.

§ 6.3. Plumbing.

A. General.

Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other system containing:

1. Water of unknown or questionable origin, or
2. Contaminating or polluting substances.

B. Nonpotable water system.

A nonpotable water system is permitted for air conditioning, equipment cooling, and fire protection, and shall be installed according to law. Nonpotable water shall not directly or indirectly contact food or equipment or utensils that contact food. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

C. Backflow.

The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and backsiphonage at all fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's flood level rim. No hose shall be attached to a faucet that is not equipped with a backflow prevention device.

D. Grease traps.

Grease traps, if used, shall be located to be easily accessible for cleaning.

E. Garbage grinders.

Garbage grinders, if used, shall be installed and maintained according to law.

F. Drains.

Except for properly trapped open sinks, there shall be

Final Regulations

no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a warewashing machine is located within five feet (152 centimeters (cm)) of a trapped floor drain, the warewasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

§ 6.4. Toilet facilities.

A. Toilet installation.

Toilet facilities shall be installed according to law, shall be at least one and not less than the number required by law, shall be conveniently located, and shall be accessible to employees at all times.

B. Toilet design.

Toilets and urinals shall be designed to be easily cleanable.

C. Toilet rooms.

Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing solid doors, except for louvers that may be necessary for ventilation systems.

D. Toilet facility maintenance.

Toilet facilities, including toilet fixtures and any related vestibules, shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

§ 6.5. Handwashing facilities.

A. Handwashing facility installation.

Handwashing facilities shall be installed according to law, shall be at least one and not less than the number required by law, and shall be conveniently located to permit use by all employees in food preparation and warewashing areas. Handwashing facilities shall be accessible to employees at all times. Handwashing facilities shall also be located in or immediately adjacent to toilet rooms or their vestibules. Sinks used for food preparation or for warewashing shall not be used for washing of hands or for any other purpose.

B. Handwashing facility faucets.

Each handwashing facility shall be provided with hot and cold water tempered by means of mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds with the need to reactivate the faucet. Steam mixing valves are prohibited at handwashing facilities.

C. Handwashing supplies.

A supply of hand-cleansing soap or detergent shall be available at each handwashing facility. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each handwashing facility. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

D. Handwashing facility maintenance.

Handwashing facilities, soap or detergent dispensers, hand-drying devices, and all related facilities shall be kept clean and in good repair.

§ 6.6. Garbage and refuse.

A. Containers.

1. Garbage and refuse shall be held in durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers. Such bags and durable plastic garbage and refuse containers may be used for storage inside the retail food store.

2. Containers used in food preparation and utensil washing areas shall be kept covered during nonworking hours and after they are filled.

3. Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

4. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

5. Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot water or steam, shall be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

B. Storage.

1. Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of nonrodent-resistant plastic containers, unprotected plastic bags, wet strength paper bags, or baled units which contain garbage or refuse is prohibited. Cardboard or other packaging

material not containing garbage or food wastes need not be stored in covered containers.

2. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect and rodent resistant, and shall be large enough to store all the garbage and refuse containers necessitated by disposal pick-up frequency.

3. Outside storage areas or enclosures, if used, shall be kept clean and shall be large enough to store all the garbage and refuse containers necessitated by disposal pick-up frequency. Garbage and refuse containers, dumpsters, and compactor systems located outside, shall be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

C. Disposal.

1. Garbage and refuse shall be disposed of often enough to prevent the development of objectionable odors and the attraction of insects and rodents.

2. Where garbage or refuse is burned on the premises, it shall be done by controlled incineration in accordance with law. Areas around incineration units shall be kept clean and orderly.

§ 6.7. Insect and rodent control.

A. General.

Effective measures shall be utilized to minimize the entry, presence, and propagation of rodents, flies, cockroaches, or other insects. The premises shall be maintained in a condition that prevents the harborage or feeding of insects or rodents.

B. Openings.

Openings to the outside shall be effectively protected against the entry of rodents. Outside openings shall be protected against the entry of insects by tight-fitting, self-closing doors; closed windows; screening; controlled air currents; or other means. Screen doors shall be self-closing, and screens for windows, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall be not less than 16 mesh to the inch.

PART VII. CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

§ 7.1. Floors.

A. Floor construction.

1. Except as specified in § 7.1. B. of these regulations, floors and floor coverings of all food preparation, food storage, and warewashing areas, and the floors of all walk-in refrigerators, dressing rooms, locker rooms, toilet rooms and vestibules, shall be as sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of vinyl asbestos or plastic tile, or tight-fitting wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.

2. Floors which are water flushed or which receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, shall be provided with properly installed trapped drains. Such floors shall be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile, or similar materials and shall be graded to drain.

3. In all establishments, utilizing concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flush cleaning methods are used, the junctures between walls and floors shall be coved and sealed. In all other cases, the juncture between walls and floors shall be coved so as not to present an open seam of more than 1/32 inch (0.8 mm).

B. Floor carpeting.

Carpeting, if used as floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting shall not be used in food preparation and warewashing areas, in food storage areas, or in toilet room areas where urinals or fixtures are located.

C. Prohibited floor covering.

Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors.

D. Mats and duckboards.

Mats and duckboards shall be of nonabsorbent, grease resistant materials, and of such size, design, and construction to facilitate cleaning and shall be maintained in good repair.

E. Utility line installation.

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

§ 7.2. Walls and ceilings.

Final Regulations

A. Maintenance.

Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

B. Construction.

The walls, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, warewashing areas, and toilet rooms and their vestibules shall be smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations shall be finished and sealed to provide a smooth easily cleanable surface.

C. Exposed construction.

Studs, joists, and rafters shall not be exposed in those areas listed in § 7.2. B. of these regulations. If exposed in other rooms and areas, they shall be finished to provide a cleanable surface.

D. Utility line installation.

Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in § 7.2 B. of these regulations. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

E. Attachments.

Light fixtures, vent covers, wall mounted fans, decorative materials, and similar attachments to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

F. Covering material installation.

Wall and ceiling covering materials shall be attached and sealed in a manner to be easily cleanable.

§ 7.3. Cleaning physical facilities.

A. General.

Cleaning of floors, walls, and ceilings shall be done as often as necessary, but preferably during periods when the least amount of food is exposed, such as after closing. Only dustless methods of cleaning floors, walls, and ceilings shall be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust-arresting sweeping compounds with brooms. Floors, mats, duckboards, walls, ceilings, and attachments (e.g., light fixtures, vent covers, wall mounted fans, and similar equipment), and decorative materials (e.g., signs and advertising materials) shall be kept clean.

B. Service sinks.

At least one service sink or curbed cleaning facility

with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. Handwashing or warewashing facilities, or food preparation sinks shall not be used for this purpose.

§ 7.4. Lighting.

A. General.

1. Permanently fixed artificial light sources shall be installed to provide at least 20 foot candles (215 lux) of light on all food preparation surfaces and at warewashing work levels.

2. Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches (762 mm) from the floor;

a. At least 20 foot candles (215 lux) of light in sales areas, utensil and equipment storage areas, and in handwashing and toilet areas; and

b. At least 10 foot candles (108 lux) of light in walk-in refrigeration units, dry food storage areas, and in all other areas.

B. Protective shielding.

1. Lamps located over or within food storage, food preparation, and food display facilities, and facilities where utensils and equipment are cleaned and stored shall be shielded, coated or otherwise shatter resistant.

2. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

§ 7.5. Ventilation.

A. General.

All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create a harmful or unlawful discharge. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

§ 7.6. Dressing rooms and locker areas.

A. Dressing rooms and areas.

If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, food storage, food

display, warewashing, or storage of utensils and equipment.

B. Locker areas.

Lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may only be located in the designated dressing rooms or, in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

§ 7.7. Poisonous or toxic materials.

A. Materials permitted.

Only those poisonous or toxic materials necessary and intended for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, shall be present in retail food stores, except those items being stored or displayed for retail sale as described in § 7.7. E. of these regulations.

B. Labeling materials.

Containers of poisonous or toxic materials necessary for operational maintenance of the establishment shall be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents shall be individually labeled for easy identification of contents.

C. Storage of materials.

Poisonous or toxic materials necessary for the maintenance of the establishment consist of the following two categories:

- 1. Insecticides and rodenticides;*
- 2. Detergents, sanitizers, related cleaning or drying agents, and caustics acids, polishes, and other chemicals.*

Materials in each of these two categories shall be stored and located to be physically separated from each other; shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose; and, to preclude potential contamination, shall not be stored above or intermingled with food, food equipment, utensils, or single-service articles, except that this latter requirement does not prohibit the convenient availability of detergent sanitizers, or sanitizers at warewashing facilities.

D. Use of materials.

- 1. Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue*

on such surfaces, nor in a way that constitutes a hazard to employees or other persons.

- 2. Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.*

E. Storage and display materials for retail sale.

Poisonous or toxic materials stored or displayed for retail sale shall be separated from food and single-service articles by spacing, partitioning, or dividers. These materials shall not be stored or displayed above food or single-service articles.

F. First-aid supplies and personal medications.

Retail food store employee first-aid supplies and personal medications shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

§ 7.8. Premises.

A. General.

- 1. Retail food stores and all parts of the property used in connection with operations of the establishment shall be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.*
- 2. The walking and driving surfaces of all exterior areas of retail food stores shall be surfaced with concrete, asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to facilitate drainage.*

B. Living areas.

No operation of a retail food store shall be conducted in any room used as living or sleeping quarters. Retail food store operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

C. Laundry facilities.

- 1. If provided, laundry facilities in a retail food store shall be restricted to the washing and drying of linens and work clothes used in the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.*
- 2. Separate rooms shall be provided for laundry facilities, except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.*

Final Regulations

D. Linens and work clothes storage.

1. Clean work clothes and linens, including articles such as wiping cloths, shall be stored in a clean place and protected from contamination until used.

2. Soiled work clothes and linens, including articles such as wiping cloths, shall be kept in nonabsorbent containers or washable laundry bags until removed for laundering and shall be stored to prevent contamination of food, food equipment and utensils.

E. Cleaning equipment storage.

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained in good repair and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location.

F. Animals.

1. Live animals shall be excluded from within the retail food store operational areas and from immediately adjacent areas inside the store under the control of the person in charge. This exclusion does not apply to edible fish, crustacea, shellfish, or fish in aquariums.

Live or dead fish bait shall be stored separately from food or food products.

Patrol dogs accompanying security or police officers shall be permitted in offices, storage areas and outside store premises. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Guide dogs accompanying blind persons shall be permitted in sales areas.

2. While on duty, persons employed in the food operational areas of an establishment shall not care for or handle any pets, or patrol/sentry dogs.

FOOTNOTES

¹. Food Service Sanitation Manual, 1976, DHEW Pub. No. (FDA) 78-2081. This manual is sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

². The Vending of Food and Beverages, 1978, DHEW Pub. Co. (FDA) 78-2091. This code is sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

³. Federal Food, Drug, and Cosmetic Act, As Amended May 1980, HHS Pub. No. (FDA) 80-1051. This Act is sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

⁴. Procedures for the Bacteriological Examination of Food Utensils and/or Food Equipment Surfaces, Technical Information Bulletin No. 1, 1967, Public Health Service Publication No. 1631. Copies may be obtained from Food and Drug Administration, Retail Food Protection Branch, 200 'C' Street, S.W., Washington, D.C. 20204.

⁵. Code of Federal Regulations, Title 21, Parts 170 to 199. This volume is sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0003. Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons of Low and Moderate Income.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: May 20, 1986

NOTICE

Documents and forms referred to as exhibits have not been adopted by the authority as a part of the Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the amendments to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. Copies of such documents and forms are available upon request at the office of the authority.

Summary:

Under the current provisions of the Authority's Procedures, Instruction and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income, the authority applies its underwriting criteria set forth therein in order to determine whether to make or purchase a mortgage loan for the financing of single families' homes by low and moderate income persons and families. In the case of applications for mortgage loans to be insured or guaranteed by FHA or VA, the underwriting criteria of FHA or VA, as the case may be, are also applied to determine whether the mortgage loan is to be so insured or guaranteed. The amendments expedite the processing of FHA or VA mortgage loans through the elimination of the duplication of underwriting by the authority and by FHA or VA and will facilitate the qualification of low and moderate income persons and families. The underwriting criteria

eliminated by the amendments include the following: the authority's employment, sources of income, and credit of the applicant; requirements for funds necessary to close the mortgage loan; and requirements for approval of condominiums.

VR 400-02-0003. Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons of Low and Moderate Income.

PART I. GENERAL.

§ 1.1. The following procedures, instructions and guidelines will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) must have an "adjusted family income" (as determined in accordance with the authority's rules and regulations) which does not exceed the applicable income limitation established by the authority. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit established by the authority. Such income and sales price limitations shall be set forth in the Processing and Disbursing Guide described in § 1.2 C hereof.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these procedures, instructions and guidelines where deemed appropriate by him for good cause, to the extent not inconsistent with the authority's act, rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the board.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's processing requirements and are not intended

to include all actions involved or required in the processing and administration of mortgage loans under the authority's single family housing program. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time.

§ 1.2. Processing/disbursing/servicing agents.

A. The processing of applications for the making or financing of mortgage loans hereunder, the disbursement of proceeds of mortgage loans and the servicing of mortgage loans shall be performed through commercial banks, savings and loan associations and private mortgage bankers approved as Processing/Disbursing/Servicing Agents ("PDS agents") of the authority. To be initially approved as PDS agents, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a satisfactory rating from any state and/or federal agencies responsible for the regulation of the applicant;
3. Have a net worth equal to or in excess of \$100,000 or, in the case of a savings and loan association, have its deposits insured by the Federal Savings and Loan Insurance Corporation;
4. Have aggregate servicing and originating volume during the preceding five years at least equal to 10 times the principal amount of loans expected to be initially serviced and originated for the authority;
5. Have a staff with demonstrated ability and experience in mortgage loan origination and servicing;
6. Each branch office of the applicant that is to originate mortgage loans must have demonstrated experience in the origination of mortgage loans;
7. Have a delinquency rate on its portfolio of serviced mortgage loans not in excess of 5.1%;
8. Have a foreclosure rate on portfolio of serviced mortgage loans not in excess of 1.0% annually;
9. Have reasonable business hours - i.e. be open to the public at least five hours every banking day; and
10. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

If the applicant is to originate (but not service) mortgage loans, the applicant must satisfy the qualification set forth in (4) and (5) above only with respect to the origination of mortgage loans.

Final Regulations

All PDS agents approved by the authority shall enter into Processing/Disbursing/Servicing Agreements ("PDS agreements") with the authority containing such terms and conditions as the executive director shall require with respect to the processing, disbursing and servicing of mortgage loans hereunder. The PDS agents shall maintain adequate books and records with respect to such mortgage loans, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the PDS agent for originating and servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the PDS agreements.

B. Allocation of funds.

The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to PDS agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any PDS agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;

2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and

3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

C. Processing and Disbursing Guide and Servicing Guide.

The Processing and Disbursing Guide attached hereto as Part II is incorporated into and made a part of these procedures, instructions and guidelines. The executive director is authorized to prepare and from time to time revise a Servicing Guide which shall set forth the accounting and other procedures to be followed by the PDS agents in the servicing of the mortgage loans under the PDS agreements. Copies of the Servicing Guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the Processing and Disbursing Guide and the Servicing Guide.

D. Making and purchase of new mortgage loans.

The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its PDS agents and (ii) agree to purchase individual mortgage loans from its PDS agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the PDS agreement, the Processing and Disbursing Guide, the Servicing Guide and the authority's act and rules and regulations.

E. Purchase of existing mortgage loans.

The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's PDS agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to PDS agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the PDS agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the PDS agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the authority's act and rules and regulations.

F. Delegated underwriting.

The executive director may, in his discretion, delegate to one or more PDS agents the responsibility for issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which PDS agents may qualify for such delegation. If such delegation has been made, the PDS agents shall submit all required documentation to the authority after closing of each mortgage loan. If the executive director determines that a mortgage loan does not comply with the Processing and Disbursing Guide, the PDS agreement or the authority's act or rules and regulations, he may require the PDS Agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

PART II. VIRGINIA HOUSING DEVELOPMENT AUTHORITY PROCESSING AND DISBURSING GUIDE.

Article I. Eligibility Requirements.

§ 2.1. Eligible persons and families.

A. Person.

A one-person household is eligible, but the authority will restrict the number of loans that the PDS agent can originate for such persons and has established sales price limits for such households. An individual who is 62 or more years of age or who is handicapped or disabled shall not be deemed a one-person household for these purposes.

B. Family.

A single family loan can be made to more than one person only if all such persons to whom the loan is made are related by blood, marriage or adoption and are living together in the dwelling as a single nonprofit housekeeping unit.

1. Allocation to one-person households.

The maximum number of one-person households will be limited to 17% of all units financed. Units will be allocated by planning district with each planning district to receive funds based on its relative need. Allocation of one-person households to PDS agents and builders will be made based upon the dollar amount of their allocation and geographical location. The maximum number of one-person households allowed will be specified in the Forward Commitment Agreement and Builder Commitment Agreement.

§ 2.2. Compliance with certain requirements of the Mortgage Subsidy Bond Tax Act of 1980.

The federal Mortgage Subsidy Bond Tax Act of 1980 imposes certain new requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with this federal law, VHDA is establishing certain procedures which must be performed by the PDS agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The PDS agent will certify to the performance of these procedures and evaluation of a borrower's eligibility by completing, initialling and signing the "Checklist for certain requirements of the Mortgage Subsidy Bond Tax Act of 1980" (the "checklist") (Section II, Exhibit A) prior to VHDA approval of each loan. No loan will be approved by VHDA unless all of the federal eligibility requirements are met as well as the usual VHDA requirements set forth in other parts of this guide.

§ 2.2.1. Eligible borrowers.

A. General.

Final Regulations

An applicant will be considered an eligible borrower for a VHDA mortgage loan, if the applicant meets all of the following federal criteria:

1. Has not had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan. (See B. Three-year requirement);
2. Agrees to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined in § 2.17) after the date of the closing of the mortgage loan. (See C. Principal residence requirement);
3. Will not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See D. New mortgage requirement);
4. Has contracted to purchase an eligible dwelling. (See § 2.2.2. Eligible dwelling);
5. Has executed a borrower affidavit at the time of loan application (to be confirmed on the date of loan closing); and
6. Agrees not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan without the prior written consent of VHDA.

B. Three-year requirement.

An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the borrower affidavit that at no time during the three years preceding the execution of the mortgage loan has he has a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.3. "Targeted areas"); however, even if the residence is located in a "targeted area," the prior tax returns described in 3. below must be obtained for the purpose of determining compliance with other requirements.

1. Definition of present ownership interest. "Present ownership interest" includes:
 - a. A fee simple interest,
 - b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
 - c. The interest of a tenant shareholder in a cooperative,

d. A life estate,

e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and

f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a "Present ownership interest" include:

a. A remainder interest,

b. An ordinary lease with or without an option to purchase,

c. A mere expectancy to inherit an interest in a principal residence,

d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and

e. An interest in other than a principal residence during the previous three years.

2. Persons covered. This requirement applies to any person who will execute the mortgage or note and will have a present ownership interest (as defined above) in the eligible dwelling.

3. Prior tax returns. To verify that the eligible borrower meets the three-year requirement, the PDS agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three years preceding execution of the mortgage or certified copies of the returns. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return for such year is waived.

The PDS agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. Review by PDS agent. The PDS agent must, with due diligence, verify the representations in the borrower affidavit regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and certify to VHDA that on the basis of its review, it is of the opinion that each borrower has not had present ownership interest

in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

C. Principal residence requirement.

1. **General.** An eligible borrower must intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of rehabilitation loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from VHDA. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of rehabilitation loan) after the closing of the mortgage loan on the borrower affidavit and as part of the attachment to the deed of trust.

2. **Definition of principal residence.** A principal residence does not include any residence which can reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where any portion of the total living area is to be used primarily in a trade or business.

3. **Land not to be used to produce income.** The land financed by the mortgage loan may not provide, other than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the borrower affidavit that, among other things:

a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);

b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and

c. He does not intend to subdivide the property.

4. **Lot size.** Only such land as is reasonably necessary to maintain the basic livability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres even in rural areas.

5. **Review by PDS agent.** The borrower affidavit must be reviewed by the PDS agent for consistency with the eligible borrower's federal income tax returns and

the credit report in order to support an opinion that the eligible borrower is not engaged in any employment activity or trade or business which has been conducted in his principal residence. Also, the PDS agent shall review the appraiser report of a VHDA-approved appraiser and the required photographs to determine based on the location and the structural design and other characteristics of the dwelling that the residence is suitable for use as a permanent residence and not for use primarily in a trade or business or for recreational purposes. Based on such review, the PDS agent shall certify to its opinions in the checklist at the time the loan application is submitted to VHDA for approval.

6. **Post-closing procedures.** The PDS agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify VHDA if such addresses are not the same. Subject to VHDA's approval, the PDS agent may establish different procedures to verify compliance with this requirement.

D. New mortgage requirement.

Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

1. **Definition of mortgage.** For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. **Temporary financing.** In the case of a mortgage loan made to refinance a loan for the construction of an eligible dwelling, VHDA shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. **Review by PDS agent.** Prior to closing the mortgage loan, the PDS agent must examine the borrower affidavit, the seller affidavit, and related submissions, including (i) the eligible borrower's federal income

Final Regulations

tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Upon such review, the PDS agent shall certify to VHDA that the agent is of the opinion that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

E. Multiple loans.

Any eligible borrower may not have more than one outstanding VHDA mortgage loan.

§ 2.2.2. Eligible dwellings.

