

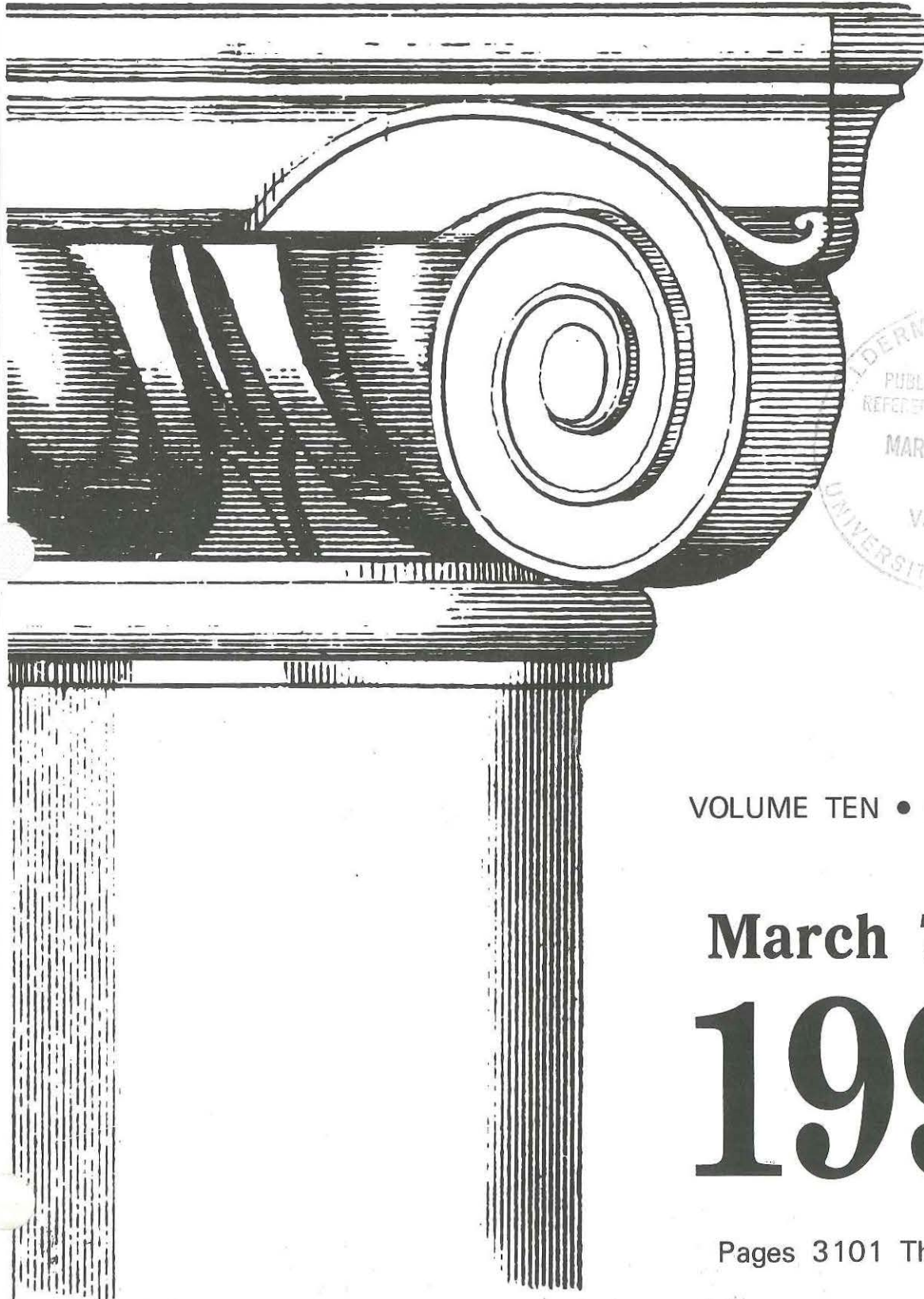
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# THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME TEN • ISSUE TWELVE

March 7, 1994

# 1994

Pages 3101 Through 3242

## 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 periodically 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 the regulation becomes final.

### 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

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October 1993 through December 1994

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# NOTICES OF INTENDED REGULATORY ACTION

## Symbol Key †

† Indicates entries since last publication of the Virginia Register



## 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 repealing regulations entitled: **VR 110-01-01. Public Participation Guidelines.** The purpose of the proposed action is to replace emergency public participation guidelines with permanent regulations. No public hearing is planned during the comment period on this matter as the department plans to adopt without changing the emergency regulations currently in effect.

**Statutory Authority:** §§ 2.1-373 and 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until April 7, 1994.

**Contact:** Bill Fascitelli, Senior Planner, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2852 or toll-free 1-800-552-4464.

V.A.R. Doc. No. R94-596; Filed February 15, 1994, 3:31 p.m.

### † 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 promulgating regulations entitled: **VR 110-01-01:1. Public Participation Guidelines.** The purpose of the proposed action is to replace emergency public participation guidelines with permanent regulations. No public hearing is planned during the comment period on this matter as the department plans to adopt without changing the emergency regulations currently in effect.

**Statutory Authority:** §§ 2.1-373 and 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until April 7, 1994.

**Contact:** Bill Fascitelli, Senior Planner, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA

23219-2327, telephone (804) 225-2852 or toll-free 1-800-552-4464.

V.A.R. Doc. No. R94-595; Filed February 15, 1994, 3:31 p.m.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Environmental Quality intends to consider promulgating regulations entitled: **VR 304-03-01. Regulation for the Early Retirement of Older Motor Vehicles.** The purpose of the proposed action is to develop procedures for the early, voluntary retirement of older motor vehicles in order to reduce mobile source air pollution in exchange for a voucher worth cash or trade-in value. The regulation will contain eligibility criteria, processing requirements and procedures for establishing mobile source air pollution reduction credits which can be banked or traded.

**Public Meeting:** A public meeting will be held in the Board Room of the Virginia Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia, at 7 p.m. on March 30, 1994, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

**Accessibility to Persons with Disabilities:** The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Ms. Doneva Dalton at the Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, or by telephone at (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than March 15, 1994.

**Ad Hoc Advisory Group:** The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by the close of business on April 22, 1994, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants by May 13, 1994. If you are interested in being on the group, you are encouraged to attend the public meeting. The primary function of the group is to develop a recommended regulation for department consideration through the collaborative approach of



# Notices of Intended Regulatory Action

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regulatory negotiation and consensus to the extent permitted by law.

Public Hearing Plans: The department will hold at least one public hearing to provide opportunity for public comment on any regulation drafted pursuant to this notice.

Need: The National Ambient Air Quality Standard for ozone is 0.12 parts per million (ppm) and was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. Ozone is formed when volatile organic compounds and nitrogen oxides in the ambient air react together in the presence of sunlight. When concentrations of ozone in the ambient air exceed the EPA standard the area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas have been identified as ozone nonattainment areas according to new provisions of the 1990 Clean Air Act (Act); therefore, over 3.5 million Virginia citizens are being exposed to air quality that does not meet the federal health standard for ozone.

Air pollution from vehicles contributes as much as half of the total man-made pollution which forms ozone. A disproportionate amount of that pollution comes from older cars which were either not designed to burn fuel efficiently or have deteriorated to the point that they pollute heavily. According to the U.S. Congress Office of Technology Assessment, cars of 1971 or earlier vintage made up only 3.4% of the national fleet in 1990 and were driven only 2.0% of the miles. EPA estimates they created at least 6.0% of the hydrocarbon emissions, 7.5% of the carbon monoxide, and 4.7% of nitrogen oxides. They also have poor fuel economy.

In Virginia's nonattainment areas (currently Northern Virginia, Richmond and Hampton Roads), the percentage of pre-1972 cars ranges between 3.4% and 4.4% of the total vehicle population according to 1991 data from the Department of Motor Vehicles. These vehicles produce 10% to 12% of the total VOC emissions from cars and trucks weighing up to 8,500 pounds. Pre-1981 model years, ranging from 21% to 27% of the vehicle population, produce 45% to 50% of the total VOC emissions. The percentage of older cars in the vehicle population and the pollution from those cars will decrease annually as cars are retired naturally. Estimates are that approximately 20% of the pre-1981 vehicles are retired by their owners each year.

Vehicle retirement programs remove these vehicles from service, and destroy the emission system components and engine, by offering to purchase them from willing owners. The programs reduce pollution by taking these older, higher-polluting vehicles off the road sooner than they would normally have been retired. The benefits in pollution reduction and fuel savings are immediate; there may be safety benefits as well. However, the benefits are short-lived because the vehicle is being removed from

service only a few years sooner, on average, than would have occurred normally. There is also the question of what amount of driving is then transferred to another vehicle and how much net pollution reduction results from replacing one vehicle with another.

In order for a motor vehicle retirement program to demonstrate an air pollution reduction benefit, it must be carefully constructed to target high-polluting vehicles which are in regular operation. Removing vehicles from operation which are not operated regularly does little to reduce pollution and is therefore not cost effective. Further, removal of vehicles in geographic areas which do not have significant air pollution problems is also not cost effective.

## Alternatives:

1. Draft a new regulation according to the requirements in the 1993 Acts of Assembly which will provide for implementation of a motor vehicle retirement or "scrappage" program which assigns pollution reduction credit value based on EPA guidance.
2. Draft a new regulation according to the requirements in the 1993 Acts of Assembly which will provide for implementation of a motor vehicle retirement or "scrappage" program which assigns pollution reduction credit value based on calculations from actual emissions testing of vehicles retired and replacement vehicles.
3. Take no action to draft a regulation, which would be contrary to the intent of the 1993 Acts of Assembly.

Costs and benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Federal Requirements: The 1990 amendments to the Clean Air Act represent the most comprehensive piece of clean air legislation ever enacted and for the first time delineates nonattainment areas as to the severity of the pollution problem. Nonattainment areas are now classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification is subject to successively more stringent control measures. Areas with higher classifications of nonattainment must meet the requirements of all the areas in lower classifications. Virginia's nonattainment areas are classified as marginal for the Hampton Roads Nonattainment Area, moderate for the Richmond Nonattainment Area, and serious for the Northern Virginia Nonattainment Area.

Virginia must submit an air quality plan for each of these areas which shows how, and when, we will go about attaining and maintaining these air quality standards. The plans contain multiple control strategies and also must

# Notices of Intended Regulatory Action

contain contingency measures should the strategies prove insufficient. Realistically, it is also important to prevent areas with relatively clean air from becoming nonattainment areas. Voluntary, proactive programs such as a motor vehicle retirement program could prove beneficial in the short term in reducing pollution generated by motor vehicles.

Some federal guidance exists for designing such programs; however, there is no federal law or regulation on this specific subject. Additional federal guidance exists regarding the generation, banking and trading of actual pollution reductions, called "pollution credits."

Statutory Authority: §§ 46.2-1802, 46.2-1804, and 46.2-1805 of the Code of Virginia.

Written comments may be submitted until the close of business on April 22, 1994, to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

**Contact:** David J. Kinsey, Policy Analyst, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4432.

V.A.R. Doc. No. R94-567; Filed February 2, 1994, 10:04 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

### 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 amending regulations entitled: **VR 460-03-3.1100, Amount, Duration, and Scope of Services, and VR 460-02-3.1300, Standards Established and Methods Used to Assure High Quality of Care: Physical Therapy and Related Services.** The purpose of the proposed action is to amend existing regulations to establish different requirements and clarify documentation requirements for general physical rehabilitation and intensive rehabilitative services. The agency does not intend to hold public hearings on this issue.

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

Written comments may be submitted until March 23, 1994, to Mary Chiles, Manager, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

V.A.R. Doc. No. R94-525; Filed January 20, 1994, 3:16 p.m.

### 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 amending regulations entitled: **Amount, Duration, and Scope of Services: Prescribed Drugs: Coverage of Certain Over-the-Counter Drugs.** The purpose of the proposed action is to allow coverage of certain over-the-counter (OTC) medications as less expensive alternatives to legend drugs. The agency does not intend to hold public hearings on this issue.

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

Written comments may be submitted until March 23, 1994, to Marianne Rollings, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

V.A.R. Doc. No. R94-536; Filed February 1, 1994, 9:09 a.m.

## BOARD OF NURSING

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Nursing intends to consider amending regulations entitled: **VR 495-01-1, Board of Nursing Regulations.** The purpose of the proposed action is to (i) consider changes in Part III related to licensure by examination as the result of the implementation of computerized testing; (ii) consider changes in Parts II and V related to educational program approval to clarify compliance with the Administrative Process Act; and (iii) give possible consideration to changes in Part II related to faculty supervision of students and recognition of other forms of accreditation as comparable to Board of Nursing approval. A public hearing will be held on any proposed regulations developed as a result of the consideration described in the purpose of this intended regulatory action.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Written comments may be submitted until March 11, 1994.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

V.A.R. Doc. No. R94-588; Filed February 3, 1994, 1:52 p.m.

# Notices of Intended Regulatory Action

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## BOARDS OF NURSING AND MEDICINE

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with their public participation guidelines that the Board of Nursing and the Board of Medicine intend to consider amending regulations entitled: **VR 495-02-1 and VR 465-07-1. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to conduct a biennial review of regulations which will include consideration of recommendations of several studies conducted in the state within the past several years. A public hearing will be held on any proposed regulations developed as a result of the consideration described in the purpose of this intended regulatory action.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Written comments may be submitted until April 15, 1994.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

V.A.R. Doc. No. R94-587; Filed February 2, 1994, 3:39 p.m.