A. General.

In order to qualify as an eligible dwelling for which a VHDA loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of a VHDA approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

B. Acquisition cost requirements.

1. General. The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases such federal limits equal or exceed the VHDA sales price limits shown in § 2.4. Therefore, the residence is an eligible dwelling if the acquisition cost is not greater than the VHDA sales price limit. In the event that the acquisition cost exceeds the VHDA sales price limit, the PDS agent must contact VHDA to determine if the residence is an eligible dwelling.

2. Definition of acquisition cost. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items

of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost. (See Acquisition Cost Worksheet, Section II Exhibit G, Item 4).

(3) Where the eligible dwelling is subject to a ground rent, the capitalized value of any ground rent calculated using a discount rate equal to the yield of the VHDA bonds from which the mortgage loan was made. VHDA will supply bond yield information to PDS agents on request for the purpose of calculating capitalized ground rent.

(4) The cost of land on which the eligible dwelling is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

3. Acquisition cost worksheet. The PDS agent is required to obtain from each eligible borrower a completed acquisition cost worksheet which shall specify in detail the basis for the purchase price of the eligible dwelling, calculated in accordance with this Subsection B. The PDS agent shall assist the

eligible borrower in the correct completion of the worksheet. The acquisition cost worksheet of the eligible borrower shall constitute part of the borrower affidavit required to be submitted with the loan submission. The seller affidavit shall also certify as to the acquisition cost of the eligible dwelling on the worksheet.

4. Review by PDS agent. The PDS agent shall determine that the acquisition cost of the eligible dwelling does not exceed the authority's sales price limit shown in § 2.4. If the acquisition cost exceeds such limit, the PDS agent must contact VHDA to determine if the residence is an eligible dwelling. As part of its review, the PDS agent must review the acquisition cost worksheet submitted by each mortgage loan applicant, and the appraiser report, and must certify to VHDA that it is of the opinion that the acquisition cost of the eligible dwelling has been calculated in accordance with this Subsection B. In addition, the PDS agent must compare the information contained in the acquisition cost worksheet with the information contained in the seller affidavit and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

5. Independent appraisal. VHDA reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

§ 2.3. Targeted areas.

A. General.

In accordance with the Mortgage Subsidy Bond Tax Act of 1980, VHDA will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. VHDA will exercise due diligence in making mortgage loans in targeted areas by advising PDS agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to a PDS agent exclusively for targeted areas will be specified in the Forward Commitment Agreement.

B. Eligibility.

Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement in § 2.2.1 B.

1. Definition of targeted areas.

a. A targeted area is an area which is a qualified census tract, as described in (1) below, or an area of chronic economic distress, as described in (2)

below.

(1) A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury. Maps indicating the location of current qualified census tracts will be supplied to the PDS agents by VHDA.

(2) An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the Mortgage Subsidy Bond Tax Act of 1980. PDS agents will be informed by VHDA as to the location of areas so designated.

§ 2.4. Sales price limits.

The authority's maximum allowable sales prices shall be as follows:

MAXIMUM ALLOWABLE SALES PRICES

Applicable to all bond issues except 1981A (13.7%), 1982A (13.85%) and "blend" of 1982A and 1982B (11.75%)*

	New Construction	Substantial Rehabilitation
Existing		
Northern Virginia portion of Washington, DC-MD- VA MSA		
1/	\$104,200**	\$104,200**
\$90,300**		
Norfolk-Virginia Beach- Newport News MSA		
2/	\$78,500	\$78,500
\$68,300		
North Piedmont/Richmond- Petersburg MSA/Roanoke MSA		
3/	\$71,000	\$71,000
\$67,500		
Remainder of State		
4/	\$61,100	\$61,100
\$56,500		

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth

Final Regulations

City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

4/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/ Roanoke MSA.

* NOTE: For information regarding maximum allowable sales prices of residences financed by the 1981A (13.7%), 1982A (13.85%) or "blend" of 1982A and 1982B (11.75%), please contact the VHDA Staff.

The applicable maximum allowable sales price for new construction shall be increased by the amount of any grant to be received by a mortgagor under the authority's Solar Home Grant Program in connection with the acquisition of a residence.

§ 2.5. Net worth.

To be eligible for VHDA financing, an applicant cannot have a net worth exceeding \$20,000 plus an additional \$1,000 of net worth for every \$5,000 of adjusted income over \$20,000.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

§ 2.6. Income requirements.

A. Maximum income.

The maximum adjusted incomes for eligible borrowers shall be as follows:

MAXIMUM ALLOWABLE ADJUSTED INCOMES

Applicable to all bond issues except 1981A (13.7%),

1982A (13.85%) and "blend" of 1982A and 1982B (11.75%)*

Existing	New Construction	Substantial Rehabilitation
Northern Virginia portion of Washington, DC-MD-VA MSA		
1/ \$36,500**	\$41,200**	\$41,200**
Norfolk-Virginia Beach Newport News MSA		
2/ \$29,000	\$34,300	\$34,300
Northern Piedmont/Richmond-Petersburg MSA/Roanoke MSA		
3/ \$28,700	\$29,900	\$29,900
Remainder of State		
4/ \$27,200	\$29,400	\$29,400

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

4/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA-MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/ Roanoke MSA.

* NOTE: For information regarding the maximum allowable adjusted incomes of persons or families acquiring residences financed by 1981 Series A (13.7%), 1982 Series A (13.85%) and "blend" of 1982A and 1982B (11.75%), please contact the VHDA staff.

B. Minimum income.

An applicant is eligible for VHDA financing if the monthly principal and interest, tax, insurance (PITI) and other additional monthly fees such as condominium assessments, townhouse assessments, etc. do not exceed 32% of monthly gross income. Also, the applicant is eligible when monthly PITI plus outstanding monthly installment loans with more than six months duration do not exceed 40% of monthly gross income. (See Section II, Exhibit B)

The provisions of this subsection B shall not be applicable to applicants for loans to be insured or guaranteed by FHA or VA.

§ 2.7. Calculation of loan amount.

Single family detached residence and townhouse (fee simple ownership) - Maximum of 95% (or, in the case of a loan insured or guaranteed by FHA or VA, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - 95% (or, in the case of a loan insured or guaranteed by FHA or VA, such other percentage as may be permitted by FHA or VA) of the sales price or appraised value, whichever is less.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) Also, the value of personal property included in the appraisal must be deducted from the appraised value. (See Appraiser Report, Section II, Exhibit H.)

§ 2.8. Mortgage insurance requirements.

Unless the loan is insured or guaranteed by FHA or VA, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on all loans which exceed 80% of the lesser of sales price or appraised value. The PDS agent is required to escrow for annual payment of mortgage insurance. If VHDA requires FHA or VA insurance, the loan will either, at the election of the authority, (a) be closed in VHDA's name in accordance with the procedures and requirements herein or (b) be closed in the PDS agent's name and purchased by VHDA once the FHA Certificate of Insurance or VA Guaranty has been obtained. In the event VHDA purchases an FHA or VA insured loan, the PDS agent must enter into a purchase and sale agreement. (See Section II,

Exhibit C.)

§ 2.9. Underwriting.

A. Employment and income.

B. 1. Length of employment.

1. a. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by VHDA if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

C. b. Self-employed applicants.

1. (1) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. The following information is required at the time of application:

a. (a) Federal income tax returns for the two most recent tax years.

b. (b) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

D. B. Income derived from sources other than primary employment.

E. 1. Alimony and child support.

1. a. A copy of the legal document and sufficient proof must be submitted to VHDA verifying that alimony and child support are court ordered and are being received.

F. 2. Social security and other retirement benefits.

Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

G. 3. Part-time employment.

Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment

Final Regulations

in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

NOTE: Under the Mortgage Subsidy Bond Tax Act of 1980, no part of the residence may be used in a trade or business.

H- 4. Overtime, commission and bonus.

Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

I- 5. Credit.

VHDA requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references are considered to be one of the most important requirements in order to obtain a VHDA loan.

J- D. Bankruptcies.

An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. VHDA has complete discretion to decline a loan when a bankruptcy is involved.

K- E. Judgments.

An applicant is required to submit a written explanation for all judgments. Judgments must be paid before an applicant will be considered for a VHDA loan.

F. FHA or VA loans.

The provisions of this § 2.9 shall not be applicable to applicants for loans to be insured or guaranteed by FHA or VA.

§ 2.10. Funds necessary to close.

A. Cash.

Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. VHDA does not permit the applicant to borrow funds for this purpose. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not

acceptable.

B. Gift letters.

A gift letter is required when an applicant proposes to obtain funds from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.

C. Housing expenses.

Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his ability to pay the additional expenses.

D. FHA or VA loans.

The provisions of this § 2.10 shall not be applicable to applicants for loans to be insured or guaranteed by FHA or VA.

§ 2.11. Loan assumptions, leasing, terms and owner occupancy.

A. Loan assumptions.

VHDA does not currently permit loan assumptions, except that loan assumptions shall be permitted with respect to mortgage loans financed from the proceeds of the authority's single-family bonds issued on or after December 17, 1981, (loans numbered 40,000 and on) if the requirements set forth in § 2.2.1 B and C and § 2.2.2. B herein are satisfied and if the assumptor satisfies the VHDA underwriting criteria set forth herein or, in the case of a loan insured or guaranteed by FHA or VA, such criteria herein as FHA or VA permits to be applied. Such policy of permitting loan assumptions is subject to change at any time without notice by the authority in its discretion.

B. Leasing.

The owner may not lease the property without VHDA's prior written consent.

C. Loan term.

Loan terms may not exceed 30 years.

D. Owner occupancy.

No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.

§ 2.12. Preparation of application package.

Final Regulations

A. Except as may be otherwise required by VHDA for loans to be insured or guaranteed by FHA or VA, the application package submitted to VHDA for approval must contain the following:

1. Reservation card.
2. Application - the application must be made on Virginia Housing's approved application form.
3. Preliminary underwriting form.
4. Credit report issued by local credit bureau and miscellaneous information as applicable - explanation of bankruptcies, etc., (and any additional documentation).
5. Verification of employment (and any additional documentation).
6. Verification of other income.
7. Verification of deposits (and any additional documentation).
8. Gift letters (and verification).
9. Sales contract - contract must be signed by seller and all parties entering into the contract and state which parties are paying points and closing costs.
10. Appraisal (FHLMC No. 70) - form should be FNMA or FHLMC and should be completed by an appraiser who has been approved by FHLMC or a private mortgage insurer acceptable to Virginia Housing or who has a certification from a trade organization approved by Virginia Housing (photos and required supporting documentation).
11. Loan submission cover letter.
12. Appraiser's report.
13. Acquisition cost worksheet.
14. Affidavit of seller.
15. Affidavit of borrower.
16. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 10 in the affidavit of borrower. (NOTE: If a letter from the IRS is to be delivered pursuant to paragraphs § 2.2.1 B3 of the Processing, Disbursing Guide, such letter must be enclosed herewith).
17. Checklist for certain requirements of the Mortgage Subsidy Bond Tax Act of 1980.
18. Signed request for copy of tax returns (No. 4506).

19. HUD information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), and Regulations Z (Truth-In-Lending) as amended April 1, 1981. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

20. ECOA notice statement to borrower of provisions of the Equal Credit Opportunity Act, with borrower's acknowledgement of receipt.

21. Truth-in-lending disclosure.

After the application package has been completed, it should be forwarded to:

Single Family Division
Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

§ 2.13. Commitment.

Upon approval of the applicant, VHDA will send a mortgage loan commitment (see Section II, Exhibit J) to the borrower in care of the agent. Also enclosed in this package will be other documents necessary for closing. The PDS agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the agent. A commitment must be issued in writing by an authorized officer of VHDA and signed by the applicant before a loan may be closed.

§ 2.13.1. Loan rejection.

If the borrower application fails to meet VHDA underwriting criteria or if the property fails to meet VHDA property standards any of the standards, criteria and requirements herein, a loan rejection letter will be issued by VHDA (see Section II, Exhibit L). If the application is resubmitted, the credit documentation cannot be more than 90 days old and the appraisal more than six months old.

§ 2.14. Loan settlement.

A. Loan closing.

Upon the borrower's acceptance of the mortgage loan commitment, the PDS agent will send VHDA's letter of closing instructions (see Section II, Exhibit N) and the closing papers to the closing attorney. The PDS agent should thoroughly familiarize himself with the closing instructions and should fill in all blanks such as per diem interest, appraisal fee, credit report charges to be collected at closing, and any special requirements of the

Final Regulations

commitment before the closing instructions are forwarded to the closing attorney. VHDA will provide the PDS agent with the documents which the closing attorney is required to complete. After VHDA reviews the closing attorney's preliminary work and approves closing, a loan proceeds check will be sent to the the closing attorney or firm named in the commitment or binder as approved under the issuing company's insured closing service, along with additional closing instructions (see Section II, Exhibit M). Closing attorneys may use loan proceeds checks when in a position to conduct the loan closing and disburse proceeds in accordance with Virginia Housing's letter authorizing the closing and instructions previously issued by the PDS agent. It is the PDS agent's responsibility to see that all documents and checks are received immediately after loan closings and that they are completed in accordance with Virginia Housing's requirements, Regulation Z and ECOA. A certified or cashier's check is to be provided at loan closing for the buy-down points, if any. The check is to be payable to VHDA. Under the applicable federal regulations the original proceeds of the bond issue may not exceed the amount necessary for the "governmental purpose" thereof by more than 5.0%. Payment of buy-down points out of mortgage loan proceeds would be using bond proceeds to pay interest rather than the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid from the seller's own funds. Buy-down points may not be deducted from loan proceeds.

B. Post-closing requirements.

In accordance with § 9 of the PDS agreement, all post-closing documents, including the post-closing cover letter (see Section II, Exhibit P), should be forwarded as follows to:

Single Family Division
Post-Closing Section
Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

Within five days after the closing of the loan, the PDS agent must forward the fees, interest and any other money due VHDA, a repayment of VHDA's outstanding construction loan, if any, PMI affidavit and all closing documents except the original recorded deed of trust and title insurance policy.

Within 45 days after loan closing, the PDS agent shall forward to VHDA the original recorded deed of trust and title insurance policy.

During the 120-day period following the loan closing the agent shall review correspondence, checks and other documents received from the borrower for the purpose of ascertaining that the address of the property and the address of the borrower are the same, and also to ascertain any change of address during such period and shall notify VHDA if such addresses are not the same or

if there is any such change of address. Subject to VHDA's approval, the PDS agent may establish different procedures to verify compliance with the principal residence requirement in § 2.2.1.C. In the event the agent at any time otherwise becomes aware of the fact that any item noted on the checklist for certain requirements of the Mortgage Subsidy Bond Tax Act may not be correct or proper, the agent shall immediately notify the authority.

§ 2.15. Property guidelines - existing housing.

Existing houses to be financed by loans insured or guaranteed by FHA or VA must meet any and all applicable requirements imposed by FHA or VA.

All other existing houses must meet the following minimum requirements; however, each house will be reviewed on a case-by-case basis with regard to marketability and security of the loan:

1. 100 amp electrical service is required.
2. No space heaters or circulators are allowed; however, a floor furnace or wall furnace is acceptable in a one-story house if such a furnace adequately heats the house.
3. Pier foundations are considered on a case-by-case basis.
4. All property must be located on a state-maintained road with a minimum frontage of 30 feet. No easements or right-of-ways are allowed as access to properties. House should not be located more than 200 feet from the state-maintained road.
5. Joint ownership of well and septic is not allowed and the well must be on the subject property.
6. Any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis.
7. The floor plan must be acceptable with bathrooms and bedrooms centrally located and providing maximum privacy. Primary bathroom locations are not acceptable if the traffic patterns require entrance through another living area (e.g. a bathroom which opens directly into the kitchen).
8. The house must have a sufficient number of bedrooms to properly serve the borrower. Only bedrooms will be used as sleeping quarters, with each bedroom to be occupied by no more than two persons.
9. Mobile homes are not acceptable.

§ 2.16. Property guidelines - New construction.

New homes to be financed by loans insured or

guaranteed by FHA or VA must meet any and all applicable requirements imposed by FHA or VA.

A. All other new homes must meet the Uniform Statewide Building Code (the "Code") and the Department of Housing and Urban Development Minimum Property Standards (MPS) in addition to the following VHDA underwriting requirements:

1. Minimum of 4/12 pitch roof.
2. Storm windows or double glazed windows are required.
3. Insulated exterior doors or storm doors are required.
4. All property must be located on state-maintained roads.
5. Energy package in conformance with FHMA energy standards.
6. Mobile homes are not acceptable.

B. Also, the following standards are preferred:

1. All ceilings and 75% of the walls be 1/2 inch drywall or plaster.
2. Kitchen cabinets should comply with the following: doors should be a minimum of 5/8 inch and end panels should be a minimum of 1/2 inch thick. Materials should be wood or plywood. All stiles and rails should be of wood. Drawer fronts should be a minimum of 5/8 inch and sides should be a minimum of 3/8 inch wood or plywood, bottoms should be 1/4 inch plywood. Shelves should be a minimum of 5/8 inch wood, plywood or particle board. Plywood and particle board shelves should have edging.
3. Ceiling height of eight feet or greater.
4. Pier foundations are discouraged except where brick or block curtain wall completely covers piers.
5. Insulated sheathing.
6. If vertical siding is used, fir, cedar or redwood is preferred.
7. Fiberglass insulation in ceiling, floor and wall.
8. The use of wood foundations is discouraged unless the type of construction results in substantial savings to be passed on to the buyer.
9. Hardwood floors unless a 30 ounce carpet is used.

§ 2.17. Substantially rehabilitated.

A. For the purpose of qualifying as substantially rehabilitated housing under Virginia Housing's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets VHDA underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

3. The appraisal submitted with the loan application, must list the improvements and estimate the value of the improvements. Virginia Housing's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards.

4. VHDA will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the Mortgage Subsidy Bond Tax Act of 1980, the proceeds of VHDA cannot be used to refinance an existing mortgage, as explained in § 2.2.1.D (New mortgage requirement). VHDA will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

§ 2.18. Condominium requirements.

A. Policy on condominiums.

1. The PDS agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The PDS agent must submit evidence at the time the borrower's application is submitted to Virginia Housing for approval.

Final Regulations

2. At the time the borrower's loan application is submitted for the financing of a unit in any condominium in which Virginia Housing has not previously financed the purchase of any units, Exhibit U providing basic information about the condominium must be completed by the Unit Owners Association. The most recent financial statement and operating budget of the condominium (or, in the case of a newly constructed or converted condominium, a copy of the projected operating budget and a copy of the most recent financial statement, if any) must also be submitted. Virginia Housing will review the above described form and financial information. If on the basis of such review Virginia Housing finds the condominium to be acceptable, the condominium will be approved and the individual loan application will be processed. Exhibit U requires that the Unit Owners Association agree to submit to Virginia Housing upon its request, the condominium's annual financial statements, operating budget and other information as Virginia Housing may require. The association is also required to agree that Virginia Housing shall have a right to inspect the condominium and its records. The form states that failure to comply with the foregoing shall be grounds for Virginia Housing's termination of its approval of the condominium.

3. Each year Virginia Housing will send Exhibit V to the Unit Owners Association requesting information concerning the condominium including a statement as to the status of the VA, FNMA and/or FHLMC approvals and a copy of the condominium's financial statement and operating budget. The association will be advised that if the request for information is not received within 90 days from the date of the request, Virginia Housing may terminate its approval of the condominium. Virginia Housing will review the financial statement and operating budget and the questionnaire and if the condominium remains in satisfactory condition, Virginia Housing will continue to make mortgage loans on the units subject to the limitations in paragraph 4 below. In the event Virginia Housing determines a condominium is not in satisfactory condition, the Unit Owners Association will be given 60 days to correct the deficiencies. If the deficiencies are not corrected to the satisfaction of Virginia Housing, the condominium will no longer be approved for financing. The requirements and procedures in this section will also apply to condominiums previously approved by Virginia Housing.

4. If a condominium is approved by FNMA, Virginia Housing will make mortgage loans on no more than 50% of the units in the condominium. If the condominium is not approved by FNMA, Virginia Housing will make mortgage loans on no more than 25% of the units in the condominium. If a condominium is to be phased, the foregoing percentage limits will be applied to each phase until all phases are completed. If the condominium has

been previously approved by Virginia Housing and exceeds the foregoing percentage limitations, Virginia Housing will make no further mortgage loans for the purchase of the units in the condominium until such time as its percentage limits are no longer violated.

B. FHA or VA loans.

The provisions of this § 2.18 shall not be applicable to mortgage loans insured or guaranteed by FHA or VA.

VIRGINIA STATE LIBRARY BOARD

Title of Regulation: VR 440-01-137.1. Standards for the Microfilming of Public Records for Archival Retention.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Effective Date: July 9, 1986

Summary:

This regulation governs the reproduction of records by microphotography process, and will provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming public records of permanent value.

VR 440-01-137.1. Standards for the Microfilming of Public Records for Archival Retention.

PART I. AUTHORITY.

§ 1.1. These standards are established by the Library Board in accordance with the provisions of [Chapter 7, the] Virginia Public Records Act, [Chapter 7 (§ 42.1-76 et seq.) of Title 42 § 42.1-82] of the Code of Virginia.

PART II. SCOPE.

§ 2.1. These standards apply to all records that have been appraised as being archival: having administrative, legal, fiscal, or historical value as defined in § 42.1-77 of the Code of Virginia to warrant their permanent preservation. Such determinations are included in the officially approved retention and disposition schedules. When the informational contents of such archival records are to be maintained on microfilm, the silver-gelatin camera microfilm produced by source document methods is to be considered the permanent archival security copy. For Computer Output-Microfilm, refer to Standards For Computer Output-Microfilm (COM) For Archival Retention. Thermally processed or TEP film shall not be used, unless a wet processed silver-gelatin copy meeting this standard is generated. The camera microfilm shall not be used for reference purposes. Whenever the original record is

recommended for disposal, authorization will be given after the camera microfilm has been inspected, approved and accessioned by the [Archives and Records Division Records Branch], Virginia State Library.