## COMMONWEALTH TRANSPORTATION BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Commonwealth Transportation Board intends to consider amending regulations entitled: **VR 385-01-12. Hauling Permit Manual.** The purpose of the proposed action is to revise and streamline VDOT's Hauling Permit Manual. The update/revision will include travel regulations, including overweight, overheight, and overwidth restrictions.

Statutory Authority: §§ 33.1-12 and 46.2-1139 of the Code of Virginia.

Written comments may be submitted until March 23, 1994.

**Contact:** J.R. Hess, Hauling Permit Supervisor, Department of Transportation, Maintenance Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 371-8033.

V.A.R. Doc. No. R94-534; Filed January 31, 1994, 2:09 p.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Commonwealth Transportation Board intends to consider amending regulations entitled: **VR 385-01-16. Land Use Permit Manual.** The purpose of the proposed action is to revise the Land Use Permit Manual in terminology and nomenclature.

Statutory Authority: §§ 33.1-12 (3), 33.1-197 and 33.1-198 of the Code of Virginia.

Written comments may be submitted until March 23, 1994.

**Contact:** Jim Cline, Land Use Permit Supervisor, Department of Transportation, Maintenance Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4271.

V.A.R. Doc. No. R94-535; Filed January 31, 1994, 2:09 p.m.

## 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: **VR 680-21-01. Water Quality Standards.** The purpose of the proposed action is to consider modifying VR 680-21-01 3 C 1 of the Antidegradation Policy to increase the participation of local governments in the nomination and designation process for exceptional waters. The State Water Control Board intends to consider amending the regulation to offer local governments the opportunity to determine if a proposed exceptional waters nomination is consistent with local comprehensive planning as part of the process.

Basis and statutory authority: Section 62.1-44.15(a) of the Code of Virginia authorizes the board to establish such standards of quality and policies for any state waters consistent with the general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established and to take all appropriate steps to prevent quality alteration contrary to the public interest or to standards or policies thus established.

Estimated impact: Impacts resulting from designations of exceptional waters will be primarily upon the local governments in the area where the exceptional waters are located. No new or increased VPDES discharges will be allowed into these exceptional waters.

Alternatives: Alternatives under consideration include whether the board should propose amendments to VR 680-21-01 3 C 1 regarding the role of local governments in the designation procedures for exceptional waters or leave the section unchanged.

Comments: The board seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of stated alternatives. Also, the board seeks comment on whether the agency should form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups or individuals to assist in the drafting and formation of a proposal. In addition, the board's staff will hold public meetings at 7 p.m. on

## Notices of Intended Regulatory Action

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Wednesday, March 23, 1994, in the Board Room, Department of Environmental Quality, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia, and at 7 p.m. on Thursday, March 24, 1994, in the Roanoke County Board of Supervisors Meeting Room, First Floor, 5204 Bernard Drive, Roanoke, Virginia, to receive views and comments and to answer questions of the public.

**Accessibility to Persons with Disabilities:** The meetings are being held at facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton, Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009, telephone (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Tuesday, March 1, 1994.

**Intent to Hold an Informational Proceeding or Public Hearing:** The board intends to hold an informational proceeding (informal hearing) on the proposed amendment after it is published in The Register of Regulations. This informational proceeding will be convened by a member of the board. The board does not intend to hold an evidential proceeding (formal hearing) on the proposal after it is published in The Register of Regulations.

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

Written comments may be submitted until 4 p.m. on April 5, 1994, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

**Contact:** Jean Gregory, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5093.

VA.R. Doc. No. R94-526; Filed January 26, 1994, 1:04 p.m.

# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Pesticide Control Board

**Title of Regulations:** VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services Under the Virginia Pesticide Control Act.

**Statutory Authority:** § 3.1-249.30 of the Code of Virginia.

**Public Hearing Date:** April 14, 1994 - 7 p.m.

Written comments may be submitted until May 9, 1994.

(See Calendar of Events section for additional information.)

**Basis:** Section 3.1-249.30 of the Code of Virginia states the Pesticide Control Board may promulgate regulations, "establishing a fee structure for licensure, registration and certification to defray costs of implementing this chapter."

**Purpose:** The proposed amendments to VR 115-04-20 will (i) establish a single pesticide product registration fee and increase the product registration fee, (ii) establish a late fee for failure to renew the pesticide product registration by December 31 each year, (iii) eliminate the conflict between § 3.1-249.52 of the Code of Virginia, which requires renewal and does not differentiate between pesticides classified for restricted use and other pesticides and §§ 2.2 and 2.3 of the regulations, which allow a commercial applicator and registered technician to avoid a late fee for failure to renew by submitting an affidavit certifying that he has not applied pesticides classified for restricted use subsequent to the expiration of his certificate, (iv) eliminate the conflict between § 3.1-249.52 C of the Code of Virginia, which provides the Pesticide Control Board authority to require reexamination of a registered technician not reinstruction as currently required in § 2.3 when the registered technician fails to renew his license within 60 days of the expiration date and establish an examination fee of \$15, (v) delete definitions for "commissioner," "department" and "registered technician" which are contained in § 3.1-249.27 of the Code of Virginia, and (vi) add definitions for "brand" and "grade" which clearly differentiate the meanings of the two terms. These changes are necessary to allow for collection of sufficient revenues to support the continued operations of the pesticide management program through the 1994-96 biennium. The Council on the Environment in a report entitled, "Special Report: Pesticide Management in Virginia" (January 1989),

recommended that the Office of Pesticide Management be funded with fees collected from the issuance of pesticide product registrations and business licenses and from commercial pesticide applicators and registered pesticide technicians. In 1989, Governor Baliles directed that the 1990-92 budget development guidelines include a two-year phaseout of general funds for the pesticide management program and the general fund allocation was discontinued on July 1, 1991. The Pesticide Control Board promulgated regulations requiring pesticide product registration to an annual fee of \$125 for each brand or grade of pesticide except for each brand or grade of pesticide with annual wholesale sales in Virginia of \$5,000 or less, for which an annual fee of \$50 was established. During FY-91 the board anticipated revenues of \$1,000,000 resulting from pesticide product registrations but a substantial number of products were registered at the \$50 fee. With actual revenues of \$825,600, the board experienced a significant shortfall which continued in FY-92 when product registrations resulted in revenue collections of \$838,817. The board anticipates an increased decline during FY-93 and until the proposed amendments to the fee structure are effected. The pesticide management program is operated solely on program participant fees and grant funds so it is critical to the delivery of current programs and services to the citizens of the Commonwealth that the proposed regulatory amendments be promulgated. The budgetary projections for the current and 1994-96 bienniums clearly define the need and purpose for the proposed amendments.

### BUDGETARY PROJECTIONS - 1992-94 BIENNIUM

Projected Expenditures .....	\$4,322,812
Projected Revenue from Product Registration ...	\$1,678,817
Projected Other Source Revenue .....	\$2,888,858
PROJECTED BALANCE .....	\$ 244,863

### BUDGETARY PROJECTIONS - 1994-96 BIENNIUM

Projected Expenditures .....	\$4,216,501
Projected Other Source Revenue .....	\$1,744,863
Projected Revenue from Product Registration	
w/Fee Change effective October 15, 1994 .....	\$2,866,500
PROJECTED BALANCE .....	\$ 394,862
Projected Revenue from Product Registration	

# Proposed Regulations

without Fee Change effective Oct. 15, 1994 ..... \$1,678,817

PROJECTED BALANCE (DEFICIT) ..... (\$ 792,821)

**Substance:** The proposed amendment to § 2.1 A establishing a single fee of \$175 for registration of each brand or grade of pesticide product provides for the registration of any product at the same fee regardless of the annual wholesale profit realized from the sale of the product in Virginia. Proposed amendment to § 2.1 B establishes a deadline for pesticide product renewal and provides for an assessment of a late fee for failure to renew the registration prior to December 31 of each year. The board proposes to delete the provision in §§ 2.2 and 2.3 which allows a commercial applicator or a registered technician, in lieu of paying a penalty, to submit an affidavit certifying that he has not applied pesticides classified for restricted use subsequent to the expiration of his certificate. Section 3.1-249.52 C of the Code of Virginia does not provide the board with authority to require reinstruction so a change to § 2.3 is proposed to require reexamination as permitted under the Code and the board proposes to establish the appropriate fee of \$15 for that reexamination. Section 3.1-249.55 of the Code of Virginia requires renewal and does not authorize the board to provide for any exemption nor does it differentiate between pesticides which are otherwise classified so the regulatory provisions are proposed for deletion. The board proposes to delete the definitions for "commissioner," "department" and "registered technician" and add the definitions for "brand" and "grade."

**Issues:** In 1990, the board in its efforts to become self-supporting established product registration fees of \$125 and \$50 which were determined to be reasonable and necessary to support the operations of the pesticide control program. Further, the board projected that 90-95% of the pesticide products would be registered at the higher fee and only a small percentage would be registered at the lower fee for products with annual wholesale sales in Virginia of less than \$5,000. A cost-effective method of determining product sales for proper application of the two-tier fee schedule does not exist. Therefore, the board is proposing the amendment to § 2.1 A and recognizes that the pesticide products registered in Virginia will be subject to an increased fee. However, the fee increase which will provide the revenue absolutely essential to the continued operation of the pesticide control program will not have a significant impact on registrants. In proposing a renewal deadline, the board intends to assist the agency in the timely processing of renewals and to avoid an interruption in the business operation for the registrant. The proposed late fee for failure to renew by the stated deadline is intended to enforce the provision for product renewal. The board does not anticipate a significant impact on the registrants or the agency as a result of the proposed late fee. The proposed deletions in §§ 2.2 and 2.3 which currently provide an exemption from payment of a late fee for failure to renew will eliminate the conflict with the statute which does not authorize the board to provide for an exemption in regulation and which does not

differentiate between pesticides classified for restricted use and those which are not classified for restricted use. The board is not aware of any other issues regarding the proposed regulations.

## Impact:

A. Cost of Implementation: The proposed fee increase and other proposed changes will not create an additional cost burden on the board, but will instead adjust the pesticide product registration fee to provide sufficient revenue to support the board's operation mandated by law through the 1994-96 biennium.

B. Number and Type of Regulated Entities Affected: The actual number of pesticide products registered depends on the number of potential registrants who decide to manufacture, distribute, or sell pesticide products in Virginia for any given year. As of November 1993, there were 887 registrants who registered 9,100 pesticide products in the Commonwealth. Also, as of July 1, 1993, there were approximately 6,200 commercial applicators and 1,369 registered technicians licensed in the Commonwealth.

C. Projected Cost of Compliance: It is projected that the increased product registration fee will result in an estimated 10% reduction in the number of pesticides registered in the Commonwealth. Therefore, the estimated biennial cost to registrants for pesticide product registration is \$2,866,500 (8,190 products x \$175).

There is an estimated cost to regulated parties as a result of establishing a deadline by which pesticide product registrations must be renewed, and a late fee for registrants who renew registrations after the deadline. The estimated cost is the proposed late fee of 20% of the registration fee added to the registration fee.

There is no significant cost to regulated parties as a result of deleting the provisions in the regulation allowing a commercial applicator or registered technician, in lieu of paying a penalty, to submit an affidavit certifying that the registered technician has not applied pesticides classified for restricted use subsequent to the expiration of the certificate. There is a potential estimated cost to regulated parties associated with the requirement for reexamination.

However, the actual cost may tend to be insignificant as most regulated parties will avoid reexamination by renewing within the stated deadlines. There is no cost to regulants associated with the deletion and addition of definitions. There is no projected additional cost to the state as a result of establishing a single-fee system, as staff is already operating a fee collection program. In fact, the state may realize a savings due to the reduced administrative time necessary to process a single-fee system, as opposed to the time required to process a two-tiered fee system. Also, there is no projected additional cost to the state for establishing a deadline for

# Proposed Regulations

registration of pesticide products as other programs, such as the business license, commercial applicator, and registered technician programs, already operate with established deadlines. Finally, there is no projected additional cost to the state for deleting the provision allowing a commercial applicator or registered technician, in lieu of paying a penalty, to submit an affidavit certifying that registrant has not applied pesticides classified for restricted use subsequent to the expiration of his certificate.

D. Source of funds: The department receives no general funds to support the pesticide management program. The pesticide management program operates solely on funds collected through fees and grants.

## Summary:

The proposed amendments (i) establish a single pesticide product registration fee regardless of the value of annual wholesale sales and increase the pesticide product registration fee from \$125 to \$175; (ii) establish a deadline for registering pesticide products each year and establish a 20% late fee for pesticide products registered after the deadline; (iii) eliminate the conflict between § 3.1-249.52 of the Code of Virginia, which requires renewal and does not differentiate between pesticides classified for restricted use and other pesticides and §§ 2.2 and 2.3 of the regulations, which allow a commercial applicator and registered technician to avoid a late fee for failure to renew by submitting an affidavit certifying that he has not applied pesticides classified for restricted use subsequent to the expiration of his certificate; (iv) eliminate the conflict between subsection C of § 3.1-249.52 of the Code of Virginia, which provides the Pesticide Control Board authority to require reexamination of a registered technician and not reinstruction as currently required in § 2.3 of the regulation when the registered technician fails to renew his license within 60 days of the expiration date and establish a reexamination fee of \$15; (v) incorporate by reference terms defined in the Virginia Pesticide Control Act (§ 3.1-249.27 et seq.) and delete definitions for "commissioner," "department" and "registered technician"; and (vi) add definitions for "brand" and "grade."

VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services Under the Virginia Pesticide Control Act.

## PART I. DEFINITIONS.

### § 1.1. Definitions.

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

definition denotes that the definition has been taken from Chapter 14.1, Article 1, of the Virginia Pesticide Control Act: All terms defined in the Virginia Pesticide Control Act, Chapter 14.1 (§ 3.1-249.27 et seq.) of Title 3.1 of the Code of Virginia are hereby incorporated by reference in this regulation.

"Board" means the Pesticide Control Board. \*

"Brand" means any word, name, symbol, device, or any combination thereof, which serves to distinguish a pesticide product manufactured, distributed, sold, or offered for sale by one person from that manufactured, distributed, sold, or offered for sale by any other person.

"COB" means close-of-business.

"Commissioner" means the Commissioner of Agriculture and Consumer Services.\*

"Department" means the Department of Agriculture and Consumer Services.\*

"Grade" means formulation of a pesticide, except that the addition of pigments solely for color shall not constitute a change in the formulation such as to constitute a new grade requiring registration.

"Limited quantities" means purchases, at cost, for resale, of less than \$50,000 annually per outlet of products containing nonrestricted use pesticide active ingredients.

"Registered technician" means an individual who renders services similar to those of a certified commercial applicator, but who has not completed all the training or time in service requirements to be eligible for examination for certification as a commercial applicator, and is limited to application of general use pesticides. However, if he applies restricted use pesticides he shall do so only under the direct supervision of a certified commercial applicator.\*

## PART II. FEES.

### § 2. Fees.

A. § 2.1. Pesticide product registration fee ; registration of new pesticide products; renewal of pesticide product registration .

The registrant of any brand or grade of pesticide to be registered with the commissioner shall pay to the department an annual registration fee for each brand or grade which is manufactured, distributed, sold, or offered for sale, used or offered for use within the Commonwealth. The fee for each brand or grade shall be \$125, with the exception of brands or grades with annual wholesale sales in Virginia of \$5,000 or less. The fee for each excepted brand or grade shall be \$50. All registrations shall expire on December 31 of each year.

## Proposed Regulations

unless cancelled or otherwise terminated for cause. A registration not cancelled or otherwise terminated for cause will be renewed upon receipt of the annual registration fee.

A. Every pesticide product which is to be manufactured, distributed, sold, offered for sale, used or offered for use within the Commonwealth shall be registered with the Commissioner of Agriculture and Consumer Services. The fee for registering each brand shall be \$175. If a brand has more than one grade, each grade shall be registered, not the brand at the \$175 fee. The registration for a new pesticide product shall be effective upon receipt by the Department of Agriculture and Consumer Services of the application form accompanied by the required registration fee.

B. All pesticide product registrations shall expire on December 31 of each year unless canceled or otherwise terminated for cause. A registration not canceled or otherwise terminated for cause will be renewed upon receipt of the annual registration fee as set forth in subsection A of this section accompanied by the application renewal form. A registration that has been canceled or otherwise terminated for cause prior to December 31 may be resubmitted as a new registration when the conditions resulting in the cancellation or termination have been resolved. The registration of each brand or grade shall be renewed with the Commissioner of Agriculture and Consumer Services prior to December 31 of each year. If the registration is not renewed prior to December 31 of each year, the commissioner shall assess a late fee of 20% which shall be added to the registration fee. The late fee shall apply to all renewal registrations submitted to the Department of Agriculture and Consumer Services any time during the 12-month period following the expiration of the registration. Registrants who permit a registration to lapse for more than one year shall thereafter register the product as a new product. The applicant shall pay the total fee prior to the issuance of the registration by the commissioner.

### B. § 2.2. Commercial applicator certificate fee.

Any person applying for a certificate as a commercial applicator shall pay to the department an initial nonrefundable certificate fee of \$35 and an annual nonrefundable renewal fee of \$35 thereafter. All certificates shall expire at midnight on June 30 of each year unless suspended or revoked for cause. All certificates not suspended or revoked for cause will be renewed upon receipt of the annual renewal fee. If the applicator does not file an application for renewal of his certificate prior to COB April June 30, the commissioner shall assess a penalty late filing fee of 20% which shall be added to the renewal fee. The applicant shall pay the total fee prior to the commissioner's issuance of the renewal. Such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the application in Virginia of pesticides classified for restricted use subsequent to the expiration of his certificate.

However, if the certificate is not renewed within 60 days following the expiration of the certificate, then such certificate holder shall be required to take another examination. The fee for this reexamination or for any commercial applicator reexamination pursuant to subsection C of § 3.1-249.52 of the Act Code of Virginia shall be \$35 and shall be nonrefundable. Federal, state, and local government employees certified to use, or supervise the use of, pesticides in government programs shall be exempt from any certification fees.

### C. § 2.3. Registered technician certificate fee.

Any person applying for a certificate as a registered technician shall pay to the department an initial nonrefundable certificate fee of \$15 and an annual nonrefundable renewal fee of \$15 thereafter. All certificates shall expire at midnight on June 30 of each year unless suspended or revoked for cause. A certificate not suspended or revoked for cause will be renewed upon receipt of the annual renewal fee. If the application for renewal of any certificate is not filed prior to COB April June 30, a penalty late filing fee of 20% shall be assessed and added to the renewal fee and shall be paid by the applicant before the renewal shall be issued. Such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the application in Virginia of pesticides classified for restricted use subsequent to the expiration of his certificate. However, if the certificate is not renewed within 60 days following the expiration of the certificate, then the commissioner shall require such certificate holder to receive as a condition of renewal of his certificate reinstruction in the required course of training. If the certificate is not renewed within 60 days following the expiration of the certificate, such certificate holder shall be required to take another examination. The fee for the reexamination pursuant to subsection C of § 3.1-249.52 of the Code of Virginia shall be \$15 and shall be nonrefundable. Federal, state and local government employees certified to use pesticides in government programs shall be exempt from any certification fees.

### D. § 2.4. Business license fee.

Any person ~~or operating as a pesticide business that distributes, stores, sells, recommends for use, mixes, or applies pesticides~~ shall pay a nonrefundable annual pesticide business licensing fee of \$50 for each location or outlet that he or it operates. All business licenses will expire at midnight on March 31 of each year unless suspended or revoked for cause. If a business license is not suspended or revoked for cause, it will be renewed upon payment of the annual fee. If a person or business fails to apply for renewal of a pesticide business license at least 60 days prior to expiration, by COB March 31 the applicant, as a condition of renewal, shall pay a late license fee of 20% of the licensing fee in addition to that fee. Merchants of limited quantities of nonrestricted use pesticides including grocery stores, convenience stores, drug stores, veterinarians and other businesses who sell







## DEPARTMENT OF HEALTH (STATE BOARD OF)

**Title of Regulation:** VR 355-30-109. Virginia Medical Facilities Plan: Diagnostic Imaging Services.

**Statutory Authority:** §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

**Public Hearing Date:** March 30, 1994 - 10 a.m.

Written comments may be submitted through May 6, 1994.

(See Calendar of Events section for additional information)

**Basis:** Sections 32.1-12 and 32.1-102.2 of the Code of Virginia authorize the Board of Health to promulgate regulations which pertain to the Virginia Medical Care Facilities Certificate of Public Need (COPN) Program.

**Purpose:** This amendment revises a part of the Diagnostic Imaging Services component of the Virginia State Medical Facilities Plan (SMFP) which provides criteria and standards for the approval of COPN projects involving single photon emission computed tomography (SPECT) services. The purpose of the amendment is to allow for an expedited review of projects which propose to replace non-SPECT nuclear medicine imaging equipment with SPECT equipment. This SMFP amendment is being proposed in conjunction with recently proposed amendments to the COPN Regulations (VR 355-30-000) which would allow such projects to be considered in accordance with the 45-day "expedited review" process rather than the standard 120-day batched review process.

**Substance:** The amendment adds a criterion for "Replacement of Existing Equipment" which allows medical care facility providers to replace nuclear medicine equipment which is not capable of SPECT with SPECT-capable equipment when the equipment has been in operation for at least five years and has provided at least 500 nuclear medicine procedures annually. Such replacements would be eligible for the "expedited review" process in accordance with the proposed amendments to the COPN Regulations.

The amendment also eliminates the general service capacity standard for new SPECT imaging units and replaces it with specific utilization criteria which will pertain only to the introduction of SPECT services by providers who have not previously provided nuclear medicine services. COPN applicants which propose to establish a new SPECT service or facility, and have not provided nuclear medicine services in the past, would be subject to the standard "batch" review process according to the COPN Regulations.

**Issues:** The proposed amendment in conjunction with the proposed changes to the COPN Regulations will minimize the time and paperwork associated with the routine replacement of nuclear medicine equipment for department staff and the regulated industry. Under the current regulations, all projects which involve the replacement of non-SPECT nuclear medicine equipment with equipment which is SPECT capable are subject to the standard 120-day review cycle. The review cycle for such projects is scheduled two times per year at six-month intervals.

The proposed regulations will provide a basis for the expedited replacement of outdated nuclear medicine equipment with state-of-the-art SPECT equipment when such equipment has been efficiently utilized. Such proposals may be submitted for consideration at any time and a decision will be rendered within 45 days. There is an abbreviated application form used for the "expedited review" process.

### Estimated Impact:

Number and Types of Regulated Entities and Persons Affected. The regulations will impact all providers of nuclear medicine services who propose to replace equipment which is not SPECT capable with SPECT equipment. Nearly all of the affected providers are general acute care hospitals. It is uncertain how many Virginia hospitals have outdated nuclear medicine devices which they eventually plan to replace with SPECT equipment. However, in the past 12 months, the department considered six such proposals.

Projected Cost to Regulated Entities for Implementation and Compliance. Costs to the regulated entities are the COPN application fees as well as the costs to prepare applications and participate in the process. All applicants for certificates of public need, including SPECT applicants, are currently required to pay application fees of 1.0% of the capital expenditure up to a maximum of \$10,000. Fee requirements are not affected by this amendment.

Applicants for SPECT who qualify under the proposed criteria will be required to file an abbreviated application form and are subject to the 45-day "expedited review" process rather than the standard 120-day review cycle. Therefore, the costs associated with the application process for qualifying SPECT applicants would be lower than the current application costs.

Projected Costs to the Department for Implementation and Enforcement. The costs to the Department of Health for implementation and enforcement of the amended regulations are the associated personnel costs. The amendment will allow more SPECT projects to qualify for an "expedited review" process as opposed to the standard 120-day review process. Therefore, the personnel time and expense associated with the review of SPECT projects would be marginally reduced.

# Proposed Regulations

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Beneficial Impact Produced by the Regulations. The COPN program is designed to contain the cost of health care for citizens of Virginia by limiting capital expenditures by medical care facilities and controlling the proliferation of costly new facilities and services for which there is no documented public need. These regulations provide criteria to document a public need for the replacement of costly nuclear medicine imaging devices.

The regulations will reduce the regulatory burden on providers of nuclear medicine services by enabling an expedited COPN application process for routine equipment replacements when there is a demonstrated need for the provision of such services.

Need for Regulation and Potential Consequences in Absence of Regulations. This amendment provides the basis to expedite the COPN application process for routine replacements of existing nuclear medicine equipment with state-of-the-art SPECT equipment. In the absence of this amendment to the SMFP, non-SPECT nuclear medicine providers who seek such replacements would be subject to a 120-day batched review process rather than the abbreviated 45-day review process. The amendment allows for more efficient and timely consideration of COPN projects to replace existing nuclear medicine equipment when there is a demonstrated need for the service.

Impact Upon Small Businesses or Organizations. The amendments to the SMFP would have no extraordinary impact upon small business. Only medical care facilities and institutions which are defined by the COPN statute will be affected.

## Summary:

*This amendment revises a part of the Diagnostic Imaging Services of the Virginia State Medical Facilities Plan (SMFP) which provides criteria and standards for the approval of certificate of public need projects involving single photon emission computed tomography (SPECT) services. The purpose of this amendment is to allow for an expedited review of projects which involve the replacement of non-SPECT nuclear medicine imaging equipment with equipment which is capable of SPECT. This amendment to the SMFP is being proposed in conjunction with recently proposed amendments to the COPN Regulations (VR 355-30-000) which would allow such projects to be considered in accordance with the 45-day expedited review process rather than the standard 120-day batched review process.*

VR 355-30-109. Virginia Medical Facilities Plan: Diagnostic Imaging Services.

## PART I. DEFINITIONS.

### § 1.1. Definitions.

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

*"Board certified diagnostic radiologist"* means a physician certified by the American Board of Radiology, in diagnostic radiology or in diagnostic radiology with special competence in nuclear radiology.

*"Body study"* means a study of a part of the body other than the head.

*"Computed tomography (CT)"* means the construction of images through the detection and computer analysis of numerous x-ray beams directed through a part of the body.

*"Contrast" or "contrast medium"* means a substance that is strongly imaged and that, when ingested by or injected into a patient, increases the difference in image brightness between parts of the patient's body containing the substance and those where it is absent.

*"Cyclotron"* means a nuclear accelerator which is used to generate the radiopharmaceuticals which are injected into the patient so that computerized images can be generated through the use of a PET scanner to provide physiological and biochemical information about the patient. Cyclotrons are of two types: positive ion and negative ion.

*"Department"* means the Virginia Department of Health (VDH).

*"Dual study"* means a study consisting of two parts: one with contrast and the other without.

*"Head equivalent computed tomogram (HECT)"* means a relative workload value for CT studies where: a head study without contrast equals 1.00, a head study with contrast equals 1.25, a dual head study equals 1.75, a body study without contrast equals 1.50, a body study with contrast equals 1.75; and a dual body study equals 2.75.

*"Head study"* means a study of the head.

*"HECTs attributable to current patient mix"* means 1.45 times the following sum: 3.03 times the number of patients with a principal diagnosis involving neoplasms (ICD-9-CM codes 140-239), plus 3.00 times the number of patients with a principal diagnosis involving cerebrovascular disease (ICD-9-CM codes 430-438), plus 1.35 times the number of patients with a principal diagnosis involving other diseases of the digestive system (ICD-9-CM codes 570-579), plus 1.23 times the number of patients with a principal diagnosis involving dorsopathies (ICD-9-CM codes 720-724). All such patients in these categories shall have been discharged by the applicant during the most recent 12-month reporting period.

*"Hospital"* means an institution licensed by the

department as a general, community, or special hospital but does not include those facilities licensed as freestanding ambulatory surgery centers.

"Hospital-based" means operating physically within or connected to a hospital, or legally associated with or physically associated with one or more hospitals.

"Magnetic resonance imaging (MRI)" means the construction of images through the detection and computer analysis of minute changes in magnetic properties of atomic particles within a strong magnetic field in response to the transmission of selected radiofrequency pulse sequences. Magnetic resonance imaging uses the magnetic spin properties of certain atomic nuclei to visualize and analyze body tissues.

"Magnetic resonance spectroscopy" means the use of the magnetic spin properties of certain atomic nuclei to perform chemical analyses of tissues.

"Mobile" means periodically relocated among more than one site of operation.

"MRI relevant patients" means the sum of: 0.55 times the number of patients with a principal diagnosis involving neoplasms (ICD-9-CM codes 140-239); 0.70 times the number of patients with a principal diagnosis involving diseases of the central nervous system (ICD-9-CM codes 320-349); 0.40 times the number of patients with a principal diagnosis involving cerebrovascular disease (ICD-9-CM codes 430-438); 0.40 times the number of patients with a principal diagnosis involving chronic renal failure (ICD-9-CM code 585) or 0.19 times the number of patients with a principal diagnosis involving dorsopathies (ICD-9-CM codes 720-724); 0.40 times the number of patients with a principal diagnosis involving diseases of the prostate (ICD-9-CM codes 600-602), and 0.40 times the number of patients with a principal diagnosis involving inflammatory disease of the ovary, fallopian tube, pelvic cellular tissue or peritoneum (ICD-9-CM code 614). All such patients in these categories shall have been discharged by the applicant during the most recent 12-month reporting period.

"Network" means a group of institutions sharing an MRI or CT scanning unit.

"Nuclear medicine imaging service" means the provision of nuclear medicine imaging capabilities at a site at which one or more single or multi-head Anger camera devices are available.

"Nuclear medicine procedure" means a complete examination involving one or more imaging procedures which are billed as a unit using one CPT-4 code.

"Physician" means a person licensed by the Virginia State Board of Medicine to practice medicine or osteopathy.

"Positron emission tomography" or "PET" means a noninvasive diagnostic technology which enables the body's physiological and biochemical processes to be observed through the use of positron emitting radiopharmaceuticals which are injected into the body and whose interaction with body tissues and organs is able to be pictured through a computerized positron transaxial reconstruction tomography scanner. The radiopharmaceuticals are positron emitting isotopes which usually include carbon-11, oxygen-15, nitrogen-13, and fluorine-18 (i.e., fluorine deoxyglucose or FDG).

"PET study or scan" means the gathering of data during a single patient visit from which one or more images may be constructed of a single anatomical region of the patient's body.

"PET system" means a PET service which includes two major elements: a cyclotron which produces the radiopharmaceuticals, and a PET scanner which includes a data acquisition system and a computer.

"Relevant reporting period" means the most recent 12-month period, prior to the beginning of the certificate of public need application's review cycle, for which data are available and acceptable to the department.

"Single photon emission computed tomography" or "SPECT" means a noninvasive diagnostic technique involving the injection or ingestion of a single-photon emitting radionuclide, prepared as a radiopharmaceutical, which is imaged at 180 to 360 degrees by a single or multiple crystal detector which detects the emitted gamma rays; the instrument, with the aid of a computer, creates 3-dimensional images from the data, displaying them as transaxial slices, as angled slices, as a 3-dimensional image, or as a functional image of the contained information.

Currently, there are SPECT instruments available using one, two, three, or four Anger single-crystal camera devices (often called "heads") or using an array of multiple-crystal detectors. Some of these devices are intended for a particular part of the human anatomy, such as the head or the heart, while others are more versatile by virtue of an expanding diameter of rotation. Many of these instruments are created for multiple purposes, such as SPECT and planar whole body bone imaging, and all of them will permit planar imaging.

Clinically SPECT appears to be most useful for the study of cardiovascular disease, bone imaging, and disorders of the brain such as cerebrovascular disease, epilepsy, and dementia. There is a general trend in nuclear medicine today to use Tc-99m for as many of the examinations as possible because of its ready on-site availability from a generator, the lack of waste because of decay of unused doses, and the adaptation of the Anger camera instruments to the gamma-ray energy of Tc-99m.

It should be noted that SPECT is the only instrument

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being used in certain kinds of imaging: cardiac imaging with Tc-99m sestamibi and Tc-99m teboroxime, brain perfusion studies performed with Tc-99m HMPAO, liver hemangioma studies performed with Tc-99m labeled red cells and tumor imaging in the head, abdomen, and pelvis for comparison with CT and MRI anatomic images. Since SPECT technology does not require a cyclotron to produce radiopharmaceuticals, this technology is substantially less expensive than a complete PET system.

“SPECT procedure” means a complete examination involving one or more SPECT rotations, and perhaps some planar imaging, which is billed as a unit using one CPT-4 code.

“SPECT rotation” means one pass of the SPECT instrument around the patient leading to a single set of transaxial images and the possible formation of 3-dimensional images from other angles than transaxial.

“SPECT service” means the provision of SPECT scanning capabilities at a site at which one or more single or multi-head SPECT scanners are available.

“SPECT study or scan” means the gathering of data during a single patient visit from which one or more images may be constructed of a single anatomical region of the patient’s body.

“Study” or “scan” means the gathering of data during a single patient visit from which one or more images may be constructed of a single anatomical region for the purpose of reaching a definitive clinical diagnosis.

“Under development” means currently authorized through the state’s certificate of public need program but not yet operational, or exempted by the Commissioner of Health per provisions of § 32.1-102.11 of the Code of Virginia.

## PART II CRITERIA AND STANDARDS FOR COMPUTED TOMOGRAPHY (CT).

### Article 1. Acceptability.

#### § 2.1. Consumer acceptance of services offered.

The patient or his family or both should be fully informed and involved in decision making regarding CT service and diagnostic information that is being provided.

### Article 2. Accessibility.

#### § 2.2. Location.

A. CT services should be within 30 minutes driving time, under normal conditions, of 95% of the population.

B. Preference will be given to CT service proposals located at a general hospital.

#### § 2.3. Financial.

CT services should be accessible to all patients in need of such services without regard to their ability to pay or the payment source.

### Article 3. Availability.

#### § 2.4. Need for new service.

A. Preference will be given to proposals involving the provision of full-body CT scanning rather than units which can perform only CT head scans.

B. No CT service should be approved at a site which is within 30 minutes driving time of: (i) a COPN approved or exempted CT service that is not yet operational; or (ii) an existing CT unit that has performed fewer than 3,500 HECTs or 3,000 combined CT head and body scans during the relevant reporting period.

C. A proposed new CT service may be approved if: (i) in the case of a proposed stationary, hospital-based service, the applicant provides diagnostic-specific hospital discharge data for the relevant reporting period that is acceptable to the department which demonstrates that the HECTs attributable to the patient mix of the hospital where the proposed CT is to be located equates to at least 3,500 HECTs; or (ii) in the case of a proposed nonhospital based service, the applicant demonstrates that the number of outpatient studies performed by other CT services on the applicant’s patients during the relevant reporting period is at least 3,500 HECTs or 3,000 combined CT head and body scans.

D. No new, nonhospital-based CT service or network may be approved unless all existing CT services or networks in the planning district, whether hospital-based, nonhospital-based, mobile or fixed, performed an average of at least 5,000 HECTs or 4,500 combined CT head and body scans per machine during the relevant reporting period.

#### § 2.5. Expansion of existing service.

Proposals to increase the number of CT scanners in an existing hospital-based CT system or network may be approved only if the existing service or network performed an average of at least 5,000 HECTs per existing fixed or mobile scanner in the system or 4,500 combined CT head and body scans for the relevant reporting period.

#### § 2.6. Replacement of existing equipment.

A. Proposals to replace equipment for CT services may be approved if the unit has been in operation for at least five consecutive years and the unit performed at least

5,000 HECTS or 4,500 combined CT head and body scans for the relevant reporting period.

B. Notwithstanding subsection A of this section, consideration will be given to proposals to replace equipment which has been in operation for less than five consecutive years or has been utilized to perform less than 5,000 HECTs or 4,500 combined CT head and body scans if the applicant can reasonably demonstrate that such replacement is in substantial compliance with these standards, and that such replacement is necessary to achieve comparability and competitiveness with existing providers of CT services in the planning district where the replacement is proposed, and the applicant can demonstrate that the equipment to be replaced was fully utilized, given the type of equipment, the mode of service, or the area served, for the relevant reporting period. Such replacement will not qualify for expedited review under Part VI of the Virginia Medical Care Facilities COPN Rules and Regulations (VR 355-30-000).

Article 4.  
Continuity of Care.

§ 2.7. Coordination of service.

Providers of CT services should provide courtesy privileges to qualified physicians for use by their patients who are expected to be treated on an outpatient basis.

Article 5.  
Cost.

§ 2.8. Cost and charges.

The total costs (direct and indirect) for providing CT services should be comparable to other similar service providers in the planning district.

Article 6.  
Quality.

§ 2.9. Staffing.

A. Providers of CT services should be under the direct, on-site supervision of one or more physicians with documented formal training in the production and interpretation of cross-sectional computed tomography images.

B. CT services should be staffed by qualified and experienced technologists consistent with the types and volumes of computer tomography services offered.

§ 2.10. Space.

A. Applicants for certificates of public need should document to the satisfaction of the department that (i) an appropriate environment will be provided for the proposed CT services, including protection against radiant energy and other known hazards; and (ii) adequate space will be

provided for patient waiting, patient preparation, staff and patient bathrooms, staff activities, storage of records and supplies, and other space necessary to accommodate the needs of handicapped persons.

B. Applicants for certificates of public need should document to the satisfaction of the department that the proposed CT service's physical relationship to the applicant's other diagnostic imaging services will be logical and practical with respect to transportation and staff activity patterns.

PART III.  
CRITERIA AND STANDARDS FOR MAGNETIC  
RESONANCE IMAGING (MRI).

Article 1.  
Acceptability.

§ 3.1. Consumer acceptance of services offered.

The patient or his family or both should be fully informed and involved in decision making regarding MRI service and diagnostic information that is being provided.

Article 2.  
Accessibility.

§ 3.2. Location.

A. MRI services should be within 45 minutes driving time, under normal conditions, of 95% of the population.

B. Preference will be given to MRI service proposals involving provision of services within a general hospital.

§ 3.3. Financial.

MRI services should be accessible to all patients in need of such services without regard to their ability to pay or the payment source.

Article 3.  
Availability.

§ 3.4. Need for new service.

A. Preference will be given to applications which intend to provide hospital-based MRI services.

B. No MRI service should be approved at a site which is within 45 minutes driving time of: (i) a COPN approved or exempted MRI service that is not yet operational; or (ii) an existing MRI service that has performed fewer than 3,500 MRI scans or at least 3,000 MRI scans excluding those performed on behalf of the applicant during the relevant reporting period.

§ 3.5. Alternative need for new MRI service.

A. Notwithstanding § 3.4, consideration will be given to

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proposals that are hospital based and can reasonably demonstrate that for the relevant reporting period: (i) the number of MRI relevant patients among all Virginia hospitals committed to use the proposed MRI service exceeds 1,600; (ii) at least 4,000 HECTs or a combined 3,000 head and body CT scans were performed during the relevant reporting period on patients from each hospital committed to use the proposed MRI service; and (iii) the proposed MRI service will be under the operational control of at least one hospital with at least 800 MRI relevant patients for the relevant reporting period.