PART III. STANDARDS.

§ 3.1. The microfilming, processing and storage of archival records shall comply with the following standards approved by the American National Standards Institute (ANSI), Association for Information and Image Management (AIIM), and the federal government.

ANSI:

PH 1.25 - 1984

Photography (Film) : Safety Photographic Film.

PH 1.28 - 1984

Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Cellulose Ester Base.

PH 1.41 - 1984

Specifications for Photographic Film for Archival Records Silver-Gelatin Type, on Polyester Base.

PH 1.43 - 1983

Photography (Film) Storage of Processed Safety Film.

PH 1.51 - 1983

Photography (Film) : Micrographic Sheet and Roll Film-Dimensions.

PH 1.53 - 1984

[Requirements for Photographic Filing Enclosures for Storing Processed Photographic Films, Plates, and Papers: Photography (processing) : Processed Films, Plates, and Papers : Filing Enclosures and Containers for Storage.]

PH 2.19 - 1976

Conditions for Diffuse and Doubly Diffuse Transmission Measurements.

PH 4.8 - 1985

[Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates and Papers: Photography (chemicals) : Residual Thiosulfate and other Chemicals in Films, Plates and Papers : Determination and Measurement.]

ANSI/ [NMA AIIM] MS19 - 1978

[Recommended Practice for] Identification of Microforms.

ANSI/ [NMA AIIM] MS23 - 1983

Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver Gelatin Microfilm of Documents (ANSI/ [NMA AIIM] MS23 -

1983).

ANSI/ISO 3334 - 1979

Microcopying: ISO Test Chart No. 2: Description and Use in Photographic Documentary Reproduction.

[AIIM TR2 - 1980

Glossary of Micrographics.

AIIM TR6 - 1985

Guidelines for Microfilming Public Records on Silver Halide Film.]

Federal Standards No. 125 D (January 24, 1977)

Basic United States Government Micrographic Standards and Specifications (6th edition, January, 1983)

PART IV. MICROFILM STOCK.

§ 4.1. The film stock used to make permanent archival security photographic or microphotographic copies of archival records shall be safety-based archival record film as specified in American National Standards Institute (ANSI) [PH1.25 - 1984] Photography (film) : [Specifications for] Safety Photographic Film; PH 1.] 25 28] - 1984 Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Cellulose Ester Base; PH 1. [28 41] - 1984 Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Polyester Base [PH 1.41 - 1984.]

PART V. MICROFILMING PROCEDURES.

§ 5.1. Procedures to be followed in establishing and operating a micrographic program for filming archival records shall conform to standards set down in ANSI/ [NMA AIIM] MS23 - 1983 Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents.

§ 5.2. Microimages, including the generation intended for use, shall contain all the significant record detail shown on the originals. Microimages of the records shall be arranged, identified and indexed so that any individual document or component of the records can be located.

§ 5.3. [The background density on negative appearing camera microfilm of original documents shall be between 0.9 and 1.2. All densities shall be as consistent as possible throughout the microform. The background density of the camera negative microfilm shall be within the ranges shown on the following chart when measured on a blank area of the filmed document.]

[TABLE 1 BACKGROUND DENSITIES

Classification Description of Documents Density

Final Regulations

Group 1 High quality, high contrast 1.00-1.20 documents or printed material and black typing; fine line originals, black opaque pencil writing and documents with small high-contrast printing; Pencil and ink drawings, faded printing and very small printing.

Group 2 Low-contrast manuscripts 0.80-1.00 and drawings; graph paper with pale, fine-colored lines; letters typed with a worn ribbon; poorly printed, faint documents; and positive appearing photostats and blueprints.]

Background density on positive appearing camera microfilm shall be no higher than 0.35. The base-plus-fog density of unexposed, processed, clear-base film must not exceed 0.10. When a tinted base film is used, the density [will increase by 0.1 or 0.2, which must be added to the 0.10 value; shall not exceed 0.3 Both are measured by a densitometer calibrated with a step tablet exposed and developed to the specifications of the ANSI Standards PH 2.19 Conditions for Diffuse and Doubly Diffuse Transmission Measurements. Measurements are made using a densitometer calibrated with a step tablet provided by the Records Branch, Virginia State Library.] In certain instances, some poor contrast documents may require lower densities in order to make the entire image legible and reproducible as stated in ANSI/ [NMA AIIM] MS23 - 1983. A system of inspection and quality control to ensure compliance with this standard shall be established and consistently maintained in conformance with [ANSI/AIIM] MS23 [- 1983] Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver-Gelatin Microfilm of Documents [ANSI/NMA MS23 - 1983].

§ 5.4. A minimum resolution of 90 lines per millimeter shall be obtained regardless of reduction ratio used or the type of camera used and the 4.0 pattern shall be resolved. This shall be determined by the line count and direction method using the National Bureau of Standards Standard Reference Material 1010a (ANSI and ISO Test Chart No. 2) for planetary cameras and the AIIM MS-113 Test Chart for rotary cameras. The test charts are composed of two groups of five parallel line pairs, the line pairs in the two groups being oriented perpendicular to one another, and each pattern is numbered and progressively reduced. Five vertical and five horizontal line pairs shall be clearly defined in both directions. The resolution test chart shall be photographed at the beginning and at the end of each reel of camera microfilm at least three times in succession.

§ 5.5. Microform identification declaration certificates in conformance with ANSI/ [NMA AIIM] MS19 [- 1978 Recommended Practice for] Identification of Microforms

shall be exposed at the beginning and end of each reel of microfilm. These certificates provide documentation which ensures that the microfilm copy can be substituted in place of the original document.

PART VI. PROCESSING.

§ 6.1. Processors shall be certified by the manufacturer as capable of producing archival quality processed film as required by ANSI PH 4.8 - 1985 [Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Film, Plates, and Paper. Photography (chemicals) - Residual Thiosulfate and other Chemicals in Films, Plates and Papers : Determination and Measurement.]

§ 6.2. Certification for archival quality processing shall be based upon the methylene blue test analysis. Processed microfilm shall have a concentration of greater than zero but [less than shall not exceed] 0.7 [or less] micrograms per square centimeter in a clear film area. Film processed in-house shall be tested and certified [at least once each month once every two weeks] or as deemed necessary by the [Records Branch, Virginia] State Library. Processing services performed off-site shall include provisions requiring that the methylene blue test shall be performed [either on each individually processed batch of film, every eight hours of continuous processor operation, or at the end of any run of eight hours or less every 24 hours] . Records documenting the testing shall be maintained.

§ 6.3. A certificate documenting that the microfilm passes the methylene blue test shall be sent to the [Archives and Records Division Records Branch] , Virginia State Library. The certificate shall contain the name of the agency whose film was processed, the date of processing, the date the methylene blue test was performed, the test results, [the] processor used, and the signature of the person who did the test.

PART VII. HANDLING AND INSPECTION.

§ 7.1. The total microfilming system shall be evaluated to ensure that microimages conforming to the standards are produced. The final reproduction, whether film or hard copy print from the film, must be retrievable, readable and reproducible.

§ 7.2. Clean, lint free, white cotton or nylon gloves shall be worn when handling the film. Food, smoking and other contaminants shall not be allowed in microfilming areas.

§ 7.3 The camera microfilm shall be handled only during the inspection procedure and when generating an intermediate master. In systems generating two camera microfilms, one shall be designated as the archival camera microfilm and shall not be used for duplication, loaded into a cartridge or inserted in a viewer. In systems

Final Regulations

generating a single camera microfilm, the film shall be used only for the production of an intermediate master.

§ 7.4. Splicing is not permitted, except at the beginning of the reel. An unexposed area of film shall be used between the splice and the beginning tilling targets. Ultrasonic splicing is recommended for polyester film.

PART VIII. STORAGE.

§ 8.1. Camera microfilm shall be verified for completeness and accuracy, then transferred promptly to the [Archives and Records Division Records Branch], Virginia State Library for storage. Each film container shall be labeled with the following: office of origin, records series, reel number, inclusive information. Camera microfilm shall be stored according to ANSI PH 1.43 - 1983 Photography (Film) Storage of Processed Safety Film and ANSI PH 1.53 - 1985 [Requirements for Photographic Filing Enclosures for Storing Processed Photographic Films, Plates, and Papers; Photography (processing) - Processed Films, Plates and Papers - Filing Enclosures and Containers for Storage.]

§ 8.2. At approximately two year intervals, a 1.0% sample of randomly selected reels of microfilm in storage shall be inspected. For each biennial inspection, a different lot sample will be chosen allowing some overlapping of inspection to note any changes in previously inspected samples. [Fellow] The guidelines in the National Bureau of Standards Handbook 96 Inspection of Processed Photographic Record Film for Aging Blemishes [shall be followed].

* * * * *

Title of Regulation: VR 440-01-137.2. Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Effective Date: July 9, 1986

Summary:

The Virginia State Library Board has adopted new regulations governing the recording of deeds and other writings by a procedural microphotographic process. This regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming deeds and other writings by a procedural microphotographic process.

VR 440-01-137.2. Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process.

PART I. AUTHORITY.

§ 1.1. These standards are established by the Library Board in accordance with the provisions of [the Chapter 7,] Virginia Public Records Act, [Chapter 7 of Title 42.1 (§ 42.1-76 et seq.) § 42-1-82] of the Code of Virginia.

PART II. SCOPE.

§ 2.1. These standards apply to all records that are being recorded on microfilm in a procedural microphotographic process as stated in §§ 17-59, 17-60, 17-60.1, 17-68, 17-70, 17-70.1 of the Code of Virginia. When the informational contents of such records are to be maintained on microfilm, the silver gelatin camera microfilm produced by source document methods is to be considered the permanent archival security copy. The camera microfilm shall not be used for reference purposes. [The second camera negative or an intermediate master of the camera negative shall be used to generate a working copy.] The minimum level of indexing required with a procedural microphotographic recording system for deeds, in addition to statutory indexing requirements, is the inclusion in the index of a column referencing the deed book and page number of the original instrument affected by a subsequently recorded document, and a column for a brief description of the property affected. Advice and assistance in the implementation and operation of a procedural microfilm recording system will be provided by the staff of the [Archives and Records Division Records Branch], Virginia State Library in accordance with the Public Records Act, 42.1-83 of the Code of Virginia.

PART III. STANDARDS.

§ 3.1. The microfilming, processing and storage of archival records shall comply with the following standards approved by the American National Standards Institute (ANSI), Association for Information and Image Management (AIIM), and the federal government.

ANSI:

PH 1.25 - 1984

Photography (Film) - Safety Photographic Film.

PH 1.28 - 1984

Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Cellulose Ester Base.

PH 1.41 - 1984

Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Polyester Base.

PH 1.43 - 1983

Photography (Film) Storage of Processed Safety Film.

PH 1.51 - 1983

Photography (Film) - Micrographic Sheet and Roll

Final Regulations

Film-Dimensions.

PH 1.53 - 1984

[Requirements for Filing Enclosures for Storing Processed Photographic Films, Plates, and Papers. Photography (processing) : Processed Films, Plates and Papers - Filing Enclosures and Containers for Storage.]

PH 2.19 - 1976

Conditions for Diffuse and Doubly Diffuse Transmission Measurements.

PH 4.8 - 1985

[Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers. Photography (chemicals) : Residual Thiosulfate and other Chemicals in Films, Plates and Papers : Determination and Measurement.]

ANSI/ [NMA AIIM] MS8 - 1979

Document Mark (BLIP) Used in Image Mark Retrieval Systems.

ANSI/ [NMA AIIM] MS19 - 1978

[Recommended Practice for] Identification of Microforms.

ANSI/ [NMA AIIM] MS23 - 1983

Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver Gelatin Microfilm of Documents.

ANSI/ISO 3334 - 1979

Microcopying: ISO Test Chart No. 2: Description and Use in Photographic Documentary Reproduction.

[AIIM TR2 - 1980

Glossary of Micrographics.

AIIM TR6 : 1985

Guidelines for Microfilming Public Records on Silver Halide Film.]

Federal standards No. 125 D (January 24, 1977)

Basic United States Government Micrographic Standards and Specifications (6th edition, January, 1983)

PART IV. MICROFILMING STOCK.

§ 4.1. The film stock used to make permanent archival security photographic or microphotographic copies of archival records shall be safety-based archival record film as specified in American National Standards Institute (ANSI) [PH1.25 - 1984] Photographic (film)-Safety Photographic Film; PH 1. [25 28] - 1984 Specifications for Photographic Film for Archival Records. Silver-Gelatin Type, on Cellulose Ester Base; PH 1. [28 41] - 1984

Specifications for Photographic Film For Archival Records. Silver-Gelatin Type, on Polyester Base. [PH1.41-1984.]

PART V. MICROFILMING PROCEDURES.

§ 5.1. Procedures to be followed in establishing and operating a procedural microphotographic recording system shall conform to standards set down in ANSI/ [NMA AIIM] MS23 - 1983 Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents.

§ 5.2. Microimages, including the generation intended for use, shall contain all the significant record detail shown in the originals. Microimages of the records shall be arranged so that each numbered original page is filmed in position 1B (comic mode) and coded for image count retrieval with a document mark complying with ANSI/ [NMA AIIM] MS8 [-1979] Document Mark (BLIP) used in Image Mark Retrieval Systems.

§ 5.3. [The background density on negative appearing camera microfilm of original documents shall be between 0.9 and 1.2. All densities shall be as consistent as possible throughout the microform. The background density of the camera negative microfilm shall be within the ranges shown on the following chart when measured on a blank area of the filmed document]

[TABLE 1 BACKGROUND DENSITIES

Classification Description of Documents Density

Group 1 High quality, high contrast 1.00-1.20

documents or printed materials and black typing; fine line originals black opaque pencil opaque pencil writing and documents with small high-contrast printing; pencil and ink drawings, faded printing and very small printing.

Group 2 Low-contrast manuscripts 0.80-1.00

and drawings; graph paper graph paper with pale, fine-colored lines; letters typed with a worn ribbon; poorly printed, faint documents; and positive appearing photostats and blueprints]

Background density on positive appearing camera microfilm shall be no higher than 0.35. The Base-Plus-fog density of unexposed, processed, clear-base film shall not exceed 0.10. When a tinted base film is used, the density [will increase by 0.1 or 0.2, which shall be added to the 0.10 value shall not exceed 0.3 - Both are measured by a densitometer calibrated with a step tablet exposed and

developed to the specification of the ANSI Standard PH 2-19 Conditions for Diffuse and Doubly Diffuse Transmission Measurements. Measurements are made using a densitometer calibrated with a step tablet provided by the Records Branch, Virginia State Library.] In certain instances, some poor contrast documents may require lower densities in order to make the entire image legible and reproducible as stated in ANSI/[NMA AIIM] MS23 - 1983. A system of inspection and quality control to ensure compliance with this standard shall be established and consistently maintained in conformance with ANSI/[NMA AIIM] MS23 [- 1983] Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver-Gelatin Microfilm of Documents.

§ 5.4. A minimum resolution of 120 lines per millimeter shall be obtained regardless of reduction ratio used or the type of camera used and the 5.0 pattern must be resolved. This shall be determined by the line count and direction method using the National Bureau of Standards Standard Reference Material 1010a (ANSI and ISO Test Chart No. 2) for planetary cameras and the AIIM MS-113 Test Chart for rotary cameras. The test charts are composed of two groups of five parallel line pairs, the line pairs in the two groups being oriented perpendicular to one another, and each pattern is numbered and progressively reduced. Five vertical and five horizontal line pairs shall be clearly defined in both directions. The resolution chart shall be photographed at the beginning and at the end of each reel or camera microfilm at least three times in succession.

§ 5.5. Microform identification declaration certificates in conformance with ANSI/[NMA AIIMM] MS19] - 1978 Recommended Practice for Identification of Microforms shall be exposed at the beginning and end of each reel or microfilm. These certificates provide documentation which ensures that the microfilm copy can be substituted in place of the original document.

PART VI. PROCESSING.

§ 6.1. Processors shall be certified by the manufacturer as capable of producing archival quality processed film as required by ANSI PH 4.8 - 1985 [Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers Photography (chemicals) - Residual Thiosulfate and other Chemicals in Films, Plates and Papers - Determination and Measurement] .

§ 6.2. Certification for archival quality processing shall be based upon the methylene blue test analysis. Processed microfilm must have a concentration of greater than zero but [less than shall not exceed] 0.7 [or less] micrograms per square centimeter in a clear film area. Film processed in-house shall be tested and certified [at least once each month once every two weeks] or as deemed necessary by the [Records Branch, Virginia] State Library. Processing services performed off-site shall

include provisions requiring that the methylene blue test shall be performed [either on each individually processed batch of film, every eight hours of continuous processor operation, or at the end of any run of eight hours or less every 24 hours] . Records documenting the testing shall be maintained.

§ 6.3. A certificate documenting that the microfilm passes the methylene blue test shall be sent to the [Archives and] Records [Division Branch], Virginia State Library. The certificate shall contain the name of the agency whose film was processed, the date of processing, the date the methylene blue test was performed, the test results, the processor used and the signature of the person who did the test.

PART VII. HANDLING AND INSPECTION.

§ 7.1. The total microfilming system shall be evaluated to ensure that microimages conforming to the standards are produced. The final reproduction, whether film or hard copy print from the film, shall be retrievable, readable and reproducible.

§ 7.2. Clean, lint free, white cotton or nylon gloves shall be worn when handling the film. Food, smoking and other contaminants shall not be allowed in microfilming areas.

§ 7.3. The camera microfilm shall be handled only during the inspection procedure and when generating an intermediate master. In systems generating two camera microfilms, one shall be designated as the archival camera microfilm and shall not be used for duplication, loaded into a cartridge or inserted in a viewer. In systems generating a single camera microfilm, the film shall be used only for the production of an intermediate master. All distribution copies will be generated from either the second camera microfilm or from the intermediate master retained by the clerk of the circuit court.

§ 7.4. [When possible, ultrasonic splicing shall be used on the camera microfilm Ultrasonic splicing is preferred for a polyester-based camera negative] . The individual film sequence shall be discarded when defects obliterating or obscuring information are noted [and the entire sequence of original documents will be refilmed. Splicing between daily sequences shall not be done. Splicing within the individual film sequence shall not be allowed. The refilming of the entire individual film sequence is required.]

PART VIII. STORAGE.

§ 8.1. Camera microfilm shall be verified for completeness and accuracy, then transferred promptly to the [Archives and] Records [Division Branch], Virginia State Library, for storage. Each film container shall be labeled with the following: office of origin, records series, reel number, inclusive information. Camera microfilm shall be stored

Final Regulations

according to ANSI PH 1.43-1983 Photographic (Film) Storage of Processed Safety Film and ANSI PH 1.53 [Requirements for Filing Enclosures for Storing Processed Photographic Films, Plates, and Papers: Photography (processing) - Processed Films, Plates, and Papers - Filing Enclosures and Containers for Storage.]

§ 8.2. At approximately two-year intervals, a 1.0% sample of randomly selected reels of microfilm in storage shall be inspected. For each biennial inspection, a different lot sample will be chosen allowing some overlapping of inspection to note any changes in previously inspected samples. [Follow the The] guidelines in the National Bureau of Standards Handbook 96 Inspection of Processed Photographic Record Film for Aging Blemishes [shall be followed] .

* * * * *

Title of Regulation: VR 440-01-137.4. Standards for the Microfilming of Ended Law Chancery and Criminal Cases by the Clerks of the Circuit Courts Prior to Disposition.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Effective Date: July 9, 1986

Summary:

This regulation governs the microfilming of ended law, chancery, and criminal cases and the reproduction of records by microphotography; and provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming all ended records, papers, or documents pertaining to law, chancery, and criminal cases.

VR 440-01-137.4. Standards for the Microfilming of Ended Law Chancery and Criminal Case by the Clerks of the Circuit Courts Prior to Disposition.

PART I. AUTHORITY.

§ 1.1. These standards are established by The Library Board in accordance with the provisions of [Chapter 7, The] Virginia Public Records Act, [Chapter 7 (§ 42.1-78 et seq.) of Title 42 § 42.1-82] of the Code of Virginia.

PART II. SCOPE.

§ 2.1. These standards apply to all ended records, papers, or documents pertaining to law, chancery, and criminal cases which have been ended for a period of three years or longer as stated in § 17-47.4 of the Code of Virginia. When the informational contents of such records are to be maintained on microfilm, the silver-gelatin camera microfilm produced by source document methods is to be

considered the permanent archival security copy. Thermally processed or TEP film shall not be used, unless a wet processed silver-gelatin copy meeting this standard is generated. The camera microfilm shall not be used for reference purposes. Whenever the original record is recommended for disposal, authorization will be given after the camera microfilm has been inspected, approved and accessioned by the [Archives and Records Division Records Branch,] Virginia State Library. All documents in the ended case files should be microfilmed in the sequence established by the office from which the records originated. The preservation of original document order is essential to ensure that the microform is an adequate substitute for the original document and is admissible as evidence. Recommendation to destroy the original records will be provided after the microfilm of the case files is accessioned, examined and approved by the staff of the [Archives and Records Division Records Branch] , Virginia State Library. Advice and assistance in the implementation and operation of the disposal microfilm system will be provided by the staff of the [Archives Division Records Branch] , Virginia State Library, in accordance with the Virginia Public Records Act, § 42.1-83 of the Code of Virginia.

PART III. STANDARDS.

§ 3.1. The microfilming, processing and storage of archival records shall comply with the following standards approved by the American National Standards Institute (ANSI), Association for Information and Image Management (AIIM), and the federal government.

ANSI:

PH 1.25 - 1984
Photography (Film) - Safety Photographic Film.

PH 1.28 - 1984
Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Cellulose Ester Base.

PH 1.41 - 1984
Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Polyester Base.

PH 1.43 - 1983
Photography (Film) Storage of Processed Safety Film.

PH 1.51 - 1983
Photography (Film) : Micrographic Sheet and Roll Film : Dimensions.

PH 1.53 - 1984
[Requirements for Filing Enclosures for Storing Processed Photographic Films, Plates, and Papers: Photography (processing) - Processed Films, Plates, and Papers - Filing Enclosures and Containers for Storage.]

PH 2.19 - 1976
Conditions for Diffuse and Doubly Diffuse Transmission Measurements.

PH 4.8 - 1985
 [Methylene Blue Method for Measuring Thiosulfate and Silver Desitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers. Photography (chemicals) : Residual Thiosulfate and other Chemicals in Films, Plates and Papers : Determination and Measurement.]

ANSI/ [NMA AIIM] MS19 - 1978
 [Recommended Practice for] Identification of Microforms.

ANSI/ [NMA AIIM] MS23 - 1983
Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents.

ANSI/ISO 3334 - 1979
International Standard Microcopying: ISO Test Chart No. 2: Description and Use in Photographic Documentary Reproduction, ANSI/ISO 3334 - 1979.

[AIIM TR2 - 1980
Glossary of Micrographics.

AIIM TR6 - 1985
Guidelines for Microfilming Public Records on Silver Halide Film.]

Federal Standards No. 125 D (January 24, 1977)

Basic United States Government Micrographic Standards and Specifications (6th edition, January, 1983)

PART IV. MICROFILM STOCK.

§ 4.1. The film stock used to make permanent archival security photographic or microphotographic copies of archival records shall be safety-based archival record film as specified in American National Standards Institute (ANSI) [PH1.25 - 1984] Photography (film) Safety Photographic Film: PH1. [25 28] - 1984 Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Cellulose Ester Base: PH1. [28 41] - 1984 Specifications for Photographic Film For Archival Records, Silver-Gelatin Type, on Polyester base. [PH1.41 - 1984.]

PART V. MICROFILMING PROCEDURES.

§ 5.1. Procedures to be followed in establishing and operating a micrographic program for filming archival records shall conform to standards set down in ANSI/ [NMA AIIM] MS23 - 1983 Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents.

§ 5.2. Microimages, including the generation intended for use, shall contain all the significant record detail shown on the originals. Microimages of the records shall be arranged, identified and indexed so that any individual document or component of the records can be located.

§ 5.3. [The background density on negative appearing camera microfilm of original documents shall be between 0.0 and 1.2. All densities shall be as consistent as possible throughout the microform. The background density of the camera negative microfilm shall be within the ranges shown on the following chart when measured on a blank area of the filmed document.]

[TABLE 1 BACKGROUND DENSITIES

Classification	Description of Documents	Density
Group 1	High quality, high contrast documents or printed material and black typing; fine line originals, black opaque pencil writing and documents with small high-contrast printing; Pencil and ink drawings, faded printing and very small printing.	1.00-1.20
Group 2	Low-contrast manuscripts, drawings; graph paper with pale, fine-colored lines, letters typed with a worn ribbon; poorly printed, faint documents; and positive appearing photostats and blueprints.]	0.80-1.00

Background density on positive appearing camera microfilm shall be no higher than 0.35. The base-plus-fog density of unexposed, processed, clear-base film must not exceed 0.10. When a tinted base film is used, the density [will increase by 0.1 or 0.2, which must be added to the 0.10 value. shall not exceed 0.3 Both are measured by a densitometer calibrated with a step tablet exposed and developed to the specification of the ANSI Standards PH 2-19 Conditions for Diffuse and Doubly Diffuse Transmission Measurements Measurements are made using a densitometer calibrated with a step tablet provided by the Records Branch, Virginia State Library] . In certain instances, some poor contrast documents may require lower densities in order to make the entire image legible and reproducible as stated in ANSI/ [NMA AIIM] MS23 - 1983. A system of inspection and quality control to ensure compliance with this standard must be established and consistently maintained in conformance with [MS23 ANSI/AIIM MS23-1983] Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver-Gelatin Microfilm of Documents [ANSINMA 23 - 1983].

§ 5.4. A minimum resolution of 90 lines per millimeter

Final Regulations

shall be obtained regardless of reduction ratio used or the type of camera used and the 4.0 pattern must be resolved. This shall be determined by the line count and direction method using the National Bureau of Standards Standard Reference Material 1010a (ANSI and ISO Test Chart No. 2) for planetary cameras and the AIIM MS - 113 Test Chart for rotary cameras. The test charts are composed of two groups of five parallel line pairs, the line pairs in the two groups being oriented perpendicular to one another and each pattern is numbered and progressively reduced. Five vertical and five horizontal line pairs shall be clearly defined in both directions. The resolution test chart shall be photographed at the beginning and at the end of each reel of camera microfilm at least three times in succession.

§ 5.5. Microform identification declaration certificates in conformance with ANSI/ [~~NAA~~ AIIM] MS19 [- 1978 Recommended Practice for Identification of Microforms shall be exposed at the beginning and end of each reel of microfilm. These certificates provide documentation which ensures that the microfilm copy can be substituted in place of the original document.

§ 5.6. A microfilm copy of relevant indexes and finding aids shall be deposited in the archives when microfilmed. Unitized microform storage and retrieval systems that require supplemental indexing techniques should provide on the archives camera film the access code structure used for retrieval in the system.

PART VI. PROCESSING.

§ 6.1. Processors shall be certified by the manufacturer as capable of producing archival quality processed film as required by ANSI PH 4.8 - 1985 [Methylene Blue Method for Measuring Thiocyanate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers: Photography (chemicals) - Residual Thiocyanate and other Chemicals in Films, Plates and Papers : Determination and Measurement.]

§ 6.2. Certification for archival quality processing shall be based upon the methylene blue test analysis. Processed microfilm must have a concentration of greater than zero but [~~less than shall not exceed~~] 0.7 [~~or less~~] micrograms per square centimeter in a clear film area. Film processed in-house shall be tested and certified [~~at least once per month once every two weeks~~] or as deemed necessary by the [Records Branch, Virginia] State Library. Processing services performed off-site shall include provisions requiring that the methylene blue test shall be performed [~~either on each individually processed batch of film, every eight hours of continuous processor operation, or at the end of any run of eight hours or less every 24 hours~~] . Records documenting the testing shall be maintained.

§ 6.3. A certificate documenting that the microfilm passes the methylene blue test shall be sent to the [Archives

and Records Division Records Branch] , Virginia State Library. The certificate shall contain the name of the agency whose film was processed, the date of processing, the date the methylene blue test was performed, the test results, processor used, and the signature of the person who did the test.

PART VII. HANDLING AND INSPECTION.

§ 7.1. The total microfilming system shall be evaluated to ensure that microimages conforming to the standards are produced. The final reproduction, whether film or hard copy print from the film, must be retrievable, readable and reproducible.

§ 7.2. Clean, lint free, white cotton or nylon gloves shall be worn when handling the film. Food, smoking and other contaminants shall not be allowed in microfilming areas.

§ 7.3. The camera microfilm shall be handled only during the inspection procedure and when generating an intermediate master. In systems generating two camera microfilms, one shall be designated as the archival camera microfilm and shall not be used for duplication, loaded into a cartridge or inserted in a viewer. In systems generating a single camera microfilm, the film shall be used only for the production of an intermediate master.

§ 7.4. If an error is detected in which any information is obscured, the entire defective case file must be rephotographed and spliced at the beginning of the reel. An exposed area of film must be used between the splice and the beginning title targets. Ultrasonic splicing is recommended for polyester film.

PART VIII. STORAGE.

§ 8.1. Camera microfilm shall be verified for completeness and accuracy, then transferred promptly to the [Archives and Records Division Records Branch] , Virginia State Library for storage. Each film container shall be labeled with the following: office of origin, records series, reel number, inclusive information. Camera microfilm shall be stored according to ANSI PH 1.43 - 1983 Photography (Film) Storage of Processed Safety Film and ANSI PH 1.53 - 1984 [Requirements for Filming Enclosures for Storing Processed Photographic Films, Plates, and Papers: Photography (processing) - Processed Films, Plates, and Papers - Filing Enclosures and Containers for Storage.]

§ 8.2. At approximately two-year intervals, a 1.0% sample of randomly selected reels of microfilm in storage shall be inspected. For each biennial inspection, a different lot sample will be chosen allowing some overlapping of inspection to note any changes in previously inspected samples. [Follow] The guidelines in the National Bureau of Standards Handbook 96 Inspection of Processed Photographic Record Film for Aging Blemishes [shall be followed] .

Final Regulations

* * * * *

Title of Regulation: VR 440-01-137.5. Standards for Computer-Output Microfilm (COM) for Archival Retention.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Effective Date: July 9, 1986

Summary:

This regulation governs the reproduction of public records by any microphotography process, and provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of computer-output microfilm (COM) generated of public records of permanent value.

VR 440-01-137.5. Standards for Computer Output Microfilm (COM) for Archival Retention.

**PART I.
AUTHORITY.**

§ 1.1. *These standards are established by the Library Board in accordance with the provisions of [Chapter 7, the] Virginia Public Records Act, [Chapter 7 of Title 42.1 (§ 42.1-76 et seq.) § 42.1-82] of the Code of Virginia.*

**PART II.
SCOPE.**

§ 2.1. *These standards apply to all records generated on computer-output microfilm (COM) that have been appraised as archival, having administrative, legal, fiscal or historical value as defined in § 42.1-77 of the Code of Virginia, to warrant their permanent preservation. Such determinations are included in the officially approved retention and disposition schedules. When such archival records are to be maintained on microfilm, the silver halide camera microfilm is to be considered the permanent archival security copy. Thermally processed film shall not be used unless a wet processed silver-gelatin microfilm copy is generated and preserved as the archival camera microfilm. The camera microfilm shall not be used for reference purposes and shall be inspected, approved and accessioned by the [Archives and Records Division Records Branch,] Virginia State Library.*

**PART III.
STANDARDS.**

§ 3.1. *Permanent records generated on COM shall comply with the following standards approved by the Association for Information and Image Management:*

ANSI:

PH 1.25 - 1984

Photography (Film) - Safety Photographic Film.

PH 1.28 - 1984

Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Cellulose Ester Base.

PH 1.41 - 1983

Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Polyester Base.

PH 1.43 - 1983

Photography (Film) Storage of Processed Safety Film.

PH 1.51 - 1983

Photograph (Film) : Micrographic Sheet and Roll Film-Dimensions.

PH 1.53 - 1984

[Requirements for Filming Enclosures for Storing Processed Photographic Films, Plates, and Papers. Photography (processing) Processed Films, Plates, and Papers - Filing Enclosures and Containers for Storage.]

PH 2.19 - 1976

Conditions for Diffuse and Doubly Diffuse Transmission Measurements.

PH 4.8 - 1985

[Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers. Photography (chemicals) : Residual Thiosulfate and other Chemicals in Films, Plates and Papers : Determination and Measurement.]

[NMA/MS-1 1980 AIIM/MS-1 1981]

Practice for Operational Practices/Inspection and Quality Control for Alphanumeric Computer-Output Microforms.

ANSI/[NMA AIIM] MS2 - 1978

Format and Coding for Computer-Output Microfilm.

ANSI/[NMA AIIM] MS19 - 1978

[Recommended Practice for] Identification of Microforms.

ANSI/[NMA AIIM] MS23 - 1983

Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents.

[AIIM/MS-28 1983

Alphanumeric COM Quality Test Slide.

AIIM/TR-2 1980

Glossary of Micrographics.]

Final Regulations

PART IV. MICROFILM STOCK.

§ 4.1. The film stock used to make permanent archival security photographic or microphotographic copies of archival records shall be safety-base permanent record film as specified in American National Standards Institute (ANSI) [PH 1.25 - 1984] Photography (film) - Safety Photographic Film; [PH 1.28 - 1984] Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Cellulose Ester Base; PH 1. [28 41] - 1981 Specifications for Photographic Film for Archival Records, Silver-Gelatin Type, on Polyester Base. [PH 1.41 - 1981]

PART V. MICROFILMING PROCEDURES.

§ 5.1. Procedures to be followed in establishing and operating a COM program shall conform to standards set down in ANSI/ [NMA AIIM] MS1- [1980 1981] Practice for Operational Practices/Inspection and Quality Control for Alphanumeric Computer-output Microfilm [and AIIM/MS28 - 1983 Alphanumeric COM Quality Test Slide].

§ 5.2. Microimages, including the generation intended for use, shall contain all the significant record detail of the data base, and shall be easily read and reproduced. Microimages of the records shall be arranged, identified and indexed so that any component of the records can be located with reasonable ease.

§ 5.3. [All densities shall be as consistent as possible throughout the microform.] The background density on negative appearing camera microfilm shall exceed 1.8. Background density on positive appearing camera microfilm shall be no greater than 0.35. The Base-Plus-fog density of unexposed, processed, clear-base film shall not exceed 0.10. When a tinted base film is used, the density [will increase by 0.1 or 0.2, which shall be added to the 0-10 value shall not exceed 0.3 : Both are measured by a densitometer calibrated with a step tablet exposed and developed to the specifications of the National Bureau of Standards Conditions for Diffuse and Doubly Diffuse Transmission Measurements PH 2-19 - 1976 Measurements are made using a densitometer calibrated with a step tablet provided by the Records Branch, Virginia State Library].

§ 5.4. Each microfilm shall have eye readable titling. This titling shall include the office of origin, record series inclusive information, date of filming and serial numbering of the microforms.

PART VI. PROCESSING.

§ 6.1. Processing must be either conventional or full reversal, utilizing a developer and fixer. Processors shall be certified by the manufacturer as capable of producing archival quality processed film as required by ANSI PH 4.8-1985 [Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers; Photography (chemicals) - Residual Thiosulfate and other

Chemicals in Films, Plates and Papers - Determination and Measurement.]

§ 6.2. Certification for archival quality processing shall be based upon the methylene blue test analysis. Processed microfilm must have an optimum concentration of greater than zero but [less than shall not exceed] 0.7 [or less] micrograms per square centimeter in a clear film area. [Film processed in-house shall be tested and certified at least once per month. Processing services performed off-site shall include a provision requiring that the methylene blue test shall be performed either on each individually processed batch of film every eight hours of continuous processor operation, or at the end of any run of eight hours or less. Records documenting the testing shall be maintained. Film processed in-house shall be tested and certified once every two weeks or as deemed necessary by the Virginia State Library. Processing services performed off-site shall include provisions requiring that the methylene blue test shall be performed once every 24 hours.]

§ 6.3. A certificate documenting that the microfilm passes the methylene blue test shall be sent to the [Archives and Records Division Records Branch,] Virginia State Library. The certificate shall contain the name of the agency whose film was processed, the date of processing, the date the methylene blue test was performed, the test results, [the] processor used, and the signature of the person who did the test.

PART VII. HANDLING AND INSPECTION.

§ 7.1. The total microfilming system shall be evaluated to ensure that microimages conforming to the standards are produced. The final reproduction, whether film or hard copy print from the film, must be retrievable, readable and reproducible.

§ 7.2. Clean, lint free, white cotton or nylon gloves shall be worn when handling the film. Food, smoking and other contaminants shall not be allowed in microfilming areas.

[§ 7.3. The camera microfilm shall be handled only during the inspection procedure and then generating an intermediate master. In systems generating two camera microfilms, one shall be designated as the archival camera microfilm and shall not be used for duplication, loaded into a cartridge or inserted in a viewer. In systems generating a single camera microfilm, the film shall be used only for the production of an intermediate master.]

PART VIII. STORAGE.

§ 8.1. The computer-output microfilm shall be verified for completeness and accuracy, then transferred promptly to the [Archives and Records Division Records Branch] , Virginia State Library for storage. Each microform shall be placed in enclosures which are free of acids and

peroxides, meeting ANSI PH 1.53, [Requirements for Filing Enclosures for Storing Processed Photographic Films, Plates, and Papers Photography (processing) - Processed films, Plates, and Papers : Filing Enclosures and Containers for Storage] . Adequate descriptive material shall be provided with the film to facilitate accessioning and retrieval. Camera microfilm shall be stored according to ANSI PH 1.43 - 1983.

§ 8.2. At approximately two-year intervals, a 1.0% sample of randomly selected microfilm in storage shall be inspected. For each biennial inspection, a different lot sample will be chosen allowing some overlapping of inspection to note any changes in previously inspected samples. The guidelines in the National Bureau of Standards Handbook 96 Inspection of Processed Photographic Record Film for Aging Blemishes shall be followed.

DEPARTMENT OF STATE POLICE

Title of Regulations: VR 545-01-1. Motor Carrier Safety Regulations.

Statutory Authority: § 52-8.4 of the Code of Virginia.

Effective Date: July 9, 1986

Summary:

Virginia is adopting the regulations of The Motor Carrier Safety Act of 1984 (P.L. 98-554) which establishes uniform comprehensive safety regulations covering both interstate and intrastate commerce. The safety regulations address commercial motor vehicle equipment condition, minimum driver qualifications, maximum driver hours of service, proper cargo loading and transportation of Hazardous Materials (Driving and Parking Rules).

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Motor Carrier Safety Regulations are 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 State Police, 7700 Midlothian Turnpike, Richmond, Virginia, and in the office of The Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 340
RICHMOND, VIRGINIA 23208
(804) 786-2001

May 22, 1986

Colonel R. L. Suthard, Superintendent
Department of State Police
P. O. Box 27472
Richmond, Virginia 23261

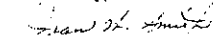
Re: Motor Carrier Safety Regulations

Dear Colonel Suthard:

This will acknowledge receipt of the Motor Carrier Safety Regulations from the Department of State Police.

As required by § 9-6.14:4.1 C.4.(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law. A possible exception involves application of the proposed regulations to intra-state commercial vehicles. Even if this provision is material, it would be exempt under § 9-6.14:4.1 C.4. (a) as intra-state regulation is required under newly-enacted § 52-8.4 of the Code.

Sincerely,


Joan W. Smith
Registrar of Regulations

JWS:sll

EMERGENCY REGULATION

DEPARTMENT OF THE TREASURY

Title of Regulation: VR 640-02. Virginia Security for Public Deposits Act Regulations.

Statutory Authority: § 2.1-364 of the Code of Virginia

References: §§ 2.1-359 through 2.1-370 of the Code of Virginia

Effective Date: May 21, 1986

Expiration Date: May 20, 1987

Supersedes: All previously published regulations

PREFACE

§§ 2.1-359, 2.1-360 and 2.1-363 of Chapter 23 of Title 2.1 of the Code of Virginia.

The 1984 Regular Session of the Virginia General Assembly approved amendments to §§ 2.1-359, 2.1-360 and 2.1-363 of Chapter 23 of Title 2.1 of the Code of Virginia of 1950, as amended, known as the Virginia Security for Public Deposits Act (the "Act") and added a new section 2.1-363.1. The following Emergency Regulations are necessary to implement the Act, as amended, and will remain in effect until final adoption of permanent regulations on or before May 14, 1987.

The amendments provide for the reporting by Federal savings and loan associations, Federal savings banks, and savings and loan associations organized under Virginia law as has been required of banking institutions since January 1, 1974. Reports will be filed monthly with the Treasury Board on behalf of all public depositors.

There have been no *statutory* changes in the provisions for a mutuality of responsibility involving a cross guarantee among all commercial banks holding public deposits. In the event of insolvency by a bank holding public deposits, any losses resulting from uncollateralized and uninsured public deposits will be paid by assessments against all other commercial banks holding public funds. The amount assessed against each bank will be based on the ratio that its average public deposits bears to the statewide average.

In respect to the savings and loan associations and savings banks, however, there is no sharing of liability for total public funds on deposit. Instead, the savings and loan associations are required to pledge collateral equal to 100% of their public deposits, compared to 50% that is required of the banks. In the event of default or insolvency of a savings and loan or a savings bank, the State Treasurer will take possession of the collateral securities pledged by such depository and held by the Federal Reserve Bank of Richmond or another bank or trust company pursuant to this chapter, liquidate such securities to satisfy the assessment of the Treasury Board

and turn over the proceeds thereof to the Treasury Board.

The Treasury Board has the responsibility of promulgating regulations and enforcing the provisions of the Act, as amended. The Treasury Board, acting by and through the State Treasurer, will cooperate closely with all public treasurers and finance officers as well as with participating financial institutions in administering the Act's provisions.

The Treasury Board will receive, consider and respond to petitions by any interested person at any time for reconsideration or revision of the provisions hereof.

GENERAL INFORMATION

Upon its effective date of July January 1, 1974, the Act superseded all other existing statutes concerning security for public deposits and established a single body of law to provide a procedure for securing such deposits that is uniform throughout the Commonwealth. The Act does not, of itself, require security for any public deposit, and thus the statutes previously existing continue in effect insofar as they require certain deposits to be secured. All deposits that are required to be secured, whether by statute, by charter provision, or by the custodian of the fund, must be secured pursuant to the Act. No alternate method of securing such deposits may be utilized.

The primary responsibility for determining that the Act is being complied with rests upon the financial institutions that accept and hold public deposits. If a financial institution officer is unable to ascertain whether a particular deposit is a "public deposit" for purposes of the Act he should obtain the essential details and communicate with the public depositor, the financial institution's counsel, or the State Treasurer's office. If the deposit is a "public deposit" the pertinent inquiry is whether the deposit either must be secured pursuant to the Code of Virginia, or whether the public depositor elects to require security for the deposit.

All moneys deposited by the State Treasurer must be secured due to §§ 2.1-210 and 2.1-211. All county, city and, effective July 1, 1986, town moneys deposited by a county treasurer or other public depositor must be secured due to § 58.1-3158. Some city deposits must be secured due to provisions in the city charter, but other city deposits do not have to be secured because the charter has no provision requiring security. There is no general law applicable to town deposits, therefore, each charter must be examined to determine whether security is required.