B. In the case of proposals for nonhospital-based MRI services, the applicant must reasonably demonstrate, using data available and acceptable to the department, that at least 4,000 HECTs or a combined total of at least 3,000 head and body CT scans were performed on patients referred by the applicant to other providers of CT services during the relevant reporting period.

## § 3.6. Expansion of services.

Proposals to expand existing MRI services through the addition of a new scanning unit may be approved if (i) the existing service performed at least 4,000 scans per existing unit during the relevant reporting period, and (ii) the average utilization of all existing MRI units in the planning district was at least 4,000 for the relevant reporting period.

## § 3.7. Mobile services.

Consideration shall be given to proposals for new MRI units to be operated at more than one site if the applicant demonstrates that, compared with a single MRI unit located at a hospital or freestanding site relatively central to the proposed service location, the proposed mobile arrangement would serve the target population more efficiently and effectively overall in terms of the following factors:

1. Travel time from a majority of the proposed sites to a centrally located fixed or hospital-based unit exceeds 45 minutes;
2. Improved geographic access for the population outweighs the clinical advantages of providing the MRI service at a hospital or freestanding fixed site, which could handle higher Tesla strength and more sophisticated hardware and software; and
3. Based upon the number of MRI relevant patients who would have originated from each of the proposed sites for the relevant reporting period, that the total costs resulting from otherwise unnecessary extended lengths of stay for inpatients awaiting MRI services would have been shorter if the mobile service had been available at each of the proposed sites 2.5 days per week than the total costs which would have been incurred had those patients been transferred to the closest available fixed MRI location.

## § 3.8. Replacement of existing equipment.

A. Proposals to replace equipment for the provision of MRI services may be approved if the service has been in operation for at least five consecutive years and the unit being replaced or upgraded performed at least 4,000 scans during the relevant reporting period.

B. Notwithstanding subsection A of this section, consideration will be given to proposals to replace MRI equipment which has been in operation for less than five consecutive years or has been utilized to perform less than 4,000 scans if the applicant can reasonably demonstrate that such replacement is in substantial compliance with these standards, and that such replacement is necessary to achieve comparability and competitiveness with existing providers of MRI services in the planning district where the replacement is proposed and the applicant can demonstrate that the equipment to be replaced was fully utilized, given the type of equipment, the mode of service, or the area served, for the relevant reporting period. Such replacement will not qualify for expedited review under Part VI of the Virginia Medical Care Facilities COPN Rules and Regulations (VR 355-30-000).

## Article 4. Continuity of Care.

## § 3.9. Coordination of service.

Providers of MRI services should provide courteous privileges to qualified physicians for use for their patients who are expected to be treated on an outpatient basis.

## Article 5. Cost.

## § 3.10. Cost.

The total costs (direct and indirect) for providing MRI services should be comparable to other similar service providers in the planning district.

## Article 6. Quality.

## § 3.11. Staffing.

A. Providers of MRI services should provide assurances and a description of the proposed operating arrangement which shows that the production and interpretation of all images made by MRI machines will be under the direct, on-site control and supervision of one or more board certified diagnostic radiologists with training and experience in the interpretation of CT images, who have at least 60 hours of documented instruction in magnetic resonance imaging physics, instrumentation and the interpretation and clinical application of MRI images prior to the initiation of the service. This standard does not preclude the involvement of other staff judged qualified by an appropriate governing board.

B. MRI services should be staffed by technologists qualified and experienced in the operation and maintenance of MRI equipment during all hours of operation of the MRI service.

## § 3.12. Space.

A. Applicants for certificates of public need should document to the satisfaction of the department (i) that an appropriate environment will be provided for the proposed MRI services, including protection against radiant energy and other known hazards; (ii) that adequate space will be provided for patient waiting, patient preparation, staff and patient bathrooms, staff activities, storage of records and supplies, and other space necessary to accommodate the needs of handicapped persons.

B. Applicants for certificates of public need should document to the satisfaction of the department that the proposed MRI service's physical relationship to the applicant's other diagnostic imaging services will be logical and practical with respect to transportation and staff activity patterns.

## PART IV. MAGNETIC SOURCE IMAGING (MSI).

### § 4.1. Policy for the development of MSI services.

Because Magnetic Source Imaging (MSI) scanning systems are still in the clinical research stage of development with no third party payment available for clinical applications, and because it is uncertain as to how rapidly this technology will reach a point where it is shown to be clinically appropriate for widespread use and distribution on a cost-effective basis, it is the policy of the Commonwealth of Virginia that the entry and development of this technology in the state should initially occur at, or in affiliation with, the academic medical centers in the state. Regional consortiums of hospitals in affiliation with academic medical centers could also be one possible approach to the initial distribution of this technology in the Commonwealth.

### § 4.2. Potential clinical applications of MSI technology.

Magnetic Source Imaging (MSI) is quite different from conventional imaging and electro-diagnostic techniques. Specifically, while computerized tomography (CT) scanning and magnetic resonance imaging (MRI) generally provide anatomical information, which is to say information about physiological structure, they cannot provide specific information about physiological function. Conversely, the nuclear medicine technologies of single-photon emission computed tomography (SPECT) and positron emission tomography (PET) are both used to study function (though SPECT can apparently be used to clarify the relationship between anatomical structures in some instances), but the information provided by these two technologies is biochemical in nature rather than bioelectrical in nature. Both SPECT and PET scanning require that radioisotopes

be injected or ingested into the patient in order to perform the study.

Traditionally, the nuclear technique for measuring bioelectrical activity of the brain has been electroencephalography (EEG), and the technique for measuring bioelectrical activity in the heart has been electrocardiography (ECG). Both EEG and ECG have the virtue that they can provide good temporal resolution, which is to say that they can measure bioelectrical activity that occurs in milliseconds. However, both techniques generally have poor spatial (locational) resolution since the surface electrodes used for EEGs and ECGs, when placed on the patient's body surface, record only a general view of the brain and heart. This is because the detected bioelectrical currents are substantially distorted by the tissues that intervene between the bioelectrical current sources and the recording electrodes. The only way the spatial resolution problems of EEG and ECG can be overcome is to have the electrodes surgically implanted in the patient with direct contact to brain or heart tissue. Such implantations put the patient at some risk and are quite costly.

In contrast, both the SPECT and PET technologies have the advantage of providing good spatial resolution, though PET seems to be superior in this regard, but they are weak in terms of temporal resolution. Moreover, as noted, both of these technologies provide biochemical rather than bioelectrical information.

It is believed that MSI will ultimately play as large a role in the diagnosis and treatment of patients with functional disease as CT and MRI now play in the management of patients with pathologies that disrupt normal physiological structure. Where CT and MRI are quite helpful in facilitating diagnoses as well as assessing treatment responses to pathologies that leave structural lesions, MSI's potential clinical usefulness lies in its ability to noninvasively image diseases that cannot be visualized by anatomic imaging methods.

Thus, the MSI technology can potentially provide noninvasively similar, if not better information than can be gained by EEG and ECG only when electrodes are surgically implanted in heart or brain tissue at some risk to the patient. The literature suggests that, with the relatively recent development of MSI units with expanded arrays of magnetic signal detectors or channels (presently the most sophisticated units have 37 detectors), it is possible to get both excellent temporal resolution (in terms of milliseconds) and excellent spatial resolution (in terms of millimeters) without the problem of surgical intervention.

Consequently, MSI appears to have the potential clinical ability to assess the extent and type of neural damage resulting from a stroke, and such information can be helpful in estimating a patient's potential for recovery from the stroke. Also, MSI may be a way to confirm the occurrence of a transient ischemic attack (TIA) which is



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often the first warning sign of a stroke.

Another very important potential of MSI is providing presurgical functional brain mapping which could help neurosurgeons to avoid damaging vital regions of the brain during tumor or lesion surgery. Presently, brain mapping occurs during the course of the surgery itself, and this prolongs the surgery which adds both to the patient's risk and to the surgery's cost. In this regard, a good deal of the neurological work that has been done with MSI has apparently focused on the evaluation of patients with medically intractable epilepsy since, by being able to locate regions of epileptogenic tissue, valuable information is gained which can be helpful in determining if surgical treatment is feasible. Notable, a major potential of PET technology is also in the area of partial complex epilepsy and being able to locate lesions for surgical intervention.

In the area of cardiology, MSI potentially can locate noninvasively and quickly the site of arrhythmogenic tissue in the heart at an accuracy level which could enable surgical intervention to remove the tissue. Such intervention might be through open heart surgery or catheter ablation. This potential of MSI is important because national data indicate that approximately two-thirds of all sudden cardiac deaths are caused by arrhythmias rather than by coronary occlusions. Historically, PTCA (percutaneous transluminal coronary angioplasty) and CABG (coronary artery bypass graft surgery) have been used to rectify occluded coronary artery problems that have either been detected/located prior to a myocardial infarction through cardiac catheterization or are the result of, and in response to, a myocardial infarction.

National data indicate that many of those who survive myocardial infarctions each year are left with disturbances in electrical condition in the heart tissue and are, consequently, at risk of sudden cardiac death caused by cardiac arrhythmias. Where the PET technology can be used to determine the size and extent of an infarction and the extent of tissue damage around the area of the infarction, as well as to distinguish viable from nonviable tissue, only MSI can noninvasively determine if disturbances in electrical conduction in heart tissue have occurred.

Additionally, MSI may also potentially be clinically useful in monitoring incipient rejection of a transplanted heart on a noninvasive basis. Preliminary tests seem to indicate that MSI procedures are at least as sensitive as the standard biopsy method used presently for this purpose. Notable, PET scanning can also be potentially helpful in evaluating metabolism in transplanted organs which can indicate selective rejection of tissue.

## § 4.3. MSI technology described.

MSI relies on ultra-sensitive, low-noise amplifiers called SQUIDS (superconducting quantum interference devices) to detect changes in the minute magnetic fields associated

with nerve activity in the body. Processes that force ions to flow across an electrically charged membrane are essential to the normal functioning of the brain, heart, and neuromuscular systems. Consequently, disorders of these organs affect their electrical activity, and detection of these changes in electrical activity can often be detected and amplified so that they can provide diagnostic information for potential treatment of the patient.

Apparently, the development of the very sophisticated 37 detector MSI units has enabled MSI to move from a basic research tool to a clinical research tool. Earlier MSI studies which used units with fewer detectors resulted in exams sometimes lasting as long as two to three hours which was too long to be suitable for many patients. With the 37 detector units recording simultaneously from an area of 20 centimeters in diameter, the new sophisticated systems can apparently gather enough data to complete an exam in less than 10 minutes.

The temporal resolution problems experienced by both SPECT and PET scanning technologies, noted earlier, are perhaps best understood when it is remembered that most brain processes occur in a one to ten millisecond time frame. Thus, even with a one minute PET acquisition, much brain activity can be obscured. In other words, the temporal resolution problem limits the sensitivity of SPECT and PET scanning for detecting abnormalities that are bracketed by normal activity and last for only short periods of time.

Notably, because the magnetic fields being measured are so small, the major engineering requirement for MSI units has been to screen out noise in the forms of both magnetic and radio-frequency interference. Thus, the instruments are constructed using nonmagnetic materials and isolated in shielded rooms. MSI units are basically built using the same principles required to contain the strong magnetic fields needed for MRI scanners. Thus, about half the cost for MSI systems comes from building the shielded rooms. Moreover, the entire assembly must be built on an isolated foundation so that the measured signals remain undisturbed by building vibrations.

One article describes the MSI scanning process as follows:

"Both the SQUIDS and the magnetic field sensors (gradiometers) they monitor must be immersed in liquid helium within a cylindrical, thermally isolated cryogenic container called a dewar. During an exam, the patient lies on a table and the sensor end of the dewar is brought within a few millimeters of the heart or body. The gradiometers then transmit the magnetic signals they detect to the SQUIDS which then convert the magnetic signals into corresponding electrical ones. Following amplification, filtering, and digitizing, computer processing of the SQUID electrical signals results in raw data that appear similar to those obtained by EEG and ECG. Further processing produces topographic "field maps" of the distribution and time evolution of the nerve activity being

examined. The MSI information can also be superimposed on anatomic images such as those obtained by MRI." (Source: Diagnostic Imaging, March 1990, p. 131.)

Finally, the literature indicates that the cost for the 37 detector MSI units is presently in the \$2-3 million range and that less than 10 MSI units of all types are located at facilities within the United States. Units are also presently located in Japan and Germany. Additionally, it is anticipated that, as with other technologies such as MRI, PET, SPECT, and CT, the capital costs associated with MSI units will decrease as the technology evolves and distribution of the units becomes more widespread.

(Note: Source for all information contained in §§ 4.2 and 4.3 were articles which appeared in Diagnostic Imaging, January 1991, pp. A74-76; Diagnostic Imaging, March 1990, pp. 124-132; and information provided by Biomagnetic Technologies, Inc., of San Diego, CA.)

## PART V. CRITERIA AND STANDARDS FOR POSITRON EMISSION TOMOGRAPHY (PET).

### Article 1. Acceptability.

#### § 5.1. Consumer acceptance of services offered.

The patient or his family or both should be fully informed and involved in decision making regarding the service.

### Article 2. Accessibility.

#### § 5.2. Service area.

The service area for each proposed PET service should be either an entire regional health planning area designated by the state, or an area with a population of at least 1.5 million people.