If security is not required by law, but the deposit is within the statutory definition of a public deposit, the treasurer or custodian of the moneys may elect to require security. If the amount of the deposit is less than the maximum amount of deposit insurance applicable, there is no need for the treasurer or custodian to require security because the financial institution will deduct the maximum amount of deposit insurance applicable to the account as

Emergency Regulation

provided by the Federal Deposit Insurance Corporation (FDIC) or Federal Savings and Loan Insurance Corporation (FSLIC) and secure only the excess which is not covered by the insurance. If the deposit exceeds the amount of insurance, the treasurer or custodian may decide that the deposit should be secured. In such event, he must communicate his election to the proper officer of the financial institution holding the deposit, who may require the election to be manifested in writing on a form approved by the Treasury Board. A copy of the form will be retained by the treasurer and the financial institution, and a copy will be forwarded to the State Treasurer.

Securities made eligible for purposes of collateral include those made legal investments for public sinking funds pursuant to § 2.1-327 and for other public funds pursuant to §§ 2.1-328 and 2.1-328.1. Also included are securities acceptable under United States Treasury Department Regulations governing Treasury Tax and Loan Accounts, § 203.8(b) of Circular No. 92, except for bankers acceptances, commercial paper and certificates of deposit, and securities issued by Virginia or its political subdivisions which are expressly made eligible for the investment of public funds by the act authorizing their issuance. Any security included within the aforementioned categories may be used as collateral unless excluded by a regulation promulgated by the Treasury Board.

Definition of Participants.

The three major participants in the scheme of activities required by the Act are defined as follows:

1. **Qualified public depositories.** Any national banking association, federal savings and loan association or federal savings bank located in Virginia and any bank, trust company or savings and loan association organized under Virginia law that receives or holds public deposits which are secured pursuant to the Act.

2. **Treasurers or public depositors.** The State Treasurer, a county, city, or town treasurer or director of finance or similar officer and the custodian of any other public deposits secured pursuant to the Act.

3. **Treasury Board.** The Treasury Board of the Commonwealth created by § 2.1-178 consisting of the State Treasurer, the Comptroller, the State Tax Commissioner and two members appointed by the Governor.

Treasury Board Duties, Powers and Responsibilities.

The Treasury Board is granted authority to make and enforce regulations necessary and proper to the full and complete performance of its functions under the Act. The Board may require additional collateral of any and all depositories, may determine within the statutory criteria what securities shall be acceptable as collateral, and may fix the percentage of face value or market value of such

securities that can be used to secure public deposits. The Board may also require any public depository to furnish information concerning its public deposits and fix the terms and conditions with respect to security under which public deposits may be held. In the event of a default or insolvency of a public depository holding secured public deposits, the Board may take such action as it may deem advisable for the protection, collection, compromise or settlement of any claim.

Administration.

The Treasury Board has designated the State Treasurer to be the chief administrative officer with respect to the provisions of the Act. Inquiries and correspondence concerning the Act should be directed to:

Treasurer of Virginia
P.O. Box 6-H
Richmond, Virginia 23215

Effective date. The Act, as amended, became effective July 1, 1984.

REGULATIONS

§ 1. **General.** The definitions provided by § 2.1-360, Code of Virginia (1950), as amended, shall be used throughout these regulations unless the context requires otherwise.

§ 2. **Effective date.** These regulations, as amended, shall be effective on and after ~~February 18, 1985~~ *May 21, 1986*

§ 3. **Required collateral.** In the case of a bank: The required collateral of a national or state chartered bank to secure public deposits shall consist of securities qualifying as eligible collateral pursuant to these Regulations which have a value for collateralization purposes not less than:

(a) Fifty percent of the average daily balance for each month of all public deposits held by the bank during the twelve calendar months immediately preceding the current month, or fifty percent of the actual public deposits held at the close of business on the last banking day in the preceding calendar month, whichever is greater;

(b) Seventy-five percent of the bank's average daily balance for each month or the actual public deposits held as aforesaid, whichever is greater, in the event that the bank's average daily public deposits for the preceding month exceed one-fifth of its average daily total deposits;

(c) One hundred percent of the bank's average daily balance for each month or the actual public deposits held, as aforesaid, whichever is greater, in the event that the bank's average daily public deposits for the preceding month exceed one-fifth of its average daily total deposits and the bank has not been

Emergency Regulation

actively engaged in the commercial banking business for at least three years;

(d) One hundred percent of the bank's average daily balance for each month or the actual public deposits held, as aforesaid, whichever is greater, in the event that the bank's average daily public deposits for the preceding month exceed one-third of its average daily total deposits;

(e) One hundred percent of the bank's average daily balance for each month or the actual public deposits held, as aforesaid, whichever is greater, in the event the bank has not been actively engaged in the commercial banking business for at least one year;

(f) Or, in the event that the bank has repeatedly violated the pledging statutes and regulations or for other reasons deemed sufficient to the Treasury Board may increase the bank's ratio of required collateral to one hundred percent of its actual public deposits.

§ 4. Required collateral. In the case of a savings and loan association or savings bank: The required collateral of a savings and loan association shall mean a sum equal to 100 percent of the average daily balance for each month of all public deposits held by such depository during the twelve calendar months immediately preceding the date of any computation of such balance, but shall not be less than 100 percent of the public deposits then held by such depository.

§ 5. Average daily balance computation. The average daily balance for each month of all public deposits held during the month shall be derived by dividing the total of the daily balances of such deposits for the month by the number of calendar days in the month. The amount so derived shall be calculated for each month of the twelve months preceding the current month and shall be averaged by dividing the totals by twelve. The resulting amount shall be the financial institution's average daily balance for each month of all public deposits held by the bank during the twelve preceding calendar months.

In computing the actual public deposits held during any month, there shall be excluded the amount of each deposit which is insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation.

In the event that a financial institution is unable to determine its average daily balance of public deposits held during the preceding twelve months, it shall make such determination for the number of months possible and use the amount so determined as if it were its average daily balance for the preceding twelve months for purposes of ascertaining its required collateral.

§ 6. Eligible collateral. Securities eligible for collateral are

limited to:

(a)(i) Obligations included in §§ 2.1-327, 2.1-328 and 2.1-328.1, Code of Virginia (1950), as amended, or authorized as legal investments for the public sinking funds or other public funds by other Virginia statutes, and,

(a)(ii) Obligations acceptable for collateralizing United States Treasury Tax and Loan Accounts pursuant to § 203.8 of Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations, as amended, except:

- (1) Notes representing loans to students;
- (2) Obligations (including revenue bonds) of states, other than Virginia, and their municipalities or political subdivisions unless rated A or better by Moody's Investors Service, Inc., or Standard & Poor's Corporation;
- (3) Any Commercial Paper and Banker's Acceptances;
- (4) Any Certificates of Deposit.

(b) No security which is in default as to principal or interest shall be acceptable as collateral.

(c) No financial institution shall utilize securities issued by itself, its holding company, or any affiliate for purposes of collateralizing its public deposits.

(d) Securities excluded by action of the Treasury Board pursuant to § 2.1-364(d) shall not be acceptable.

§ 7. Valuation of collateral. Each financial institution shall value its securities for reporting purposes at their current asset value in accordance with the following method:

At the market value as of the close of business on the last banking day in the preceding month, except that any extraordinary decline in value between such day and the date of mailing the monthly report to the Treasury Board shall be considered and used for reporting purposes. Securities that are eligible collateral but for which the market value is not readily ascertainable, e.g., private placements of nonrated industrial revenue bonds, will be valued after consultation with the State Treasurer.

§ 8. Substitution of collateral. A substitution of collateral may be made by the depository financial institution at any time provided that the face value of the securities substituted is equal to or greater than the face value of the securities withdrawn. The depository financial institution shall not make such substitution unless the market value of the securities substituted is not less than ninety-five percent of the market value of the securities withdrawn. A financial institution desiring to substitute securities with a current asset value less than ninety-five percent of the current asset value of the securities sought

Emergency Regulation

to be withdrawn shall comply with § 9 of these Regulations relating to a withdrawal of securities.

At the time of making a substitution, the depository financial institution shall prepare a request for the substitution upon a form approved by the State Treasurer and deliver the original to the escrow bank and a copy to the State Treasurer. The escrow bank shall not be required to ascertain the accuracy of the amounts certified as the current asset value of the securities substituted or withdrawn, but shall not allow a substitution unless the face value of the securities to be substituted is equal to or greater than the face value of the securities to be withdrawn.

§ 9. Withdrawal of collateral. A financial institution shall not be permitted to withdraw collateral previously pledged without the prior approval of the State Treasurer. The State Treasurer may grant such approval only if the financial institution certifies in writing that such withdrawal will not reduce its collateral below its required collateral as defined by these Regulations, and this certification is substantiated by a statement of the financial institution's current public deposits which indicates that after withdrawal such deposits will continue to be secured to the full extent required by the law and Regulations. A bank or trust company holding securities as collateral for another financial institution shall not permit the depositing financial institution to withdraw same without the written approval of the State Treasurer except in cases of a substitution as defined by these Regulations.

§ 10. Reports by qualified public depositories. Within ten business days after the end of each calendar month each qualified public depository shall submit to the State Treasurer a written report, under oath, indicating the total amount of public deposits held by it at the close of business on the last business day in the preceding month, and average daily balance for such month of all secured public deposits held by it during the month, and the average daily balance for each month of all public deposits held by the financial institution during the preceding twelve calendar months together with a detailed schedule of pledged collateral at its current asset value, determined pursuant to § 7 of these Regulations, at the close of business on the last business day in such month. This report shall indicate the name of the escrow agent holding the collateral and its location and shall contain the amount of the financial institution's required collateral as of the close of business on the last business day in such month.

At the request of any public depositor for which it holds deposits, within ten business days after the end of each calendar month the qualified public depository shall submit a statement indicating the total secured public deposits in each account to the credit of such depositor on the last business day in the month and the total amount of all secured public deposits held by it upon such date.

Within the first ten business days of each calendar

quarter the qualified public depository shall submit to the State Treasurer a report indicating the name of all public depositors for whom it holds secured public deposits, and the amount of deposit as of the close of business on the last banking day in the preceding quarter. If a single depositor has more than one account with the depository it shall not be necessary to list each account unless all of the accounts to the credit of the depositor are not secured, in which event each secured account shall be listed by the title used to identify the account.

§ 11. Deposit of collateral. No qualified public depository shall accept or retain any public deposit which is required to be secured unless it has previously executed a "Public Deposit Security Agreement", and deposited eligible collateral, as defined in these Regulations, equal to its required collateral, determined as herein provided, with (a) the Federal Reserve Bank of Richmond, (b) The Federal Home Loan Bank of Atlanta, (c) a bank or trust company located within Virginia which is not a subsidiary of the depository's parent holding company, or (d) a bank or trust company located outside Virginia which is has been approved by the Treasury Board.

No qualified depository shall deposit more than three-fourths of its required collateral in a bank or trust company located outside of Virginia and no deposit of collateral shall be made in a bank or trust company located outside of Virginia unless the face value of the securities to be deposited is at least five hundred thousand dollars.

Whether or not a depository has eligible collateral deposited as heretofore provided at the time it receives a public deposit, if such deposit would result in an increase of ten percent or more in the depository's required collateral computed as of the day on which the deposit is received, such depository shall immediately deposit sufficient securities to increase its collateral to an amount equal to that determined pursuant to subparagraphs (a) through (f) of § 3 of these Regulations, whichever is applicable, but utilizing the depository's actual public deposits held at the close of business on the day such deposit is received in lieu of those held at the close of business on the last banking day in the preceding calendar month.

Except as provided in the preceding paragraph, each qualified public depository shall increase its collateral deposit on or before the day its monthly report is required to be submitted to the State Treasurer pursuant to § 10 of these Regulations if such report indicates that the depository's required collateral is in excess of the collateral previously deposited in accordance with its preceding monthly report.

At the time of the deposit of registered securities, the qualified public depository owning the securities shall attach appropriate bond power forms as required to allow the State Treasurer to transfer ownership of such registered securities for the purpose of satisfying the

Emergency Regulation

depository's liabilities under the Act in the event the collateral needs to be liquidated.

§ 12. Reports by State Treasurer. The State Treasurer shall report to the auditors of any public depository, upon their request, the status of any public depository's collateral account and compliance with the reporting requirements of the Act. The State Treasurer shall notify any public depository that maintains accounts with any bank or savings and loan of any irregularities, including, but not limited to, the late filing of the required monthly reports or of deficiencies in the financial institution's eligible collateral at any time. The Treasury Board shall be notified of the sending of any reports of irregularities required herein no later than at its next regularly scheduled meeting.

I hereby certify that the foregoing regulations are full, true and correctly dated.

/s/ William Clay Wiley, Chairman
Treasury Board
Date: May 12, 1986

The Honorable Gerald L. Baliles, Governor of the Commonwealth of Virginia, by his signature below approves the issuance of the foregoing emergency regulation.

/s/ Gerald L. Baliles, Governor
Filed:
/s/ Joan W. Smith, Registrar of Regulations
Date: May 21, 1986 - 10:28 a.m.

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 5, 1986

APPLICATION OF

THE WASHINGTON, D.C. SMSA
LIMITED PARTNERSHIP

CASE NO. PUC850027

For approval of a minimum-maximum
tariff

Phase I

ORDER FOR PUBLICATION OF PROPOSED RULES

Before the Commission are the Interim Report of Glenn P. Richardson, Hearing Examiner, entered in this case on April 7, 1986 (Interim Report), and comments filed by the following cellular communications carriers: Washington, D.C. SMSA Limited Partnership (Partnership), Norfolk Cellular Telephone Company (Norfolk), Washington/Baltimore Cellular Telephone Company d/b/a Cellular One (Cellular One), Contel Cellular of Richmond, Inc. and Contel Cellular of Norfolk, Inc. (collectively Contel).

The Interim Report sets out in detail the history of this case which we will not repeat. Phase I of this proceeding, development of standards and rules for advanced approval of a range of rates for cellular mobile radio communications carriers operating in certain markets, is approaching its conclusion. Using the Interim Report and the cellular carriers' comments as a basis, the Commission will propose in this Order rules and standards for additional comment. We look toward promulgation of final rules in the near future.

Before considering the eight rules proposed in the Interim Report, we offer some general observations and findings on the issue of a range of rates for cellular carriers. Chapter 16.2 of Title 56 of the Code of Virginia is the Commonwealth's response to the advent of cellular telephone service authorized by the Federal Communications Commission. The federal scheme for licensing cellular telephone service allows for two carriers to serve a particular geographic market through their respective systems. It is contemplated that the carriers will compete on the basis of price, quality, and service options. The Commission believes the purpose of Chapter 16.2 to be the establishment of procedures for bringing Virginians the advantages of a new technology offered in an environment of limited competition. The General Assembly recognized the competitive aspect of cellular service by authorizing cellular carriers to propose a range of rates in lieu of the fixed rates required by traditional utility regulation. We have previously addressed this development in our opinion entered October 4, 1985, in this proceeding (Opinion).

As set out in the Opinion, the Commission feels innovative, yet responsible, ratemaking is the key to assuring the benefits of limited competition. We observed

in the Opinion, at 3-4, that the legislature was interested in protecting the public interest, maintaining stability in the marketplace, and permitting a transition from regulation to competition when it enacted Chapter 16.2. As we explained in the Opinion, we see just and reasonable rates as central to achieving the legislative purpose. In this proceeding, we will not attempt to consider other issues related to the structure of the cellular communications marketplace.

We will now consider in detail the rules and standards.

§ 1. The Interim Report's Rule 1 reflects the conclusion of our Opinion, at 7, where we found that the Commission's decision must be based on a record made in a proceeding. The basis of this record must be cost data supporting the proposed range of rates.

As the Commission noted in the Opinion at 6, there is a legitimate concern about the impact on competition that financial disclosure would have. Our proposed § 1 provides for protecting this interest through a request for protective order. Cellular One's observation about discussion of the terms and nature of a protective order with the Commission's staff, as explained at 2-4 of its comments, is well taken. The Commission expects the staff and parties in a proceeding to develop a protective order which properly balances the concern for disclosure of necessary information with the concern for security of sensitive information. In conclusion, we will propose adopting § 1 as set out in the Interim Report.

§ 2. As proposed in the Interim Report, minimum rates must produce aggregate revenues sufficient to allow the carrier to recover its operating costs in providing service. Contel, Cellular One, and Norfolk argue that the definition of operating costs should be further developed. At 4-5 of its comments, Cellular One suggests specific items which should be included in these costs. Norfolk, at 2 of its comments, and Contel, at 2-3 of its comments, contend that cost data should reflect forecasted growth and revenues, not simply current data.

The Examiner and the carriers advocate setting minimum rates at a level to produce sufficient revenue to recover operating costs, and the Commission finds merit in this approach. The Commission is not convinced that it could specify every particular element of operating costs in this proceeding. We will, however, propose § 2(A) to require that minimum rates cover "direct" operating costs. In reviewing direct operating costs, the Commission would expect the staff, carriers, and other parties to consider the developing nature of the cellular telecommunications industry. In short, we realize that the historical test year with traditional ratemaking adjustments accepted by this Commission may not be appropriate for cellular carriers. The Commission will propose, with some modification, the maximum rate standard of the Interim Report. We have previously considered and rejected the argument that the Commission must determine whether competition actually exists. We interpreted § 56-508.13B of the Code to embody the legislature's determination that competition exists

State Corporation Commission

where two cellular mobile radio communications carriers are in operation within the same or substantially similar area. Opinion at 2, n.l. We believe the Interim Report's reasoning that competition will place limits on the maximum rates is valid.

The instances when that presumption of reasonableness will not apply should be clarified in the proposed section. It is quite possible that the maximum rate may never be applied, and an investigation of its reasonableness would not be necessary. As previously noted, however, the Commission has concluded that all rates must be just and reasonable. Accordingly, we will propose that the presumption of justness and reasonableness not apply in an investigation of an existing range of rates conducted pursuant to Title 56 of the Code of Virginia. The Commission will propose a standard for maximum rates based upon the foregoing considerations.

§§ 3.- 6. The captioned sections propose general procedures for the Commission to employ in considering an application for approval of a range of rates. Chapter 16.2 of Title 56 of the Code of Virginia contemplates the range of rates appearing in a tariff. We agree with the thrust of the Interim Report that the tariffing process should be streamlined. As noted in the Commission's Opinion, at 7, applications for approval of a range of rates will be investigated. Notice of the application and the investigation will be given to the public and to customers, as contemplated by the proposed rules. With regard to notice, the Commission believes that notice to the public is sufficient notice to the other cellular carrier operating in the same market. The proposed rule does not require notice to the competing carrier. The rule also does not require that a proposed range of rates automatically be suspended pending the completion of an investigation. The Commission will exercise its discretion in determining whether to suspend the proposed range and whether to conduct hearings.

The Commission will make some editorial changes in the rules contained in the Interim Report. We will include in proposed § 4 wording on requests for hearing. As previously discussed, the Commission will exercise its discretion on the question of whether to conduct a hearing on a proposed range of rates. Accordingly, proposed § 5 will provide for investigations with and without a hearing. We believe that the Interim Report's Rule 7 establishes a sound mechanism for making changes within the range of rates. We will propose as § 6 the same provision, with the addition of a requirement for notice to affected customers.

As previously discussed, the range of rates will appear in the tariffs of the cellular carriers. Title 56 of the Code of Virginia empowers the Commission to investigate tariffs of public utilities, including cellular common carriers, and § 56-235 of the Code empowers the Commission to substitute just and reasonable rates in lieu of the tariff rates, when the public interest requires. In light of the provisions of Title 56 of the Code, we believe that the Interim Report's Rule 8 is unnecessary.

Accordingly, the Commission finds:

(1) That it is in the public interest to promulgate rules and standards for advance approval of a range of rates for cellular mobile radio communications carriers when two carriers operate within the same or substantially similar area.

(2) That, through prior proceedings in Phase I of this case, standards and rules have been developed which can form the basis for the Commission's proposed standards and rules contained in Appendix A of this Order.

(3) That notice of the Commission's proposed standards and rules contained in Appendix A of this Order must be given to interested persons and comments, if any, on the Commission's proposed standards and rules must be received.

NOW, THEREFORE, IT IS ORDERED:

(1) That the Rules Governing the Filing of a Range of Rates by Cellular Mobile Radio Communications Carriers appearing in Appendix A to this Order be proposed as final rules for adoption by the State Corporation Commission.

(2) That any person may comment on these rules and reply to other comments as provided in the notice ordered in (3) below.

(3) That the Commission's Division of Communications arrange publication of the following notice in newspapers having general circulation in the existing cellular service areas:

NOTICE OF PROPOSED RULES FOR A RANGE OF RATES FOR CELLULAR TELEPHONE SERVICE

The Virginia State Corporation Commission is considering rules and standards for the advance approval of a range of rates for cellular telephone carriers. Under the proposed rules, cellular telephone carriers with rates regulated by the Commission could file a maximum rate and a minimum rate. The proposed rules would permit the carrier to charge any rate within the range established by the maximum and minimum rate, after investigation by the Commission.

By this notice, the Commission invites comments on the rules appearing below. An original and 15 copies of any comments must be filed on or before June 2, 1986, with the Clerk, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23216. Comments should refer to Case No. PUC850027. An original and 15 copies of any reply comments must be filed at the same address on or before June 16, 1986.

The complete file in this proceeding is maintained as Case No. PUC850027 and all documents in that case

State Corporation Commission

may be examined at the Commission's Document Control Center, Floor B-1, Jefferson Building, Bank and Governor Streets, Richmond, Virginia between 8:15 a.m. and 5 p.m. on regular working days. The comments filed in response to this notice will be available for inspection at the Document Control Center after June 2, 1986, and reply comments will be available for inspection after June 16, 1986.

(Proposed rules appearing in Appendix A will be reprinted in the notice.)

ATTESTED COPIES hereof shall be sent to Stephen H. Watts, II, Esquire, McGuire, Woods & Battle, One James Center, Richmond, Virginia 23219; Steven W. Pearson, Esquire, Thomas & Flisk, P.O. Box 14515, Richmond, Virginia 23221; Laurence E. Skinner, Esquire, Hunton & Williams, P.O. Box 1535, Richmond, Virginia 23212; Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 5th Floor, Richmond, Virginia 23219; and to the Commission's Divisions of Communications, Accounting and Finance, and Economic Research and Development.

Appendix A

RULES GOVERNING THE FILING OF A RANGE OF RATES BY CELLULAR MOBILE RADIO COMMUNICATIONS CARRIERS

§ 1.

Cellular Mobile Radio Communications Carriers' applications for a range of rates pursuant to subsection B of Virginia Code § 56-508.12 must include cost data which will enable the Commission to determine if the proposed range of rates is just and reasonable. The application should include a request for a protective order for any proprietary data which the carrier intends to file to support its request.

§ 2.

In determining whether a range of rates is just and reasonable, the Commission shall consider the following factors:

(A) Minimum rates proposed by a cellular carrier must produce aggregate revenues sufficient to allow the carrier to recover its direct operating costs in providing service. Minimum rates which do not allow a cellular carrier to recover its direct operating costs shall be deemed unjust and unreasonable.

(B) Maximum rates proposed by a cellular carrier will be presumed just and reasonable. This presumption of reasonableness shall not apply, however, if a complainant challenges the reasonableness of the carrier's existing rates, or if the Commission initiates its own investigation of existing rates. If an investigation or complaint proceeding is initiated, the carrier shall bear the burden

of demonstrating that its proposed rates are just and reasonable.

§ 3.

Upon receipt of an application proposing a range of rates, the application will be docketed and either suspended or allowed to take effect subject to investigation.

§ 4.

The applicant shall notify the public and customers whose rates might change. Parties may protest or intervene as provided by the Commission's Rules of Practice and Procedure. All requests for hearing and for suspension shall be filed in a timely manner, and shall set forth a full and clear statement of facts which the protestant or intervener is prepared to prove by competent evidence.

§ 5.

If a hearing on the application is not held, the Commission's staff shall investigate the proposed range of rates and report its findings directly to the Commission and to any parties. The parties may file comments. If a hearing is held, the investigation shall be conducted as ordered.

§ 6.

If the Commission approves the range of rates, the cellular carrier may increase or decrease rates within the approved range without Commission's approval. The rates must, however, be filed with the Division of Communications at least one working day prior to the effective date, and customers must be notified of the change at least one working day prior to the effective date.

* * * * *

AT RICHMOND, MAY 14, 1986

COMMONWEALTH OF VIRGINIA, *ex rel.*

CASE NO. MCS860032

STATE CORPORATION COMMISSION

Ex parte: In the matter of amending rules and regulations governing the operation of motor vehicles under lease

ORDER DIRECTING NOTICE OF INTENTION TO AMEND RULES AND REGULATIONS

WHEREAS, § 56-276 of the Code of Virginia authorizes the State Corporation Commission to prescribe such reasonable rules and regulations in the matter of leasing

State Corporation Commission

motor vehicles as are necessary to prevent evasion of the Commission's regulatory powers; and

WHEREAS, the Commission, by order dated July 19, 1973, in Case No. L-472, adopted Rules and Regulations Governing the Operation of Motor Vehicles Under Lease, effective September 1, 1973; and

WHEREAS, staff has requested the Commission amend the aforesaid rules and regulations in two material respects: (i) amend Rule 3 to allow private intrastate carriers to single-source lease for 30 days or longer, and (ii) promulgate a new rule making it the duty of a driver stopped to produce a copy of the lease, when such lease is required by these rules to be carried on the vehicle; and

WHEREAS, the amended rules, under staff's proposal, would read as follows:

Rule 3A

No private carrier operating intrastate in Virginia shall operate under lease for 30 days or longer any road tractor, tractor truck or truck having more than two axles unless a certificate of lease has been filed with the State Corporation Commission. Such certificate of lease shall be on the form adopted and prescribed by the Commission or any other form which has been submitted to and approved by the State Corporation Commission.

The motor vehicle or motor vehicles named in the certificate of lease shall be operated by and under the complete control of the lessee, and no other, for the period of the lease and for all regulatory purposes including, but not limited to, insurance and motor fuel road taxes shall be considered the vehicle or vehicles of the lessee.

The parties to the lease shall provide the Commission with 30 days' notice of their intent to terminate, or the actual termination of, their lease. During such notice period, the lessor shall neither enter into a subsequent contract of lease nor operate its vehicle in intrastate commerce without the prior written approval of the Commission.

Rule 3B

A private carrier operating intrastate in Virginia may operate a road tractor, tractor truck or truck having more than two axles under lease for less than 30 days provided that:

- (1) a copy of such lease or rental agreement is carried on board the vehicle; and
- (2) each vehicle under lease is operated by:
 - (a) a qualified driver in the lessee's employ who is subject to the lessee's direction and control; or

(b) a qualified driver obtained from a personnel supplier having no contractual relationship with the lessor.

Rule 7

In those rules requiring a copy of the lease or rental agreement to be carried on board the vehicle, it shall be the duty of the driver of such vehicle to produce and exhibit such copy forthwith to any authorized person so requesting.

AND THE COMMISSION, upon consideration of staff's request to amend Rule 3 and promulgate a new Rule 7, is of the opinion and finds that all persons having an interest in the proposed rules should be notified of the proposal and given an opportunity to file comments and request a hearing thereon in accordance with § 12.1-28 of the Code of Virginia; accordingly,

IT IS ORDERED:

(1) That the Motor Carrier Division forthwith publish the following notice in those newspapers having general circulation in the Richmond, Roanoke, Tidewater and Northern Virginia areas:

PUBLIC NOTICE

Notice is hereby given of the State Corporation Commission's intent to amend its Rules and Regulations Governing the Operation of Motor Vehicles Under Lease. The proposed Rules, if adopted, would read as follows:

Rule 3A

No private carrier operating intrastate in Virginia shall operate under lease for 30 days or longer any road tractor, tractor truck or truck having more than two axles unless a certificate of lease has been filed with the State Corporation Commission. Such certificate of lease shall be on the form adopted and prescribed by the Commission or any other form which has been submitted to and approved by the State Corporation Commission.

The motor vehicle or motor vehicles named in the certificate of lease shall be operated by and under the complete control of the lessee, and no other, for the period of the lease and for all regulatory purposes including, but not limited to, insurance and motor fuel road taxes shall be considered the vehicle or vehicles of the lessee.

The parties to the lease shall provide the Commission with 30 days' notice of their intent to terminate, or the actual termination of, their lease. During such notice period, the lessor shall neither enter into a subsequent contract of lease nor operate its vehicle in intrastate commerce without the prior written approval

of the Commission.

Rule 3B

A private carrier operating intrastate in Virginia may operate a road tractor, tractor truck or truck having more than two axles under lease for less than 30 days provided that:

- (1) a copy of such lease or rental agreement is carried on board the vehicle; and
- (2) each vehicle under lease is operated by:
 - (a) a qualified driver in the lessee's employ who is subject to the lessee's direction and control; or
 - (b) a qualified driver obtained from a personnel supplier having no contractual relationship with the lessor.

Rule 7

In those rules requiring a copy of the lease or rental agreement to be carried on board the vehicle, it shall be the duty of the driver of such vehicle to produce and exhibit such copy forthwith to any authorized person so requesting.

Any person who desires to file written comments concerning the proposed amendments, or request a formal hearing thereon, shall file, on or before July 1, 1986, an original and 10 copies of such comments or request for hearing, with the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216.

- (2) That an attested copy of this order be sent by the Clerk of the Commission to William S. Fulcher, Director, Motor Carrier Division; and to Stuart E. Nunnally, Deputy Director, Motor Carrier Division (Rates and Tariffs).

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

VIRGINIA STATE LIBRARY BOARD

Title of Regulation: VR 440-01-137.1. Standards for the
Microfilming of Public Records for Archival Retention.

Title of Regulation: VR 440-01-137.2. Archival Standards
for Recording Deeds and Other Writings by a Procedural
Microphotographic Process.

Title of Regulation: VR 440-01-137.4. Standards for the
Microfilming of Ended Law, Chancery and Criminal
Cases by the Clerk of the Circuit Courts Prior to
Disposition.

Title of Regulation: VR 440-01-137.5. Standards for
Computer Output Microfilm (COM) for Archival
Retention.

Governor's Comment:

No objection to the proposed regulations as presented.

* * * * *

Title of Regulation: VR 440-01-137.3. Minimum Standards
for Instruments Recorded by a Microphotographic
Process (Repealed).

Governor's Comment:

No objection to repeal of regulation as proposed.

/s/ Gerald L. Ballles
May 11, 1986

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

DEPARTMENT FOR THE AGING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider the promulgation of regulations entitled: **Regulations Implementing Title V of the Older Americans Act and Section 124 of the Job Training Partnership Act**. The purpose of the proposed regulations is to determine resource allocations to Virginia's 25 Area Agencies on Aging under Title V of the Older Americans Act (as amended) and Section 124 of the Job Training Partnership Act.

Public hearings will be held. Copies of the proposed regulations to be considered are available after April 14, 1986.

Statutory Authority: § 2.1-373 of the Code of Virginia.

Written comments may be submitted until June 27, 1986.

Contact: William Peterson, Human Resources Developer, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219-2797, telephone (804) 225-3140.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider amending regulations entitled: **State Plan for Aging Services funded under Title III of the Older Americans Act, as amended - October 1, 1985, through September 30, 1987**. The purpose of the proposed regulations is to revise the intricate formula for allocation of Title III Older Americans Act funds to the 25 Area Agencies on Aging throughout Virginia. Public hearings will be held.

Statutory Authority: § 2.1-373 of the Code of Virginia.

Written comments may be submitted until June 27, 1986.

Contact: Williams Peterson, Human Resources Developer, Virginia Department for the Aging, 101 N. 14th St., 18th

Floor, Richmond, Va., telephone (804) 225-3140.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Criminal Justice Services intends to consider amending regulations entitled: **Compulsory Minimum Training Standards for Jailors or Custodial Officers of Local Criminal Justice Agencies**. The purpose of the proposed amendment is to update existing requirements for the entry level training of these officers.

Statutory Authority: § 9-170(1) of the Code of Virginia.

Written comments may be submitted until July 15, 1986.

Contact: L. T. Eckenrode, Division Director, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8475

STATE BOARD OF EDUCATION

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: **Pupil Accounting Records**. The purposes of the proposed action are (i) to clarify the intent and purpose of the regulations; and (ii) to reduce the period of continuous days of absence, expulsion, or suspension after which a pupil must be automatically withdrawn from school.

Statutory Authority: §§ 22.1-16, 22.1-20 and 22.1-259 of the Code of Virginia.

Written comments may be submitted until June 10, 1986.

Contact: Howell L. Gruver, Administrative Director, M.I.S., Virginia Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2099

General Notices/Errata

STATE EDUCATION ASSISTANCE AUTHORITY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Education Assistance Authority intends to consider promulgating regulations entitled: **Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program**. The purpose of the proposed regulation is to establish policies governing the administration of the Virginia student loan programs.

Statutory Authority: § 23-38.64(2) of the Code of Virginia.

Written comments may be submitted until August 12, 1986.

Contact: Regina D. Williams, Director, Marketing/Communications, State Education Assistance Authority, 6 N. 6th St., Suite 300, Richmond, Va. 23219, telephone (804) 786-2035 (toll-free number 1-800-792-5626)

VIRGINIA EMPLOYMENT COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider promulgating, amending or repealing regulations entitled: **Rules and Regulations Affecting Unemployment Compensation**. The scope of the proposed action is not limited to unemployment compensation matters; rather, it shall cover all phases of the agency's operations. The Commission will receive public comment on existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost compliance and will also receive public comment on the need for any new rules or regulations affecting agency operations.

Statutory Authority: § 60.1-34 of the Code of Virginia.

Written comments may be submitted until June 15, 1986.

Contact: Joseph L. Hayes, Special Assistant, Commission Appeals, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

DEPARTMENT OF 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: **Hazardous Waste Management Regulations**. The purpose of the proposed amendment is in response to changes in the federal regulations governing hazardous waste management promulgated since July 1, 1985, implementing requirements of the Hazardous and Solid Waste Amendments of 1984. The proposed amendment will maintain the Virginia program fully equivalent to the federal Resource Conservation and Recovery Act.

Statutory Authority: Chapter 6, Art. 3 (§ 32.1-177 et seq.) of Title 32.1 of the Code of Virginia.

Written comments may be submitted until July 1, 1986.

Contact: Wladimir Gulevich, Director, Bureau of Hazardous Waste Management, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667 (toll-free number 1-800-552-2075)

BOARD OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Real property—definition of the home**. The purpose of the proposed regulations is to define the amount of property contiguous to an individual's home which will be disregarded in determining eligibility for Medicaid. In November, 1985, Governor Charles Robb issued emergency regulations effective January 1, 1986. As required by statute, the department proposed to submit these regulations for public comment.

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

Written comments may be submitted until June 16, 1986.

Contact: Ann E. Cook, Director, Division of Medical Social Services, Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4995

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: **Roanoke River Basin Water Quality Management Plan**. The Plan sets forth those measures to be taken by the State Water Control Board, local governments, industrial firms and agricultural interests necessary to reach and

maintain applicable water quality goals for the Virginia portion of the Roanoke River Basin. The proposed amendments to the plan would revise current poundage limits on the upper and lower segments of the Smith River and allow for construction of the sewage treatment plant being proposed by the Henry County Public Service Authority.

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

Written comments may be submitted until June 18, 1986.

Contact: Mr. Will Estes, West Central Regional Office, State Water Control Board, 5312 Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7432

GENERAL NOTICES

NOTICE 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, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

FORMS:

PROPOSED (Transmittal Sheet) - RR01
FINAL (Transmittal Sheet) - RR02
NOTICE OF MEETING - RR03
NOTICE OF INTENDED REGULATORY ACTION
RR04
NOTICE OF COMMENT PERIOD - RR05
AGENCY RESPONSE TO LEGISLATIVE
OR GUBERNATORIAL OBJECTIONS - RR06

CALENDAR OF EVENTS

Symbol Key †
† Indicates entries since last publication of the Virginia Register
☒ Location accessible to handicapped

THE VIRGINIA CODE COMMISSION

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.

EXECUTIVE

STATE BOARD OF ACCOUNTANCY

† August 11, 1986 - 10 a.m. - Public Hearing
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the State Board of Accountancy intends to amend regulations entitled: **Virginia State Board of Accountancy Rules and Regulations.** These regulations govern the profession of certified public accountants.

STATEMENT

Purpose: The proposed amendments are necessary to comply with § 54-1.28:1 of the Code of Virginia. Without the proposed fee increases it is projected in the 84-86 biennium the board will be in noncompliance with § 54-1.28:1. There have been no modifications to the context of the rules and regulations. At the time they were drafted clarity and simplicity was assured. No changes in forms, reports, or other procedural requirements are mandated by the proposed changes in regulations.

Impact: The regulations affect approximately 6150 certified public accountants and 225 professional corporations offering CPA services in Virginia. Also affected are approximately 1050 persons applying for licensure and certification per year and approximately 2050 applying annually to sit for the Uniform CPA Examination.

The projected cost of implementation and compliance for the regulated entities for a biennium is \$205,700.

The agency anticipates the impact on small business or organizations will be \$65.00 for a biennium.

The agency expects no material cost for implementation of proposed fees.

Any material costs incurred for implementation of the new fees will be paid from license fees.

Statutory Authority: §§ 54-1.28 (5) and 54-84 of the Code of Virginia.

Written comments may be submitted until August 8, 1986.

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

GOVERNOR'S ADVISORY BOARD ON AGING

July 31, 1986 - 8:30 a.m. - Open Meeting
Sheraton Airport Inn, (Hershberger Road West), 2727 Ferndale Drive, Roanoke, Virginia. ☒

A meeting to discuss issues and topics of relevance to older Virginians. The board will also welcome new board members and provide an orientation to services and programs for older Virginians to these new members.

Contact: William Peterson, Assistant to the Commissioner, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271/3140

STATE AIR POLLUTION CONTROL BOARD

June 9, 1986 - 7:30 p.m. - Open Meeting
Plains Elementary School, Timberville, Virginia. ☒

Following a 30-day public comment period, a public hearing will be held on a permit application from the Mountain View Rendering Company to construct and operate a poultry rendering plant in Timbersville, Virginia, adjacent to the Rocco lamb processing plant.

Contact: Donald L. Shepherd, State Air Pollution Control

Calendar of Events

Board, Suite A, 5338 Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7328

† June 11, 1986 - 5 p.m. - Open Meeting
Hopewell Municipal Building, Circuit Court Room, Main and Randolph Streets, Hopewell, Virginia

A meeting to allow public comments on a permit application from Cogentrix of Virginia, Inc., to construct and operate a steam/electricity cogeneration facility on Route 10 between Winston Churchill Drive and Bailey's Creek in the City of Hopewell.

Contact: William M. Jewell, Jr., Regional Director, 8205 Hermitage Rd., Richmond, Va. 23228, telephone (804) 264-3067

June 17, 1986 - 9 a.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☐

A meeting to discuss (i) the open burning regulation; (ii) appointments to the Technical Advisory Committee; (iii) a permit request from Rocco Industries; (iv) appointments to the Central Virginia Air Pollution Control Committee; and (v) regulations covering documents incorporated by reference. This is a tentative agenda and may change before the board meeting.

Contact: Dick Stone, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5478

Region VII Springfield

† June 18, 1986 - 7:30 p.m. - Public Hearing
Atlantic Research Corporation, Engineering Building, Conference Room 124, 7511 Wellington Road, Gainsville, Virginia. ☐

Following a 30-day public comment period, a public hearing will be held on a permit application, from the Atlantic Research Corporation to construct and operate a beryllium rocket propellant laboratory and test firing facility on the existing plant site in Gainsville, Virginia.

Contact: John C. Doherty, State Air Pollution Control Board, Springfield Towers, Suite 502, 6320 Augusta Dr., Springfield, Va. 22150, telephone (703) 644-0311

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

June 9, 1986 - 9:30 a.m. - Open Meeting
June 17, 1986 - 9:30 a.m. - Open Meeting
Virginia Alcoholic Beverage Control Board, 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. 23220, telephone (804) 257-0616

VIRGINIA APPRENTICESHIP COUNCIL

June 12, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

A regular quarterly meeting.

Contact: R. S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

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

Board of Certified Landscape Architects

June 24, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

Board members grading exam.

July 16, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

The board will meet (i) to approve minutes of the March 19, 1986, meeting; (ii) review applications; and (iii) possibly to review regulations.

Board of Professional Engineers

July 30, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to (i) approve minutes of the February 19, 1986, meeting; (ii) review investigative cases; (iii) review applications; (iv) conduct oral examinations; and (v) possibly discuss regulations.

Contact: Johnsie Williams, Assistant Director, APELSCLA, Department of Commerce, Travelers Bldg., Room 507, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8512

Calendar of Events

VIRGINIA ATHLETIC BOARD

† June 30, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Board Room 1, 3600 West Broad Street, Richmond, Virginia. ¶☒

An annual board meeting in addition to reviewing existing regulations.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8507

VIRGINIA AUCTIONEERS BOARD

† June 10, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to discuss certification examinations.

† July 1, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to consider (i) status of certification examination; (ii) development of examination; and (iii) complaints.

This notice hereby cancels the meeting originally scheduled for June 24, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† June 20, 1986 - 10 a.m. - Open Meeting
Fourth Street 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) 786-5041

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Advisory Committee

June 11, 1986 - 10 a.m. - Open Meeting
Department of Social Services, Blair Building, 2nd Floor, Conference Room A, 8007 Discovery Drive, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

A meeting to (i) elect officers; (ii) discuss revision of by-laws; (iii) report on After Action Report for Social Workers Visiting Facilities; and (iv) report on establishment of subcommittee to study needs for children removed from their homes.

Coordinating Committee

June 20, 1986 - 8:00 a.m. - Open Meeting
Department of Social Services, Blair Building, 2nd Floor Conference Room, 8007 Discovery Drive, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

A meeting to (i) elect a chairman; (ii) discuss preliminary report of facility programs for high risk children; and (iii) discuss annual report.

Contact: Sandra G. Davis, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Virginia Historic Landmarks Board

† June 17, 1986 - 2 p.m. - Open Meeting
221 Governor Street, Richmond, Virginia.

A general business meeting.

Division of Historic Landmarks

† June 17, 1986 - 10 a.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Bayne Fowler House, Alexandria;
Beaumont, Powhatan County;
Douthat State Park Historic District, Bath and Alleghany Counties;

Calendar of Events

Ginter Park Historic District, Richmond (city);
Janella, Loudoun County;
Kentucky Hotel, Lynchburg;
North End Historic District, Newport News.

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

Virginia Soil and Water Conservation Board

July 9, 1986 - 2 p.m. - Open Meeting
Blacksburg Marriott Inn, 900 Prices Fork Road, N.W.,
Blacksburg, Virginia. ☒

A regular bimonthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206,
Richmond, Va. 23219-2094, telephone (804) 786-2064

STATE BOARD FOR CONTRACTORS

† **June 30, 1986 - 10 a.m. - Open Meeting**
Department of Commerce, Travelers Building, Board Room
1, 5th Floor, 3600 West Broad Street, Richmond, Virginia.
☒

A meeting to review and discuss all existing State Board for Contractor Regulations as to effectiveness, efficiency, necessity, clarity, and to identify possible alternatives.