#### § 5.3. Hours of operation.

The PET service should be available for clinical operation at least eight hours a day, five days a week.

#### § 5.4. Location of service.

A. The PET service should be located, if possible, at a site which would allow the shortest driving time and distance one way for approximately 75% of the service area's population.

B. Preference will be given to a proposed PET service which is jointly owned and operated by a consortium of hospitals in the regional health planning area and which is located at a general or community hospital which also provides a full range of tertiary services.

### Article 3. Availability.

#### § 5.5. Service capacity.

At least 1,500 PET scans should be performed annually by a single-scanner PET service.

#### § 5.6. Projecting demand for service.

A. If the applicant for a proposed new PET service is a consortium of hospitals, the applicant shall provide on a hospital-specific basis documentation satisfactory to the department which indicates that the sum of thallium stress tests performed by the hospitals in the consortium for the most relevant reporting period was at least equal to 28% of the total number of inpatient and outpatient nuclear medicine procedures reported by all of the hospitals in the consortium for that same period, and that 50% of that number would be equivalent to at least 1,500 PET scans annually.

B. If the applicant for a proposed new PET service is an individual hospital, the applicant shall provide documentation satisfactory to the department which indicates that the total number of thallium stress tests performed by the hospital for the most relevant reporting period was at least equivalent to 28% of the total number of inpatient and outpatient nuclear medicine procedures reported by the hospital for that same period, and that 50% of that number would be equivalent to at least 1,500 PET scans annually. The hospital shall also provide open heart surgery services and document that for the most relevant reporting period its per room volume of open heart surgery services complies with standards and criteria specified in the Cardiac Services section of the State Medical Facilities Plan (VR 355-30-103).

#### § 5.7. Minimum utilization.

The applicant shall provide documentation satisfactory to the department that it can achieve a minimum utilization level of 900 PET scans in the first 12 months of operation of the service, of 1,200 PET scans in the second 12 months of operation of the service, and of 1,500 PET scans in the third 12 months of operation of the service.

#### § 5.8. Additional scanners.

No additional PET scanner shall be allowed to be added in a regional health planning area or in a service area having at least 1.5 million people until such time as it is demonstrated that the utilization of the existing single-scanner PET service was at least 1,500 PET scans for the most relevant reporting year and that the proposed new service would not reduce the utilization of the existing service below 1,500 PET scans per year. The applicant shall also provide documentation satisfactory to the department that it complies with §§ 5.5 and 5.6.

#### § 5.9. Replacement of service.

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An application to replace or upgrade an existing PET service may be approved when the hardware/software for the existing PET service has been in operation for at least five consecutive years. However, if the proposed replacement or upgrade would also add a new service capability or application that the existing PET service has not provided in the past, then the department may determine that such a replacement or upgrade constitutes the addition of a new service and that the application shall be reviewed as a proposed new service.

## Article 4. Continuity.

### § 5.10. Coordination of services.

A. In order to facilitate close multi-hospital coordination and close interdisciplinary cooperation, preference in review of applications for a proposed new PET service will be given to applications which are consortiums of hospitals located within a designated regional health planning area.

B. If an applicant for a proposed new PET service is a single hospital, that hospital should provide documentation for the most relevant reporting period that it has provided open heart surgery services at a utilization level consistent with the criteria and standards stated in the Cardiac Services section of the State Medical Facilities Plan (VR 355-30-103).

C. If an applicant for a proposed new PET service is a single hospital, that hospital should provide documentation that referral arrangements exist with other hospitals and physicians to receive referrals for patients who potentially could benefit from PET scanning services, particularly those patients who are either nonemergent candidates for open heart surgery or PTCA procedures and those patients with a diagnosis of partial complex epilepsy for whom surgical intervention is being considered.

## Article 5. Cost.

### § 5.11. Less costly alternatives.

A. Any individual hospital that is an applicant for a proposed new PET service should provide documentation satisfactory to the department that shared service arrangements, such as consortiums with other area hospitals, have been investigated and found less advantageous in terms of accessibility, availability, continuity, cost, and quality.

B. Any individual hospital or consortium of hospitals in a regional health planning area that is an applicant for a proposed new PET service should provide documentation that other lower cost technology alternatives to PET scanning, such as SPECT scanning, have been investigated and found to be less advantageous in terms of accessibility, availability, continuity, cost and quality.

### § 5.12. Financial access.

Any applicant for proposed new PET service should provide documentation that the services shall be accessible to all patients in need of service regardless of the ability to pay or payment source.

## Article 6. Quality.

### § 5.13. Staffing.

A. A proposed new PET service should be under the medical direction of a physician who is board certified in nuclear medicine or nuclear radiology or trained and licensed in nuclear cardiology and has additional documented experience and training in PET technology including radiochemistry. Such physician should be licensed by the Nuclear Regulatory Commission to possess radiopharmaceuticals and perform diagnostic procedures employing radiopharmaceuticals in human beings.

B. Additional staff for a proposed new clinical PET service should include at a minimum the following staff:

1. A radiochemist trained at the master's or Ph.D. level in radiochemistry or radiopharmacy who also has a background in PET physics or radiochemistry and experience in radiopharmaceutical production.

2. A nuclear medicine technologist with training on-site or off-site in cyclotron operation and radiopharmaceutical production, and who will work under direction and supervision of the medical director.

3. Two radiological technologists with documented training in radiology, nuclear medicine, or MRI/CT scanning and who are able to provide support in the areas of PET imaging system operation, patient preparation for PET studies, and image analysis and processing.

4. Such administrative staff as shall be necessary to handle billing and other clerical functions.

## PART VI. CRITERIA AND STANDARDS FOR SINGLE PHOTON EMISSION COMPUTED TOMOGRAPHY (SPECT).

### Article 1. Acceptability.

#### § 6.1. Consumer acceptance of services offered.

The patient or his family or both should be fully informed and involved in decision making regarding the service and specifically the type of diagnostic information which is being provided.

### Article 2.

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## Accessibility.

### § 6.2. Location.

A. SPECT services should be available within 45 minutes driving time, under normal driving conditions, of 95% of the population.

B. Preference will be given to SPECT service proposals involving provision of service within a general hospital.

### § 6.3. Financial.

SPECT scanning services should be accessible to all persons in need of such services without regard to their ability to pay or the payment source.

## Article 3. Availability.

### § 6.4. Service capacity.

A. Single-head SPECT scanning units should be able to perform at least 1,250 SPECT studies per year, and three-head SPECT scanning units should be able to perform 1,750 SPECT studies per year if the service is in operation for one shift eight hours a day, five days a week.

B. Any applicant for a proposed new SPECT imaging unit, be it a single-head or multi-head unit, should document that, for the relevant reporting period, at least 40% of its total inpatient and outpatient nuclear medicine procedures would have been equivalent to 1,000 SPECT scans, or that at least 60% of its total nuclear medicine procedures for that period where thallium scans and would have been equivalent to 900 SPECT scans.

### § 6.5. Minimum utilization. § 6.4. Introduction of SPECT as a new service.

Any applicant for a proposed new nuclear medicine imaging system establishing a specialized center, clinic, or portion of a physician's office for the provision of SPECT or introducing SPECT as a new service at an existing medical care facility which has not previously provided nuclear medicine imaging services should provide documentation satisfactory to the department that it can achieve a minimum utilization level of 650 SPECT scans in the first 12 months of operation of the service, and 1,000 such procedures in the second 12 months of services if the imaging unit would be a single-head device; or that it can achieve a minimum utilization level of 1,000 SPECT scans in the first 12 months of operation of the service, 1,250 such procedures in the second 12 months of operation, and 1,500 such procedures in the third 12 months of operation if the imaging unit would be a multi-head device.

### § 6.6. 6.5. Additional scanners.

No additional nuclear medicine imaging systems should

be added to an existing SPECT service until the utilization of the applicant's existing imaging unit(s) for the relevant reporting period is equivalent to at least 1,000 SPECT procedures per unit per year for a single-head scanning unit and 1,500 SPECT procedures per year per unit for a multi-head scanning unit.

### § 6.7. 6.6. Replacement of existing equipment.

A. An application to replace equipment for the provision of SPECT nuclear medicine imaging services may be approved when the existing SPECT equipment has been in operation for at least five consecutive years and utilization of the replaced equipment was at least 1,000 SPECT procedures for a single-head scanning unit and 1,500 SPECT procedures for a multi-head scanning unit in the relevant reporting period.

B. An application to replace non-SPECT nuclear imaging equipment with SPECT nuclear medicine imaging equipment may be approved when the existing nuclear medicine imaging equipment has been in operation for at least five consecutive years and utilization of the replaced equipment was at least 500 procedures.

C. Notwithstanding subsection A of this section, consideration will be given to proposals to replace SPECT equipment which has been in operation for less than five consecutive years or has been utilized to perform less than 1,000 SPECT procedures for a single-head scanning unit and 1,500 SPECT procedures for a multi-head scanning unit if the applicant can reasonably demonstrate that such replacement is in substantial compliance with these standards, and that such replacement is necessary to achieve comparability and competitiveness with existing providers of SPECT services in the planning district where the replacement is proposed, and the applicant can demonstrate that the equipment to be replaced was fully utilized, given the type of equipment, the mode of service, or the area served, for the relevant reporting period. Such replacement will not qualify for expedited review under Part VI of the Virginia Medical Care Facilities COPN Rules and Regulations (VR 355-30-000).

## Article 4. Cost.

### § 6.8. 6.7. Comparability of charges.

The total costs for providing SPECT service should be comparable to the costs for similar service providers in the planning district.

## Article 5. Quality.

### § 6.9. 6.8. Medical director.

A. The proposed new, expanded, or replacement SPECT service should be under the medical direction of a physician who is board certified or board eligible in

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nuclear medicine or nuclear radiology or trained and licensed in nuclear cardiology, and has additional documented experience and training in SPECT technology. Such physicians should be licensed by the Nuclear Regulatory Commission to possess radiopharmaceuticals and perform diagnostic procedures employing radiopharmaceuticals in human beings.

B. Any neurologist involved in the performance or interpretation of SPECT studies should have verifiable credentials which indicate that all of the training and education requirements pertaining to the 1990 "Performance/Interpretation Qualifications" statement of the American Academy of Neurology for SPECT have been, or are being, complied with.

~~§ 6.10:~~ 6.9. Additional staff.

SPECT services should be staffed by technologists qualified and experienced in the operation and routine maintenance of nuclear medical imaging systems during all hours of operation of the SPECT services.

VA.R. Doc. No. R94-601; Filed February 16, 1994, 10:49 a.m.

\* \* \* \* \*

**Title of Regulation:** VR 355-35-700. Swimming Pool Regulations Governing the Posting of Water Quality Results.

**Statutory Authority:** §§ 32.1-12 and 32.1-248.1 of the Code of Virginia.

**Public Hearing Dates:**

- April 25, 1994 - Fairfax - 1 p.m.
  - April 27, 1994 - Roanoke - 1 p.m.
  - April 28, 1994 - Hampton - 1 p.m.
  - April 29, 1994 - Charlottesville - 1 p.m.
- Written comments may be submitted through May 6, 1994.  
(See Calendar of Events section for additional information)

**Basis:** Section 32.1-12 of the Code of Virginia authorizes the Board of Health to make, adopt, and promulgate regulations. Section 32.1-248.1 directs the board to promulgate regulations requiring daily posting of water quality test results at public swimming pools and swimming pools operated in conjunction with a tourist facility or health spa.

**Purpose:** These regulations have been proposed by the State Board of Health to:

1. Ensure that owners or operators of all public swimming pools post daily the water quality test results and water quality standards so that users are informed of pool conditions that affect the public health, welfare, and safety.

2. Guide the owner or his agent in the requirements necessary to ensure safe pool maintenance, including pH level, disinfectant type and concentration level, and water temperature.

3. Establish the recommended standards for the safe and sanitary maintenance of public swimming pools, including the safe levels for: pH, chlorine, bromine, and water temperatures for spas.

**Substance:** The regulations require the daily posting of water quality data, such as pH level, disinfection type and concentration, and water temperature. The regulations also include the recommended safe levels of each water quality standard, which must be posted with the water quality test results. The attached form includes information as required by the regulations. These regulations apply to all public swimming pools and spas with the exception of private residential swimming pools or recreational waters.

**Issues:** The General Assembly, in 1989, directed the Virginia Department of Health (VDH) to study the need for additional swimming pool regulations and regulations for other water recreational facilities. As a result of this study, the Code of Virginia was amended in 1990 giving the Board of Health authority to promulgate regulations requiring the daily posting of water quality test results at swimming pools operated for public use.

The proposed regulations have been reviewed by local health departments, the Office of the Attorney General and the State Board of Health. Comments were received from two motel owner/managers, one recreational retreat manager, and one aquatic fitness club supervisor during the period following publication of the notice of intent to promulgate.

**Estimated Impact:**

Number and Types of Entities or Persons Affected. Persons in the private sector affected by these regulations include owners of hotels, campgrounds, summer camps, apartments, condominiums, private clubs, and health or recreational facilities that operate a swimming pool as defined in the regulations. The regulations also affect persons in the public sector, such as local and state entities that operate public swimming pools. It is estimated that 3,500 public swimming pools must comply with the regulations.