† **July 24, 1986 - 10 a.m. - Open Meeting**
Department of Commerce, Travelers Building, Board Room
1, 5th Floor, Richmond, Virginia. ☒

A quarterly meeting to review applications, complaints, findings on disciplinary hearings conducted, imposition of sanctions, Contractor Recovery Fund Report, and to discuss existing regulations of the board and to consider alternatives.

Contact: E. G. Andress, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511

BOARD OF CORRECTIONS

June 18, 1986 - 10 a.m. - Open Meeting
4615 West Broad Street, Richmond, Virginia. ☒

Regular monthly meetings to consider such matters as may be presented to the Board of Corrections.

† **July 16, 1986 - 10 a.m. - Open Meeting**
† **August 13, 1986 - 10 a.m. - Open Meeting**
† **September 17, 1986 - 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 to the Board of Corrections.

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

Committee on Criminal Justice Information Systems

June 26, 1986 - 10 a.m. - Open Meeting
Ninth Street Office Building, Governor's Cabinet
Conference Room, 6th Floor, 9th & Grace Streets,
Richmond, Virginia. ☒

A meeting to discuss projects and business of the committee.

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

VIRGINIA BOARD OF DENTISTRY

July 30, 1986 - 2 p.m. - Open Meeting
July 31, 1986 - 9 a.m. - Open Meeting
Sheraton Hotel, Ball Room, 4700 South Laburnum Avenue,
Richmond, Virginia. ☒

The board will consider proposed changes to the regulations governing the practice of dentistry and dental hygiene heard at its public hearing on April 10, 1986.

Contact: Nancy T. Feldman, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0311

STATE BOARD OF EDUCATION

† **June 25, 1986 - 1 p.m. - Open Meeting**
† **June 26, 1986 - 9 a.m. - Open Meeting**
Hugh Mercer Elementary School, 2100 Cowan Boulevard,
Fredericksburg, 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.

Calendar of Events

Contact: Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, Va. 23219, telephone (804) 225-2540

GOVERNOR'S COMMISSION ON EXCELLENCE IN EDUCATION

† June 24, 1986 - 9 a.m. - Open Meeting
† June 25, 1986 - 9 a.m. - Open Meeting
Hugh Mercer Elementary School, 2100 Cowan Boulevard, Fredericksburg, Virginia. ☒ Interpreter for deaf provided if requested.

The commission will meet to consider recommendations which it has received from the public and professional groups concerning educational excellence.

Contact: Margaret N. Roberts, James Monroe Bldg. 101 N. 14th St., 25th Floor, Richmond, Va. 23219, telephone (804) 225-2540

GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

June 18, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒
June 18, 1986 - 10 a.m. - Public Hearing
Old Dominion University, Newport News Room, Webb Building, 1st Floor, Norfolk, Virginia
June 18, 1986 - 10 a.m. - Public Hearing
Northern Virginia Community College, Annandale Campus, Board Room, Brault Building, 8333 Little River Turnpike, Annandale, Virginia
June 18, 1986 - 10 a.m. - Public Hearing
Virginia Western Community College, Auditorium, Brown Building, Roanoke, Virginia

The Commission is conducting simultaneous public hearings to solicit public comment on:

1. State programs and activities which are in unfair competition with the private sector or that may be more appropriately provided by the private sector;
2. Opportunities for increasing the efficiency of state government operations; and
3. Unnecessary paperwork or reporting requirements imposed by Virginia state government.

Persons wishing to testify at the public hearings should notify Joyce Walton or Rose Marie Fewell in the Governor's Office, (804) 786-2211. In addition, speakers are encouraged to prepare and submit a written version of their testimony as well as completing a suggestion form which can be obtained from the Governor's Office.

July 24, 1986 - 10 a.m. - Open Meeting
General Assembly Building, Speaker's Conference Room, 6th Floor, Capitol Square, Richmond, Virginia. ☒
Interpreter for deaf provided if requested.
September 17, 1986 - 10 a.m. - Open Meeting
October 15, 1986 - 10 a.m. - Open Meeting
November 18, 1986 - 10 a.m. - Open Meeting
December 17, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

The Governor's Commission on Efficiency in Government has established its 1986 meeting schedule as follows:

6/18/86 - Regional public hearings
7/24/86 - Work session and discussion of recommendations and procedures
9/17/86 - Implementation of commission procedures and July meeting decisions
10/15/86 - Implementation of commission procedures and September meeting decisions
11/18/86 - Review results of work conducted in September and October; prepare recommendations
12/17/86 - Public hearing on recommendations to Governor and 1987 General Assembly; finalize recommendations

Contact: Alan Albert or Leonard Hopkins, Office of the Governor, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† June 16, 1986 - 12 Noon - Open Meeting
† June 17, 1986 - 9 a.m. - Open Meeting
† June 18, 1986 - 10 a.m. - Open Meeting
Hotel Roanoke, 19 North Jefferson Street, Roanoke, Virginia 24026

Annual convention of the Virginia Funeral Directors Association. The Virginia Board of Funeral Directors and Embalmers will present an annual address to the Association, participate in general open session, and maintain an exhibition booth for informational purposes on behalf of the Commonwealth.

General board meeting and formal fact-finding hearing on Wednesday, June 18, 1986, at 1 p.m. in the Cavalier Room.

† June 26, 1986 - 12 Noon - Open Meeting
† June 27, 1986 - 2 p.m. - Open Meeting

Annual convention of the Virginia Morticians Association. The Virginia Board of Funeral Directors and Embalmers will present an annual address to the association, participate in general open session, and

maintain an exhibition booth for informational purposes on behalf of the Commonwealth.

Open board session on Friday, June 27, 1986, at 3 p.m. at the hotel; room to be announced on hotel video.

Contact: Mark L. Forberg, Executive Secretary, 517 West Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

DEPARTMENT OF HEALTH

- July 15, 1986 - 10 a.m. - Open Meeting**
Abingdon Council Chambers, 133 West Main Street, Abingdon, Virginia. ☐
- July 16, 1986 - 10 a.m. - Open Meeting**
Roanoke Council Chambers, 215 Church Street, S.W., Roanoke, Virginia. ☐
- July 17, 1986 - 10 a.m. - Open Meeting**
Warrenton Council Chambers, Municipal Building, 18 Court Street, Warrenton, Virginia. ☐
- July 18, 1986 - 10 a.m. - Open Meeting**
Williamsburg/James City Court House, 321-45 Court Street, West, Williamsburg, Virginia. ☐

This joint meeting/workshop is being held by the State Water Control Board and the Department of Health in order to discuss with the public proposed amendments to the Commonwealth of Virginia Sewerage Regulations. The joint regulations originally became effective on February 1, 1977, and these amendments primarily reflect advances in technology including ultraviolet light irradiation, composting, and rotating biological contractors and significant revisions to sections on land application of sludge, land application of wastewater, aerated lagoons, disinfection, and sludge handling processes. Drafts of the regulations are available upon request. Comments may be also be submitted in writing through July 18, 1986.

Contact: Paul Farrell, Department of Health, Division of Water Programs, Madison Bldg., Room 927, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-1758

BOARD ON HEALTH REGULATORY BOARDS (COUNCIL ON HEALTH REGULATORY BOARDS) Eff. 7/1/86

June 12, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia. ☐ Interpreter for deaf provided if requested.

Pursuant to HJR 12 of the 1986 General Assembly, the Board on Health Regulatory Boards will hold an informational hearing relative (i) to its study of the need to regulate technicians who operate x-ray

machines; (ii) to review the necessary minimum education requirements for x-ray technicians who perform their duties under the supervision of individuals licensed by the boards of Medicine, Dentistry, and Veterinary Medicine; and (iii) to discuss the feasibility of initiating accreditation based on work experience; and of creating three distinct classes of x-ray technicians for dental, medical, and veterinary practice. The public is invited to appear at this hearing to present testimony and/or to submit written comments by June 30, 1986, to Richard D. Morrison.

June 12, 1986 - 1 p.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia. ☐ Interpreter for deaf provided if requested.

Pursuant to HJR 150 of the 1986 General Assembly, the Board on Health Regulatory Boards will hold an informational hearing on the need for regulating dietitians and nutritionists in the Commonwealth. The public is invited to appear at this hearing to present testimony and/or to submit written comments by June 30, 1986, to Richard D. Morrison.

July 15, 1986 - 1:30 p.m. - Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☐ Interpreter for deaf provided if requested.

A regular quarterly meeting of the council (formerly Board) on Health Regulatory Boards. The agenda will include discussion and adoption of new committee structures and appointments of council members to standing and ad-hoc committees.

† **July 15, 1986 - 1:30 p.m. - Open Meeting**
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☐ Interpreter for deaf provided if requested.

A regular quarterly meeting of the council (formerly board) on Health Regulatory Boards. The council will receive and review the report of the Bylaws Committee recommending: (i) a new committee structure to align council functions with revised authority and responsibilities assigned by actions of the 1986 Session of the General Assembly, and (ii) changes in council bylaws required to implement new responsibilities and authority.

Contact: Richard D. Morrison, Policy Analyst, Department of Health Regulatory Boards, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **June 25, 1986 - 9:30 a.m. - Open Meeting**
† **July 23, 1986 - 9:30 a.m. - Open Meeting**
Virginia Hospital Association Headquarters, 4200 Innslake

Calendar of Events

Drive, Glen Allen, 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 Floor, Richmond, Va. 23219, telephone (804) 786-6371

VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

June 12, 1986 - 9 a.m. - Public Hearing
Salem District Highway Department Building, 731 Harrison Street (off Route 460), Salem, Virginia. ☒ Interpreter for deaf provided if requested.

A public hearing to receive comments from the four western highway districts on highway allocations for the coming year and one updating the six-year improvement program for the interstate, primary and urban systems.

June 19, 1986 - 9 a.m. - Public Hearing
Virginia Department of Highways and Transportation, Auditorium, 1221 East Broad Street, Richmond, Virginia. ☒ Interpreter for deaf provided if needed.

A public hearing to receive comments from the five eastern highway districts on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

June 19, 1986 - 10 a.m. - Open Meeting
Virginia Department of Highways and Transportation, Annex Building, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

Monthly meeting of the Virginia Department of Highways and Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va., telephone 804-786-9950

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

† **June 17, 1986 - 10 a.m. - Open Meeting**
13 South 13th Street, Richmond, Virginia. ☒

A regular monthly meeting to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as may be deemed appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Judson McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Safety and Health Codes Board

† **June 17, 1986 - 10 a.m. - Open Meeting**
State Capitol, House Room 4, Richmond, Virginia ☒

A meeting to (i) receive a proposed Field Sanitation Standard; (2) receive a proposed set of by-laws for the board; and receive a revision of the VOSH Administrative Regulations Manual.

Contact: Margaret T. Gravett, Administrative Staff Specialist, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-9877

VIRGINIA STATE LIBRARY BOARD

June 24, 1986 - 11 a.m. - Open Meeting
Virginia State Library, State Librarian's Office, 11th Street at Capitol Square, Richmond, Virginia. ☒

A regular quarterly meeting to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

† **July 21, 1986 - 10:30 a.m. - Open Meeting**
Town of Warsaw (site to be determined)

Oral presentation regarding the Town of Warsaw - Richmond County Agreement Defining Annexation Rights.

† **July 21, 1986 - 3 p.m. - Open Meeting**
Town of Warsaw (site to be determined)

Calendar of Events

A regular bimonthly meeting of the Commission on Local Government to consider such matters as may be presented.

† July 21, 1986 - 7:30 p.m. - Public Hearing

Public hearing regarding the Town of Warsaw - Richmond County Agreement Defining Annexation Rights.

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

VIRGINIA'S LONG-TERM CARE COUNCIL

July 24, 1986 - 9:30 a.m. - Open Meeting

James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☒ Interpreter for the deaf provided if requested.

A meeting to discuss issues relevant to the development and provision of long-term care services in the Commonwealth. The council will also hear a report on the development of a statewide uniform intake, assessment, and tracking mechanism for use by all publicly-funded human services agencies.

Contact: Catherine Saunders, Staff, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/2912

VIRGINIA MARINE PRODUCTS BOARD

June 10, 1986 - 5 p.m. - Open Meeting

Ramada Inn, Room 4, Route 17, Newport News, Virginia

The board will meet to receive reports from the executive director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, old/new business.

Contact: Shirley Estes Berg, P.O. Box 1248, Newport News, Va. 23601, telephone (804) 599-7261

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (Board of)

June 10, 1986 - 10 a.m. - Open Meeting

James Madison Building, 13th Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☒

A board meeting to (i) approve minutes of the March 11 meeting; (ii) discuss State Plan amendments on exception to 21-day limit; Co-operative Agreements between Title XIX and Title IV-D; Nursing

Home/Hospital Reimbursement Plan changes; and (iii) other business pertinent to the board.

Contact: Jacquie M. Fritz, Department of Medical Assistance Services, Suite 800, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

VIRGINIA STATE BOARD OF MEDICINE

June 27, 1986 - 10 a.m. - Open Meeting

Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

The Executive Committee of the Board of Medicine will meet in open and closed session to conduct general business and to review case decisions.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† June 25, 1986 - 10 a.m. - Open Meeting

Planning District 1 CSB, Big Stone Gap, Virginia. ☒

A regular monthly meeting. The agenda will be published on June 18, 1986, and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Advisory Council

† June 20, 1986 - 10 a.m. - Open Meeting

Madison Building, Board Room, 13th Floor, 109 Governor Street, Richmond, Virginia. ☒

A quarterly meeting to advise the State Board of Mental Health and Mental Retardation on matters pertaining to mental retardation services in the Commonwealth.

Contact: James C. Bumpas, Assistant Commissioner, Program Support, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3908

Calendar of Events

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

June 12, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 2, 3600 West Broad Street, Richmond, Virginia. ☐

An open board meeting to (i) administer examinations; (ii) consider complaints; (iii) discuss state written exam; and (iv) regulatory review.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8508

VIRGINIA STATE BOARD OF OPTICIANS

† **June 13, 1986 - 8 a.m. - Open Meeting**
J. Sargeant Reynolds Community College, Downtown Campus, 1st Floor Auditorium, 7th and Jackson Street, Richmond, Virginia

The board will meet to administer biannual optician's examination and to consider the regulatory review process.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

* * * * *

† **August 12, 1986 - 9:30 a.m. - Public Hearing**
Department of Commerce, Travelers Building, Conference Room 1, 5th Floor, 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 Virginia State Board of Opticians intends to amend regulations entitled: **Rules and Regulations of the Board of Opticians.** The proposed amendment will decrease the license renewal fee from \$80 to \$65.

STATEMENT

Basis, Purpose and Impact: Pursuant to § 54-1.28(5) and (§ 9-6.14:1 et seq.), of the Code of Virginia the Virginia State Board of Opticians proposes to amend its existing regulations governing the licensure of opticians in Virginia. The regulations apply directly to approximately 955 actively licensed Virginia opticians of which 296 hold contact lens certification, and indirectly to those individuals who utilize their services. The Virginia State Board of Opticians proposes to amend the current regulations to decrease the license renewal fee from \$80 to \$65 in accordance with § 54-1.28:1 of the Code of Virginia. The proposed change from \$80 to \$65 will affect all 955 actively licensed Virginia opticians. The anticipated impact of the fee reduction to licenses is a savings of

\$14,325 per biennium.

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

Written comments may be submitted until August 8, 1986.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

VIRGINIA BOARD OF OPTOMETRY

July 16, 1986 - 8 a.m. - Open Meeting
R. Blackwell Smith Pharmacy Building, 410 North 12th Street, Richmond, Virginia. ☐

The board will administer the State Practical Examination.

July 17, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

A general business meeting.

Contact: Moria C. Lux, Executive Director, Virginia Board of Optometry, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

VIRGINIA OUTDOORS FOUNDATION

June 11, 1986 - 10:30 a.m. - Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ☐

A general business meeting.

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

STATE PERINATAL SERVICES ADVISORY BOARD

June 12, 1986 - 12:30 p.m. - Open Meeting
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☐

A regular meeting of the board. The agenda will be provided upon request two weeks prior to the meeting.

Contact: Alice S. Linyear, M.D., Director, Bureau of Maternal and Child Health, 6th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7367

STATE BOARD OF PHARMACY

June 24, 1986 - 8 a.m. - Open Meeting
June 25, 1986 - 8 a.m. - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street,
Richmond, Virginia. ☒

Board examinations and board meeting.

Contact: J. B. Carson, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0182

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

June 18, 1986 - 10 a.m. - Open Meeting
Hasler and Company, 121 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8463 OR William L. Taylor, Clerk of the Board, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

POLYGRAPH EXAMINERS ADVISORY BOARD

June 17, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to review regulations and routine business.

July 29, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

The board will meet for the purpose of administering the Virginia Polygraph Examiner Licensing Examination to eligible licensed Examiner Interns, and to determine and record results.

Contact: Iva B. Frizzell, 3600 W. Broad Street, Richmond, Va. 23230, telephone (804) 257-8515/8563

VIRGINIA REAL ESTATE BOARD

June 9, 1986 - 10 a.m. - Open Meeting
June 10, 1986 - 10 a.m. - Open Meeting
Holiday Inn-Waterside, Elizabeth Room, 700 Monticello Avenue, Norfolk, Virginia

The board will meet to conduct a formal hearing:
Virginia Real Estate Board v. Robert W. Horton, Jr.

June 12, 1986 - 10 a.m. - Open Meeting
June 13, 1986 - 10 a.m. - Open Meeting
Massey Building, Board of Supervisors Room, A Level,
4100 Chain Bridge Road, Fairfax, Virginia

The board will meet to conduct a formal hearing:
Virginia Real Estate Board v. David R. Kline.

June 18, 1986 - 10 a.m. - Open Meeting
June 19, 1986 - 10 a.m. - Open Meeting
June 20, 1986 - 10 a.m. - Open Meeting
Chesapeake Circuit Court, Courtroom 3, 300 Cedar Road,
Chesapeake, Virginia

The board will meet to conduct a formal hearing:
Virginia Real Estate Board v. John Henry Martin. This proceeding was continued from April 23-24, 1986.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

† **June 23, 1986 - 9 a.m. - Open Meeting**
Department of Commerce, Travelers Building, Conference Room 1, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A regulatory review work session. A general discussion by the board and interested parties regarding revisions to regulations of the Virginia Real Estate Board.

† **June 24, 1986 - 9 a.m. - Open Meeting**
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A regular business meeting. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to fair housing, property registration and licensing issues (e.g., reinstatement, eligibility requests.)

Contact: Florence R. Brassier, Assistant Director, Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8552

BOARD OF REHABILITATIVE SERVICES

June 27, 1986 - 10 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

The board will hold a regular meeting to conduct the business of the department.

Ad Hoc Committee

June 10, 1986 - 9 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh

Calendar of Events

Avenue, Richmond, Virginia. ☒

A meeting to study the role and function of the Board of Rehabilitative Services.

Evaluation Committee

June 20, 1986 - 1 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to discuss policy and procedures.

Finance Committee

June 26, 1986 - 3 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to discuss budgetary matters.

Program Committee

June 26, 1986 - 1 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to review, discuss and, when appropriate, recommend to the board necessary policies governing the vocational rehabilitation and independent living rehabilitation programs and services administered and/or coordinated by the Department of Rehabilitative Services.

Contact: Jim Hunter, 4901 Fitzhugh Ave., Richmond, Va. 23220, telephone (804) 257-6446 (toll-free number 1-800-522-5019)

VIRGINIA RESOURCES AUTHORITY

† **July 1, 1986 - 10 a.m. - Open Meeting**
Mutual Building, Authority Board Room, Suite 305, 909 East Main Street, Richmond, Virginia. ☒

The board will meet (i) to approve minutes of the May 13, 1986, board meeting; (ii) to review the authority's operations for the prior months; and (iii) to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23219, telephone (804) 644-3100

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

June 17, 1986 - 9 a.m. - Open Meeting
August 14, 1986 - 9 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

The authority will conduct a public hearing to consider Industrial Development Bond applications received by the authority, and for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the authority will conduct its regular business meeting.

Contact: Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

BOARD OF SOCIAL SERVICES

June 18, 1986 - (Time to be announced) - Open Meeting
June 19, 1986 - (Time to be announced) - Open Meeting
July 16, 1986 - (Time to be announced) - Open Meeting
July 17, 1986 - (Time to be announced) - Open Meeting
Department of Social Services, Blair Building, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and business meeting.

Contact: Phyllis Sisk, 8007 Discovery Drive, Richmond, Va. 23229-8699, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES

Division of Benefit Programs

July 12, 1986 - 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) Program.** The purpose of the regulation is to expand the disregard of the home as a resource to include property contiguous to the house and lot provided the value of the land does not exceed \$5,000.

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

Written comments may be submitted until July 12, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

Calendar of Events

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

* * * * *

July 14, 1986 - 9:30 a.m. - Public Hearing.
Blair Building, Conference Room A, 8007 Discovery Drive, Richmond, Virginia. ☐

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 615-08-1. Virginia Fuel Assistance Program.** Increase the age limit in the voluntary quit eligibility criteria; change the five geographic regions to six climate zones; add an eligibility criteria in ECAP and change one of the mandated type of assistance to optional one and lower the administrative cost reimbursement ceiling.

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

Written comments may be submitted until July 11, 1986.

Contact: Charlene Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

Division of Child Support Enforcement

July 26, 1986 - 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 Child Support Enforcement, intends to amend regulations entitled: **VR 615-70-1. State Income Tax Intercept for Child Support.** The proposed regulation allows the Department of Social Services to intercept state income tax refunds for payment of certain debts.

Statutory Authority: § 63.1-25 of the Code of Virginia, and 45 CFR 303.102 of the Code of Federal Regulations effective October 1, 1985.

Written comments may be submitted until July 26, 1986, to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288

Contact: Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

* * * * *

July 28, 1986 - 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 Child Support Enforcement, intends to adopt regulations entitled: **VR 615-70-2. Application Fee Scale.** The proposed regulations provide a sliding scale for application fees for child support enforcement services.