Projected Cost to Regulated Entities for Implementation and Compliance. The actual cost to each owner would be the cost of the time and money it takes for an employee to perform the daily water quality tests. It is estimated that testing takes approximately five minutes to perform and five minutes to post the results. At an estimated employee rate of five dollars per hour, this comes to approximately eighty-five cents per testing and posting or approximately six dollars per week or \$24 per month. This expense should not result in a significant burden to swimming pool owners, most of whom are already

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performing these tests as part of their pool maintenance.

Projected Cost to the Department for Implementation and Compliance. The additional cost to the Department of Health would be negligible since it would only have very limited involvement with the majority of public swimming pool owners. The local health department would inspect public swimming pools on a complaint basis only. Any violations to these regulations would then be addressed for compliance. These costs to the department will be in personnel time and absorbed by local health department budgets. Current environmental health staff would be utilized with no increase in FTEs.

Beneficial Impact Produced by Regulation. The regulations are designed to protect the public health by protecting and improving the water quality of public swimming pools in the Commonwealth. The regulations will afford public health protection by protecting citizens who frequent public pools from disease associated with improperly maintained swimming pools.

Need for Regulation and Potential Consequences in Absence of Regulation. Currently, only tourist establishment swimming pools are regulated and 19 localities regulate swimming pools under local ordinance. Therefore, the majority of public swimming pools in Virginia are not regulated. The intent of the regulations is to result in better maintained swimming pools in the Commonwealth. Diseases such as viral gastroenteritis, swimmer's ear, bacterial infections, and various skin diseases should be prevented by reminding the swimming pool owner or operator that proper disinfection and chemical treatment is essential for protecting the public health and safety.

Impact on Small Businesses or Organizations. The regulations do not significantly impact upon small businesses as defined in § 9-199 of the Code of Virginia or organizations. As mentioned above the cost of complying with the regulations is very minimal (\$24 per month). Most owners of public swimming pools are already performing these tests as a part of routine pool maintenance.

## Summary:

*The Swimming Pool Regulations Governing the Posting of Water Quality Test Results explain the requirements for the owner of a public swimming pool. These requirements include the daily testing and posting of the water quality results of free chlorine or bromine residuals, pH levels, and spa temperatures. These water quality test readings are necessary to inform users of the swimming pool as to the conditions that affect the public health, welfare, and safety. These regulations will affect every public swimming pool and spa in Virginia with the exception of private residential swimming pools or recreational waters.*

VR 355-35-700. Swimming Pool Regulations Governing the Posting of Water Quality Results.

## PART I. DEFINITIONS.

### § 1. Definitions.

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

*"Agent" means a legally authorized representative of the owner.*

*"Commissioner" means the State Health Commissioner or his subordinate who has been delegated powers in accordance with § 2.3 B of these regulations.*

*"Disinfectant" means the agent that disinfects by inhibiting, neutralizing, or destroying the growth of harmful microorganisms.*

*"District health department" means a consolidation of local health departments as authorized in § 32.1-31 C of the Code of Virginia.*

*"Free residual disinfectant" means the amount of measurable chlorine or bromine remaining in the water following disinfection.*

*"Local health department" means the department established in each city and county in accordance with § 32.1-30 of the Code of Virginia.*

*"Owner" means any person who owns, leases, or proposes to own or lease a public swimming pool.*

*"Private residential swimming pool" means any swimming pool or spa located on private residential property under the control of the homeowner or a tenant, the use of which is limited to swimming or bathing by members of the homeowner's or tenant's family or their invited guests.*

*"Public swimming pool" means any swimming pool or spa, other than a private residential swimming pool or spa, intended to be used collectively by numbers of persons for swimming or bathing and operated by any person, whether as owner, lessee, operator or concessionaire, regardless of whether a fee is charged for such use. The term "public swimming pool" includes, but is not limited to, tourist establishment pools, pools owned or operated by a condominium, private club or association of persons, apartment, or any association of persons. The term "public swimming pool" shall not include single occupant tanks and showers used exclusively for therapeutic purposes.*

*"Spa" means a hydrotherapy unit designed for recreational or therapeutic use which is not drained, cleaned, or refilled after each use. It may include, but is not limited to, units designed for hydro-jet circulation, hot water, cold water, mineral bath, air induction bubbles, or any combination thereof. Common terminology for a spa*

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includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, and hot tub.

"Swimming pool" or "pool" means any structure, basin chamber, or tank, located either indoors or outdoors, containing an artificial body of water intended to be used for swimming, wading, diving or recreational bathing, including spas and hot tubs, and having a water depth of 24 inches or more at any point.

"Tourist establishment" means any tourist facility such as hotels, motels, bed and breakfast facilities, campgrounds, or summer camps that is regulated by the State Health Department.

## PART II. GENERAL PROVISIONS.

### § 2.1. Purpose of regulations.

These regulations have been promulgated by the State Board of Health to:

1. Ensure that owners or operators of all public swimming pools post daily water quality test results and water quality standards so that users are informed of pool conditions that affect the public health, welfare, and safety.
2. Guide the owner or his agent in the requirements necessary to ensure safe pool maintenance including pH level, disinfectant type and concentration level, and water temperature.
3. Establish the recommended standards for the safe and sanitary maintenance of public swimming pools including the safe levels for: pH, chlorine, bromine, and water temperature for spas.

### § 2.2. Relationship to the regulations governing hotels, summer camps, and campgrounds.

These regulations are independent of and in addition to the requirements of the regulations governing hotels, summer camps, and campgrounds adopted pursuant to § 35.1-11 of the Code of Virginia. Prior to obtaining a permit to operate a hotel, summer camp, or campground, an applicant must comply with the provisions of these regulations.

### § 2.3. Administration of regulations.

A. The State Board of Health, hereinafter referred to as the board, has the responsibility to promulgate, amend, and repeal regulations necessary to ensure the daily posting of water quality test results and water quality standards at public swimming pools.

B. The State Health Commissioner, hereinafter referred to as the commissioner, is the chief executive officer of the State Department of Health. The commissioner has the

authority to act within the scope of regulations promulgated by the board and for the board when it is not in session. The commissioner may delegate his powers under these regulations in writing to any subordinate, with the exception of (i) his power to issue variances under § 32.1-12 of the Code of Virginia and § 3.9 of these regulations and (ii) his power to issue orders under § 32.1-26 of the Code of Virginia and § 3.4 of these regulations.

The commissioner has final authority to adjudicate contested case decisions of subordinates delegated powers under this section prior to appeal of such case decisions to the circuit court.

C. The State Department of Health, hereinafter referred to as the department, is designated as the primary agent of the commissioner for the purpose of administering these regulations.

D. The district or local health departments are responsible for implementing and enforcing the regulatory activities required by these regulations.

### § 2.4. Right of entry and inspections.

In accordance with the provisions of § 32.1-25 of the Code of Virginia, the commissioner or his designee shall have the right to enter any property to ensure compliance with these regulations.

### § 2.5. Exemption.

These regulations shall not apply to private residential swimming pools or recreational waters other than public swimming pools.

## PART III. PROCEDURAL REGULATIONS.

### Article 1. General.

#### § 3.1. Compliance with Administrative Process Act.

The provisions of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) shall govern the promulgation and administration of these regulations and shall be applicable to the issuance and appeal of any case decision under these regulations.

#### § 3.2. Powers and procedures of regulations not exclusive.

The commissioner may enforce these regulations through any means lawfully available.

### Article 2. Enforcement of Regulations.

#### § 3.3. Notice.

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Subject to the exceptions below, whenever the commissioner or the district or local health department has reason to believe a violation of any of these regulations has occurred or is occurring, the alleged violator shall be notified. Such notice shall be made in writing, shall be delivered personally or sent by certified mail, shall cite the regulation or regulations that are allegedly being violated, shall state the facts which form the basis for believing the violation has occurred or is occurring, shall include a request for a specific action by the recipient by a specified time and shall state the penalties associated with such violation. When the commissioner deems it necessary, he may initiate criminal prosecution or seek civil relief through mandamus or injunction prior to giving notice.

## § 3.4. Orders.

Pursuant to the authority granted in § 32.1-26 of the Code of Virginia, the commissioner may issue orders to require any owner, or other person, to comply with the provisions of these regulations. The order shall be signed by the commissioner and may require:

1. The immediate cessation and correction of the violation;
2. Appropriate remedial action to ensure that the violation does not recur;
3. The submission of a plan to prevent future violation to the commissioner for review and approval;
4. The submission of an application for a variance; or
5. Any other corrective action deemed necessary for proper compliance with the regulations.

## § 3.5. Hearing before the issuance of an order.

Before the issuance of an order described in § 3.4, a hearing must be held, with at least 30 days notice by certified mail to the affected owner or other person of the time, place and purpose thereof. The procedures at the hearing shall be in accordance with § 3.17 or § 3.18 of the regulations and with §§ 9-6.14:11 through 9-6.14:14 of the Code of Virginia.

## § 3.6. Order - when effective.

All orders issued pursuant to § 3.4 shall become effective not less than 15 days after mailing a copy thereof by certified mail to the last known address of the owner or person violating these regulations. Violation of an order is a Class 1 misdemeanor. See § 32.1-27 of the Code of Virginia.

## § 3.7. Compliance with effective orders.

The commissioner may enforce all orders. Should any owner or other person fail to comply with any order, the

commissioner may:

1. Apply to an appropriate court for an injunction or other legal process to prevent or stop any practice in violation of the order;
2. Commence administrative proceedings to suspend or revoke the operations permit if the public swimming pool is a tourist establishment pool.
3. Request the Attorney General to bring an action for civil penalty, injunction, or other appropriate remedy; or
4. Request the Commonwealth's Attorney to bring a criminal action.

## § 3.8. Not exclusive means of enforcement.

Nothing contained in Article 2 of this part shall be interpreted to require the commissioner to issue an order prior to commencing administrative proceedings or seeking enforcement of any regulations or statute through an injunction, mandamus or criminal prosecution, nor shall anything in these regulations affect the authority of the board or commissioner from issuing an emergency order under § 32.1-13 of the Code of Virginia.

## Article 3. Variances.

## § 3.9. Granting a variance.

Only the commissioner or the deputy commissioners may grant a variance to these regulations. (See §§ 32.1-12 and 32.1-22 of the Code of Virginia and § 2.3 B of these regulations.) The commissioner or the deputy commissioners shall follow the appropriate procedures set forth in this article in granting a variance.

## § 3.10. Requirements for a variance.

The commissioner may grant a variance if a thorough investigation reveals that the hardship imposed by these regulations outweighs the benefits that may be received by the public. Further, the granting of such a variance shall not subject the public to unreasonable health risks.

## § 3.11. Application for a variance.

Any owner who seeks a variance shall apply in writing. The application shall be signed by the owner, addressed and sent to the commissioner at the State Department of Health in Richmond. The application shall include:

1. A citation to the regulation from which a variance is requested;
2. The nature and duration of the variance requested;
3. Any relevant analytical results including results of



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relevant tests conducted pursuant to the requirements of these regulations;

4. Statements or evidence why the public health and welfare would not be degraded if the variance were granted;

5. Suggested conditions that might be imposed on the granting of a variance that would limit the detrimental impact on the public health and welfare;

6. Other information, if any, believed pertinent by the applicant; and

7. Such other information as the district or local health department or commissioner may require.

## § 3.12. Evaluation of a variance application.

A. The commissioner shall act on any variance request submitted pursuant to § 3.11 within 60 calendar days of receipt of the request.

B. In the evaluation of a variance application, the commissioner shall consider the following factors:

1. The effect that such a variance would have on informing swimming pool users of water quality test results and water quality standards;

2. The cost and other economic considerations imposed by this requirement;

3. The effect that such a variance would have on protection of the public health, welfare and safety;

4. Such other factors as the commissioner may deem appropriate.

## § 3.13. Disposition of a variance request.

A. The commissioner may deny any application for a variance by sending a denial notice to the applicant by certified mail. The notice shall be in writing and shall state the reasons for the denial.

B. If the commissioner proposes to grant a variance request submitted pursuant to § 3.11 the applicant shall be notified in writing of this decision. Such notice shall identify the variance, swimming pool covered, and shall specify the period of time for which the variance will be effective. The effective date of a variance shall be as stated in the variance.

C. No owner may challenge the terms or conditions set forth in the variance after 30 calendar days have elapsed from the effective date of the variance.

## § 3.14. Posting of variances.

All variances granted shall be posted in plain view of

swimming pool users.

## § 3.15. Hearings on disposition of variances.

Hearings on denials of an application for a variance or on challenges to the terms and conditions of a granted variance may be held pursuant to § 3.17 or § 3.18, except that informal hearings under § 3.17 shall be held by the commissioner or his designee.

### Article 4. Hearings and Appeals.

## § 3.16. Hearing types.

Hearings before the commissioner or the commissioner's designees shall include any of the forms described in § 3.17 or § 3.18 depending on the nature of the controversy and the interests of the parties involved.