Statutory Authority: § 63.1-250.2 of the Code of Virginia and 45 CFR 302.33 of the Code of Federal Regulations.

Written comments may be submitted until July 26, 1986 to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

Contact: Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

* * * * *

July 26, 1986 - 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 Child Support Enforcement intends to adopt regulations entitled: **VR 615-70-3. Separate Fee Charged for Child Support Enforcement Services.** The proposed regulation defines what separate charges will be recovered for costs incurred above the application fee for child support enforcement services.

Statutory Authority: § 63.1-250 of the Code of Virginia.

Written comments may be submitted until July 26, 1986, to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

Contact: Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

* * * * *

† **August 8, 1986 -** 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 615-01-10. Job Training Partnership Act (JTPA), Title II, Part A Income Disregard in the Aid to Dependent Children (ADC) Program.** This proposed

Calendar of Events

amendment will disregard children's earnings derived through participation in JTPA, Title II, Part A for six calendar months per year and children's unearned income derived through participation in JTPA, Title II, Part A indefinitely.

STATEMENT

Subject: Treatment of income received by children in the Aid to Dependent Children (ADC) Program. This amendment is being proposed for a 60-day comment period.

Substance: Federal regulations allow states the option to disregard all or a portion of the income received by a dependent child as a result of his participation in the Job Training Partnership Act (JTPA), Title II, Part A, programs except in respect to earned income, which is limited in the federal option not to exceed six months per calendar year. In Virginia, current policy in the Aid to Dependent Children (ADC) Program requires that such income be considered in the determination of eligibility for assistance.

As set forth herein, the State Board of Social Services is proposing to disregard, in the determination of eligibility for ADC, a child's earnings derived from participation in the Job Training Partnership Act (JTPA), Title II, Part A, for six calendar months per calendar year, and unearned income derived from participation in the Job Training Partnership Act (JTPA), Title II, Part A, indefinitely.

Issues: Children's earnings derived through participation in the Job Training Partnership Act (JTPA), Title II, Part B, under current policy approved by the State Board of Social Services, is disregarded for six months per calendar year, and unearned income from this source is disregarded indefinitely. To extend the same disregards to the income from Job Training Partnership Act (JTPA), Title II, Part A, it is believed, would create equity in income treatment among children in the Job Training Partnership Act (JTPA) Program and would relieve the administrative difficulty and error-proneness that currently exists due to the difference in the treatment.

Basis: Chapter 1, § 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. Title IV-A, Section 402(a)(8) of the Social Security Act, in the administration of the Aid to Dependent Children (ADC) Program, permits a state to disregard all or a portion of a dependent child's income derived from participation in the Job Training Partnership Act (JTPA), not to exceed six months per calendar year for earned income.

Purpose: To extend the disregard of a child's earnings derived from participation in Job Training Partnership Act (JTPA), Title II, Part A, for six calendar months per year and to disregard unearned income derived from Job Training Partnership Act, (JTPA) Title II, Part A,

indefinitely in the Aid to Dependent Children (ADC) Program, in an effort to encourage youth to seek employment and training opportunities to the greatest extent possible.

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

Written comments may be submitted until August 8, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Developed pursuant to 45 Code of Federal Regulations 233.20(a) (3) (xviii) and Public Law 97-300.

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

BOARD OF SOCIAL WORK

June 20, 1986 - 1 p.m. - Open Meeting
The John Marshall Hotel, 5th and Franklin Streets, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) act on reports of oral examining committees.

Contact: John W. Braymer, Ph.D, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7703

SUBSTANCE ABUSE CERTIFICATION BOARD

† June 12, 1986 - 1 p.m. - Open Meeting
John Marshall Hotel, 5th and Franklin Streets, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to board correspondence; and (iv) make policies.

Contact: Joyce D. Williams, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7702

DEPARTMENT OF TAXATION

July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: VR 630-2-322. Virginia Taxable Income (Individual Income Tax Regulation). This regulation sets forth the method for computing the Virginia taxable income of individuals, including the various additions, subtractions, deductions, and modifications provided by law.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 8, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: VR 630-3-402. Virginia Taxable Income (Corporation Income Tax Regulation). This regulation sets forth the method for computing the Virginia taxable income of corporations, including the various additions, subtractions, deductions, and modifications provided by law.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 8, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt the regulation entitled: VR 630-10-24.4. Common Carriers of Property or Passengers by Railway (Retail Sales and Use Tax Regulation). This regulation sets forth the application of the sales and use tax to tangible personal property used or consumed by common carriers of property or passengers by railway.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 8, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 19-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: VR 630-10-3. Advertising (Retail Sales and Use Tax Regulation). This regulation sets forth the application of the sales and use tax to charges for the provision of concept, writing, graphic design, mechanical art, photography, and production supervision in the planning, creating, or placing or advertising in the media.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 3, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

June 18, 1986 - 10 a.m. - Open Meeting
Department of Information Technology, 4th Floor, 110 South 7th Street, Richmond, Virginia. ☐

A quarterly meeting regarding telecommunications contracts and public television and radio issues.

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

THE GOVERNOR'S COMMISSION ON
TRANSPORTATION IN THE TWENTY-FIRST CENTURY

June 9, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

COMMISSION MEETING No. 6
Review of alternative financing
Approaches and legal constraints

July 7, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

COMMISSION MEETING No. 7

Calendar of Events

Development of recommendations for funding transportation needs

July 21, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

COMMISSION MEETING No. 8
Review of final report

Contact: Jewel A. Paige, Administrative Assistant, 10th Floor, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2405

DEPARTMENT OF THE TREASURY AND TREASURY BOARD

June 19, 1986 - 10 a.m. - Public Hearing
James Monroe Building, First Floor, Conference Room B, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of the Treasury and Treasury Board intends to adopt regulations entitled: **Guidelines for Public Participation in Regulation Development and Promulgation.**

Statutory Authority: §§ 2.1-180, 2.1-364, 55-200.1 and 5-210.27 of the Code of Virginia.

Written comments may be submitted until June 1, 1986.

Contact: Joseph K. Reid, Director of Planning, P.O. Box 6-H, Richmond, Va. 23215, telephone (804) 225-2142

VIRGINIA BOARD OF VETERINARY MEDICINE

June 18, 1986 - 1 p.m. - Open Meeting
Best Western-Market Place Hotel, Chesapeake Room, 7th & Marshall Streets, Richmond, Virginia. ☐

A meeting to discuss general board business and informal conferences.

June 19, 1986 - 8 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Rooms 1-044 and 2-020, 1101 East Marshall Street, Richmond, Virginia. ☐

Veterinarian examinations (Room 2-020); Animal Technician examinations (Room 1-044).

June 20, 1986 - 9 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Room 1050, 1101 East Marshall Street, Richmond, Virginia. ☐

A general board business meeting.

Contact: Moria C. Lux, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

July 16, 1986 - 11 a.m. - Open Meeting
Administration Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☐ Interpreter for deaf provided if requested.

The board meets quarterly 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, Acting Confidential Secretary, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3145

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

June 14, 1986 - 10:30 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☐ Interpreter for deaf provided if requested.

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

Contact: George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

STATE WATER CONTROL BOARD

June 23, 1986 - 9 a.m. - Open Meeting
June 24, 1986 - 9 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia ☐

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, 2111 N. Hamilton St., P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

July 15, 1986 - 10 a.m. - Open Meeting
Abingdon Council Chamber, 133 West Main Street, Abingdon, Virginia. ☐

Calendar of Events

July 16, 1986 - 10 a.m. - Open Meeting
Roanoke Council Chambers, 215 Church Street, S.W.,
Roanoke, Virginia. ☐

July 17, 1986 - 10 a.m. - Open Meeting
Warrenton Council Chambers, Municipal Building, 18 Court
Street, Warrenton, Virginia. ☐

July 18, 1986 - 10 a.m. - Open Meeting
Williamsburg/James City Court House, 321-45 Court Street,
Williamsburg, Virginia. ☐

This joint meeting/workshop is being held by the State Water Control Board and the Department of Health in order to discuss with the public proposed amendments to the Commonwealth of Virginia Sewerage Regulations. The joint regulations originally became effective on February 1, 1977, and these amendments primarily reflect advances in technology since that time. Major changes involve the addition of regulations for newer technologies including ultraviolet light irradiation, composting, and rotating biological contractors and significant revisions to sections on land application of sludge, land application of wastewater, aerated lagoons, disinfections, and sludge handling processes. Drafts of the regulations are available upon request. Comments may also be submitted in writing through July 18, 1986.

Contact: Charley Banks, State Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230-1143, telephone (804) 257-6351

† August 11, 1986 - 7 p.m. - Open Meeting
Prince William County Complex, McCourt Building, Board
Room, 4850 Davis Fork Road, Woodbridge, Virginia

† August 18, 1986 - 7 p.m. - Open Meeting
Roanoke City Council Chambers, 215 Church Avenue,
Roanoke, Virginia. ☐

† August 20, 1986 - 7 p.m. - Open Meeting
Williamsburg/James City Council Chambers,
Williamsburg/James City Courthouse, 321-45 Court Street,
Williamsburg, Virginia

The Water Quality Standards, as required by state and federal law, are reviewed every three years. As part of the review that is now underway, a series of public meetings will be held around the Commonwealth. The purpose of these meetings is to receive comments and suggestions on our standards program. These comments will be used in proposing specific changes in standards that will be considered at hearings in early 1987.

Contact: Stuart Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

* * * * *

† August 11, 1986 - 7 p.m. - Public Hearing
Prince William County Complex, 4850 Davis Ford Road,
Woodbridge, 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: **Water Quality Standards, Section 4 - Basin and Section Description Tables, Potomac River Subbasin, Section 5.** Quantico Bight would be excluded from Section 5 and established as a new section 5C, Class II waters, with no special standards.

STATEMENT

Basis: Section 62.1-44.15(3a) of the Code of Virginia authorized the State water Control Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended or cancelled.

Section 303 of the Federal Clean Water Act requires states to adopt water quality standards and to have them approved by the Environmental Protection Agency (EPA). If EPA determines that Virginia's water quality standards are not appropriate, it will promulgate its own federal water quality standard for Virginia.

Purpose: The purpose of this proposed amendment is to establish the Quantico Bight and its tidal tributaries as a separate section, 5C, of the Potomac River Subbasin. This section 5C would establish the requirements of Class II waters with no special standards for Quantico Bight and its tidal tributaries. At the present time, Quantico Bight is classified as part of section 5 which requires meeting the requirements for Class II waters as well as Special Standards b, the Potomac Embayment Standards.

This amendment is being proposed because a water quality study performed by the board and EPA in 1982 found that the water quality of the Quantico Bight is not different from the water quality of the Potomac River which is Class II waters and as such the standards for the Potomac embayments should not be applicable.

Impact: Currently only the Quantico Mainside treatment facility which discharges into the Quantico Bight would be affected by this amendment. This facility has the Potomac Embayment Standards as the final effluent limits in its permit. This amendment would remove these standards, and this discharger and other future dischargers into Quantico Bight would be required to meet the effluent limits being established for the Potomac River by the Dynamic Estuary Model (DEM) under development by EPA. At the present time effluent limits to be required by the DEM are expected to be slightly less stringent than those required by the Potomac Embayment Standards. Because of this fact, the economic burden caused by stringent treatment requirements for dischargers into

Calendar of Events

Quantico Bight is expected to be lessened by this amendment. At the same time, water quality will not be adversely affected by this change as the DEM model will require that dischargers into Quantico Bight maintain a level of treatment so as to assure attainment of water quality standards.

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

Written comments may be submitted until August 21, 1986.

Contact: Stuart Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

COLLEGE OF WILLIAM AND MARY

Board of Visitors

† June 27, 1986 - 12 Noon - Open Meeting
Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

† August 22, 1986 - 8 a.m. - Open Meeting
Student Center, Richard Bland College, Petersburg, Virginia

A meeting of the Board of Visitors of the College of William and Mary called by the Rector of the college to review contracts, budget considerations, and any other matters presented by the administrations of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

VIRGINIA COUNCIL ON THE STATUS OF WOMEN

June 15, 1986 - 5 p.m. - Open Meeting
June 16, 1986 - 9 a.m. - Open Meeting
June 17, 1986 - 9 a.m. - Open Meeting
Roslyn Conference Center, 8727 River Road, Richmond, Virginia

A planning session for the council committees and the

Virginia Council on the Status of Women. An agenda may be obtained from the council office on June 9th.

Contact: Bonnie H. Robinson, Executive Director, Virginia Council on the Status of Women, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

June 16, 1986 - 9:30 a.m. - Open Meeting
Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia

A meeting to discuss "Virginia's Chesapeake Bay Initiatives."

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

JOINT SUBCOMMITTEE STUDYING THE SCREENING OF CHILD-CARE PERSONNEL

† June 10, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

The Department of Social Services, State Police, local school boards and the FBI have been invited to discuss criminal records screening practices with respect to adults seeking to work with children.

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, General Assembly Building, 2nd Floor, Richmond, Va. 23219, telephone (804) 786-3591

COAL AND ENERGY COMMISSION

June 10, 1986 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☒

The commission will be briefed on the costs and benefits of gasohol as an alternative fuel source (SJR 15) and will receive information on the use of coal in state facilities (HJR 107).

Oil and Gas Subcommittee

June 19, 1986 - 7:30 p.m. - Public Hearing
Board of Supervisor's Hearing Room, 205 Academy Drive,
Abingdon, Virginia

A public hearing to determine the adequacy of the Virginia Oil and Gas Act (§ 45.1-286 et seq. of the Code of Virginia) in light of past ground water contamination occurrences in the Town of Jonesville and at the Paint Bank Fish Hatchery in Craig County.

Contact: Michael Ward, Staff Attorney, or Martin Farber, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA CODE COMMISSION

June 24, 1986 - 9:30 a.m. - Open Meeting
June 25, 1986 - 9:30 a.m. - Open Meeting
General Assembly Building, Speaker's Conference Room,
6th Floor, Capitol Square, Richmond, Virginia. ☐

The Commission will proceed with the revision of Title 29.1 and Title 54.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, General Assembly Building, 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

HOUSE OF DELEGATES VIRGINIA HIGH SCHOOL LEAGUE

† **June 19, 1986 - 10 a.m. - Public Hearing**
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

A public hearing and remarks by the Virginia High School League, the Parent-Teachers Association and the School Boards Association.

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

JOINT SUBCOMMITTEE REVIEWING INTEREST RATE LAWS OF THE COMMONWEALTH

† **June 17, 1986 - 10 a.m. - Open Meeting**
General Assembly Building, 6th Floor Conference Room,
Capitol Square, Richmond, Virginia ☐

Update of law changes and credit card interest rates.
(HJR 41)

Contact: C. William Cramme', III, Staff Attorney, Division of Legislative Services, 2nd Floor, General Assembly Bldg., Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

SENATE AND HOUSE OF DELEGATES SUBCOMMITTEE ON BLOCK GRANTS

† **July 29, 1986 - 10 a.m. - Public Hearing**
General Assembly Building, House Room D, Capitol
Square, Richmond, Virginia. ☐

A public hearing on federal block grants in the areas of (i) preventive health and health services; (ii) alcohol, drug abuse and mental health; and (iii) community services.

Contact: Normal Szakal, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 OR Jayne Thomas, Grant Director, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804), 281-9217

TANGIBLE PERSONAL PROPERTY TAX Joint Subcommittee

† **June 26, 1986 - 10 a.m. - Open Meeting**
General Assembly Building, Senate Room B, Capitol
Square, Richmond, Virginia. ☐

The organizational meeting of joint subcommittee studying SJR 28.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742 OR Reggie McNally, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING TAXATION OF PUBLIC SERVICE CORPORATIONS (SJR 125, 1985)

June 11, 1986 - 10:30 a.m. - Open Meeting
State Capitol, Senate Room 4, Richmond, Virginia. ☐

A work session.

Contact: Robert F. Doult, Deputy Clerk of the Senate, P.O. 396, Richmond, Va. 23203, telephone (804) 786-4638

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

June 9

Air Pollution Control Board, State
Alcoholic Beverage Control Board, Virginia
Real Estate Board, Virginia
Transportation in the Twenty-First Century, The
Governor's Commission on

June 10

† Auctioneers Board, Virginia
† Child-Care Personnel, Joint Subcommittee Studying
the Screening of
Coal and Energy Commission
Marine Products Board, Virginia
Medical Assistance Services, Department of
Real Estate Board, Virginia
Rehabilitative Services, Board of
- Ad Hoc Committee

June 11

† Air Pollution Control Board, State
Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Advisory Committee
Outdoors Foundation, Virginia
Taxation of Public Service Corporations, Joint
Subcommittee Studying

June 12

Apprenticeship Council, Virginia
Highways and Transportation, Virginia Department of
Nursing Home Administrators, State Board of
Examiners for
Perinatal Services Advisory Board, State
Real Estate Board, Virginia
† Substance Abuse Certification Board

June 13

† Opticians, Virginia State Board
† Real Estate Board, Virginia

June 14

Visually Handicapped, Department of
- Advisory Committee on Services

June 15

Women, Virginia Council on the Status of

June 16

† Funeral Directors and Embalmers, Virginia Board of
House Appropriations Committee
Women, Virginia Council on the Status of

June 17

Air Pollution Control Board, State
Alcoholic Beverage Control Board, Virginia
† Conservation and Historic Resources, Department of
- Virginia Historic Landmarks Board
- Division of Historic Landmarks
† Funeral Directors and Embalmers, Virginia Board of
† Housing Development Authority, Virginia
- Board of Commissioners
† Interest Rate Laws of the Commonwealth, Joint
Subcommittee Reviewing
† Department of Labor and Industry
- Virginia Safety and Health Codes Board
Polygraph Examiners Advisory Board
Small Business Financing Authority, Virginia
Women, Virginia Council on the Status of

June 18

Corrections, Board of
† Funeral Directors and Embalmers, Virginia Board of
Pilots, Board of Commissioners to Examine
Public Telecommunication Board, Virginia
Real Estate Board, Virginia
Social Services, Board of
Veterinary Medicine, Virginia Board of

June 19

Highways and Transportation, Virginia Department of
Real Estate Board, Virginia
Social Services, Board of
Veterinary Medicine, Virginia Board of

June 20

† Building Code Technical Review Board, State
Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Coordinating Committee
† Mental Health and Mental Retardation, Department
of
- Advisory Council
Real Estate Board, Virginia
Rehabilitative Services, Board of
- Evaluation Committee
Social Work, Board of
Veterinary Medicine, Virginia Board of

June 23

† Real Estate Board, Virginia
Water Control Board, State

June 24

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
Code Commission, Virginia
† Education, Governor's Commission on Excellence in
Library Board, Virginia State
Pharmacy, State Board of
† Real Estate Board, Virginia
Water Control Board, State

Calendar of Events

June 25

Code Commission, Virginia
† Education, Governor's Commission on Excellence in
† Education, State Board of
† Health Services Cost Review Council, Virginia
† Mental Health and Mental Retardation Board, State
Pharmacy, State Board of
Sewage Handling and Disposal Appeals Review
Board, State

June 26

Criminal Justice Services Board
- Committee on Justice Information Systems
† Education, State Board of
† Funeral Directors and Embalmers, Virginia Board of
Rehabilitative Services, Board of
- Finance Committee
- Programs Committee
† Tangible Personal Property Tax, Joint Subcommittee
studying

June 27

† Funeral Directors and Embalmers, Virginia Board of
Medicine, Virginia State Board of
Rehabilitative Services, Board of
† College of William and Mary, Board of Visitors

June 30

† Athletic Board, Virginia
† Contractors, State Board for

July 1

† Auctioneers Board, Virginia
† Resources Authority, Virginia

July 7

Transportation in the Twenty-First Century, The
Governor's Commission on

July 9

Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board

July 15

Health, Department of
† Health Regulatory Boards, Council on
Water Control Board, State

July 16

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
† Corrections, Board of
Health, Department of
Optometry, Virginia Board of
Social Services, Board of
Water Control Board, State
Visually Handicapped, Board for the

July 17

Health, Department of

Optometry, Virginia Board of
Social Services, Board of
Water Control Board, State

July 18

Health, Department of
Water Control Board, State

July 21

† Local Government, Commission on
Transportation in the Twenty-First Century, The
Governor's Commission on

July 23

† Health Services Cost Review Council, Virginia

July 24

† Contractors, State Board for
Efficiency in Government, Governor's Commission on
Long-Term Care Council, Virginia

July 30

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Professional Engineers
Dentistry, Virginia Board of

July 31

Aging, Governor's Advisory Board on
Dentistry, Virginia Board of

August 11

† Water Control Board, State

August 13

† Corrections, Board of

August 14

Small Business Financing Authority, Virginia

August 18

† Water Control Board, State

August 20

† Water Control Board, State

August 22

† College of William and Mary, Board of Visitors

September 17

† Corrections, Board of
Efficiency in Government, Governor's Commission on

October 15

Efficiency in Government, Governor's Commission on

November 18

Efficiency in Government, Governor's Commission on

Calendar of Events

PUBLIC HEARINGS

June 12

Health Regulatory Boards, Board on
Highways and Transportation, Virginia Department of

June 18

† Air Pollution Control Board
- Region VII Springfield
Efficiency in Government, Governor's Commission on

June 19

Coal and Energy Commission
- Oil and Gas Subcommittee
Highways and Transportation, Virginia Department of
† House of Delegates
- Virginia High School League
Treasury, Department of the, and Treasury Board

July 8

Taxation, Department of

July 14

Social Services, Department of

July 21

† Local Government, Commission on

July 29

† Senate and House of Delegates
- Subcommittee on Block Grants

August 11

† Accountancy, Virginia State Board of

August 12

† Opticians, Virginia State Board of

August 21

† Water Control Board, State

December 17

Efficiency in Government, Governor's Commission on