## § 3.17. Informal hearings.

An informal hearing is a meeting with a district or local health department with the district or local health director presiding and held in conformance with § 9-6.14:11 of the Code of Virginia. The district or local health department shall consider all evidence presented at the meeting which is relevant to the issue in controversy. Presentation of evidence, however, is entirely voluntary. The district or local health department shall have no subpoena power. No verbatim record need be taken at the informal hearing. The local or district health director shall review the facts presented and based on those facts render a decision. A written copy of the decision and the basis for the decision shall be sent to the appellant within 15 working days of the hearing, unless the parties mutually agree to a later date in order to allow the department to evaluate additional evidence. If the decision is adverse to the interests of the appellant, an aggrieved appellant may request an adjudicatory hearing pursuant to § 3.18.

## § 3.18. Adjudicatory hearing.

The adjudicatory hearing is a formal, public adjudicatory proceeding before the commissioner, or a designated hearing officer, and held in conformance with § 9-6.14:12 of the Code of Virginia. An adjudicatory hearing includes the following features:

1. Notice. Notice which states the time and place and the issues involved in the prospective hearing shall be sent to the owner or other person who is the subject of the hearing. Notice shall be sent by certified mail at least 15 calendar days before the hearing is to take place.

2. Record. A record of the hearing shall be made by a court reporter. A copy of the transcript of the hearing, if transcribed, will be provided within a reasonable time to any person upon written request and payment of the cost.

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3. Evidence. All interested parties may attend the hearing and submit oral and documentary evidence and rebuttal proofs, expert or otherwise, that are material and relevant to the issues in controversy. The admissibility of evidence shall be determined in accordance with § 9-6.14:12 of the Code of Virginia.

4. Counsel. All parties may be accompanied by and represented by counsel and are entitled to conduct such cross-examination as may elicit a full and fair disclosure of the facts.

5. Subpoena. Pursuant to § 9-6.14:13 of the Code of Virginia, the commissioner or hearing officer may issue subpoenas on behalf of himself or any person or owner for the attendance of witnesses and the production of books, papers or maps. Failure to appear or to testify or to produce documents without adequate excuse may be reported by the commissioner to the appropriate circuit court for enforcement.

6. Judgment and final order. The commissioner may designate a hearing officer to conduct the hearing as provided in §§ 9-6.14:12 and 9-6.14:14.1 of the Code of Virginia, and to make written recommended findings of fact and conclusions of law to be submitted for review and final decision by the commissioner. The final decision of the commissioner shall be reduced to writing and will contain the explicit findings of fact upon which his decision is based. Certified copies of the decision shall be delivered to the owner affected by it. Notice of a decision will be served upon the parties and become a part of the record. Service may be by personal service or certified mail return receipt requested.

## § 3.19. Request for hearing.

A request for an informal hearing shall be made by sending the request in writing to the district or local health department. A request for an adjudicatory hearing shall be made in writing and directed to the commissioner at the State Department of Health in Richmond. Requests for hearings shall cite the reason(s) for the hearing request and shall cite the section(s) of these regulations involved.

## § 3.20. Hearing as a matter of right.

Any owner or other person whose rights, duties, or privileges have been or may be affected by any decision of the board or its subordinates in the administration of these regulations shall have a right to both informal and adjudicatory hearings. The commissioner may require participation in informal and adjudicatory hearings. The commissioner may require participation in an informal hearing before granting the request for a full adjudicatory hearing.

## § 3.21. Appeals.

Any request for hearing on the denial of an application for a variance pursuant to § 3.13 A must be made in writing and received within 60 days of receipt of the denial notice.

## PART IV. POSTING REQUIREMENTS.

§ 4.1. Posting of water quality test results and water quality standards.

A. The test results and water quality standards shall be posted in a location where it is readily observable by the users of the swimming facility.

B. The test results and water quality standards shall be posted on durable waterproof material.

C. The owner is responsible for meeting the requirements set forth in these regulations.

D. The water quality tests shall be performed and posted at least once daily and as often as necessary to maintain the standards as set forth in these regulations.

§ 4.2. Water quality standards.

Free chlorine and bromine residuals and pH values and temperature shall be continuously maintained within the following ranges:

### 1. Pools.

#### Water Quality Standards

Free Residual Disinfectant	Minimum	Maximum
Chlorine	1.0 ppm	2.0 ppm (indoor) 3.0 ppm (outdoor)
Bromine	2.0 ppm	4.0 ppm (indoor) 4.0 ppm (outdoor)
pH	7.2	7.8
Temperature	none	104 Fahrenheit (40 Celsius)

### 2. Spas.

#### Water Quality Standards

Free Residual Disinfectant	Minimum	Maximum
Chlorine	2.0 ppm	10.0 ppm
Bromine	2.5 ppm	6.0 ppm
pH	7.2	7.8
Temperature	none	104 Fahrenheit 40 Celsius

§ 4.3. Test kits.

Test kits for the measurement of all required chemistry

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*parameters in these regulations shall be provided and maintained at each public swimming pool. The test kits shall be capable of measuring the disinfectant residuals accurately to within 0.5 ppm.*

VA.R. Doc. No. R94-600; Filed February 16, 1994, 10:47 a.m.

## WATER QUALITY TEST RESULTS

FOR \_\_\_\_\_  
date

AT: \_\_\_\_\_  
time

DISINFECTANT TYPE (chlorine, bromine, etc.)

\_\_\_\_\_ ppm  
DISINFECTANT LEVEL

\_\_\_\_\_ pH

\_\_\_\_\_ ° F  
TEMPERATURE

OPERATOR

### ACCEPTABLE LEVELS

PARAMETER	POOLS MINIMUM	MAXIMUM	PARAMETER	SPAS MINIMUM	MAXIMUM
CHLORINE	1.0 ppm	2.0 ppm (Indoor) 3.0 ppm (outdoor)	CHLORINE	2.0 ppm	10.0 ppm
BROMINE	2.0 ppm	4.0 ppm (indoor) 4.0 ppm (outdoor)	BROMINE	2.5 ppm	6.0 ppm
pH	7.2	7.8	pH	7.2	7.8
TEMPERATURE	NONE	104 degrees F	TEMPERATURE	NONE	104 degrees F

**VDH** VIRGINIA  
DEPARTMENT  
OF HEALTH  
*Protecting You and Your Environment*

\* \* \* \* \*

**Title of Regulation: VR 355-40-400. Regulations Governing the Virginia Medical Scholarship Program.**

**Statutory Authority:** §§ 32.1-12, 32.1-122.5, 32.1-122.5:1, 32.1-122.6 and 32.1-122.6:01 of the Code of Virginia.

The Department of Health has **WITHDRAWN** the proposed regulation entitled, "VR 355-40-400, Regulations Governing the Virginia Medical Scholarship Program, published in 9:20 VA.R. 3549-3553 June 28, 1993. The agency published new proposed regulations with additional changes in 10:11 VA.R. 2837-2841 February 21, 1994.

VA.R. Doc. No. R94-614; Filed February 16, 1994, 10:48 a.m.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Board of Examiners

**Title of Regulation: VR 480-04-2. Board of Examiners Certification Regulations.**

**Statutory Authority:** § 45.1-12 of the Code of Virginia.

**Public Hearing Date:** April 5, 1994 - 1 p.m.  
Written comments may be submitted through May 6, 1994.  
(See Calendar of Events section for additional information)

**Basis:** This regulation is being promulgated under authority of § 45.1-12 of the Code of Virginia. Section 45.1-12 sets forth the authority of the Board of Examiners to develop regulations which further the efficiency of board operations and meet the requirements of the Virginia Mine Safety Act.

**Purpose:** The purpose of this regulation is to set forth requirements for certification of persons performing specialized tasks in mines in order to protect the health, safety, and welfare of persons in and around coal and mineral mines.

**Substance:** The regulation consolidates certification requirements for coal and mineral mining into one regulation. It also clarifies and modifies the general and examination requirements for applicants to make them consistent where possible for different types of certifications.

Several new certifications are added to address the needs of miners and the mining industry. A new coal mining certification is established for a surface facilities foreman for shops, labs, and warehouses. New mineral mining certifications are established for a mineral mining electrician, a first aid instructor and advanced first aid.

**Issues:** On August 13, 1993, the Board of Examiners submitted an emergency regulation to adopt existing board

decisions for the certification of persons performing specialized tasks in mines, to ensure the health, safety, and welfare of persons in and around mines. The Virginia Mine Safety Law, at § 45.1-12, provides that the board shall examine and certify persons responsible for protecting miners and property.

The Joint Subcommittee Studying the Virginia Mine Safety Law has proposed replacing the Board of Examiners with two new boards: the Board of Coal Mine Examiners and the Board of Mineral Mining Examiners. The proposed legislation, if passed, will be effective July 1, 1994. This regulation must become effective prior to this date so that certification requirements will be in place until the new boards promulgate regulations of their own for certification of miners.

**Impact:** This regulation will have a positive effect on applicants for certification and on the coal and mineral mining industries. The regulation will provide a clear and easy to understand description of requirements for use by the public and the industries regulated by the boards.

This regulation will affect persons wishing to become certified to complete specialized tasks in mines. The Department of Mines, Minerals and Energy examined 756 persons for coal mining certifications and 129 persons for mineral mining certifications. This regulation should affect a similar number of persons each year.

There is no significant fiscal impact associated with the regulations the vast majority of changes simply continue the current regulatory program. The four new certifications will be used in lieu of other certifications for specialized tasks. The recordkeeping system will need to be modified, new forms printed to account for the new types of certifications, and the new regulation copied and distributed to interested persons. This work will be completed using existing resources. The regulation maintains the current fee schedule for obtaining a certification.

#### Summary:

*The Board of Examiners is promulgating a permanent regulation for the certification of coal and mineral miners performing specialized tasks in a mine. The regulation implements § 45.1-12 of the Code of Virginia relating to the certification of miners by the Board of Examiners. The proposed regulation will replace the board's emergency regulation and is expected to become effective on June 30, 1994.*

*The proposed regulation consolidates all certification standards for coal and mineral mining into one regulation. The regulation also clarifies the general administrative and examination requirements for applicants and makes them consistent for different types of certifications, wherever possible.*

*Several new certifications and requirements are added*

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to address the needs of miners and the mining industry. A new coal mining certification is established for a surface facilities foreman for shops, labs, and warehouses. New mineral mining certifications are established for a mineral mining electrician, a first aid instructor, and advanced first aid.

VR 480-04-2. Board of Examiners Certification Regulations.

## PART I. GENERAL AND SPECIFIC REQUIREMENTS FOR CERTIFICATION.

### § 1.1. Administration of certification programs.

The Board of Examiners has established standards for miners seeking certification. The certification programs are administered by the Division of Mines and the Division of Mineral Mining in the Department of Mines, Minerals and Energy. Requirements for coal and mineral miners are set forth in §§ 1.2 through 1.4.

### § 1.2. General requirements for applicants.

A. Applicants shall complete and submit the Application for Certification Examination, Form BOE-1 A or BOE-1 B.

B. Applicants shall complete and submit the Certification of Work Experience Form BOE-2 A or BOE-2 B and documentation of appropriately related work experience for approval by the Division of Mines or the Division of Mineral Mining if required for the certification. This information shall be signed by a company official knowledgeable of the experience of the applicant and shall be notarized.

C. Applicants shall submit a valid standard or advanced first aid certificate or card, first responder card, Mine Safety and Health Administration Form 5000-23, or Emergency Medical Technician Certification except where noted.

D. Applicants shall submit a copy of all degrees required or evidence of successfully having completed the required training for certification.

E. Applicants shall submit a \$10 fee for each examination in the form of a cashier's check, certified check or money order. Cash will be accepted if paying in person.

F. The Application for Certification Examination and the fee shall be submitted at least five working days prior to the examination.

G. Applicants shall fulfill the requirements of this section and accumulate the required years of experience within five years of taking the examination.

H. Those applicants not meeting the requirements of

subsection G of this section shall begin the application process again, submitting a new application and work experience forms, taking the examination again, and paying the fee.

### § 1.3. Examination requirements for applicants.

A. Applicants for first class mine foreman (coal), surface foreman (coal or minerals), surface foreman, open pit (minerals), underground foreman (minerals), surface blaster (coal or minerals), underground shot firer (coal), and underground blaster (minerals) certifications shall score at least 85% on each section of the written examination to pass. Applicants for all other certifications shall score at least 80% on each section of the written examination.

B. If all or part of an examination is failed and the applicant wishes to retake the test, then the applicant shall wait at least 10 working days after the initial examination before retaking the failed section or sections.

C. If a section of the examination is failed a second time, the applicant shall retake the entire examination, and shall wait at least 10 working days after the second examination before retaking the examination.

D. If the examination is failed on the third try, the applicant shall wait the greater of one year from the date of the first examination or 10 working days from the last examination to begin the examination cycle again.

E. If one year passes prior to the third take of the examination, the certification cycle shall start over with a new application, work experience forms, fee, and examination.

F. An examination may not be taken more than three times in one year.

G. Applicants for coal certifications shall also pass the gas examination unless already certified in the area or otherwise noted in the position qualifications.

### § 1.4. Requirements for reciprocity.

A. Reciprocity shall be available for persons certified by states which accept the corresponding Virginia certifications and whose certification requirements are substantially equivalent to Virginia's.

B. If reciprocity is requested by a person certified in another state which accepts the corresponding Virginia certification, a current copy of the pocket card or certificate, grades, and documentation from the other state shall be submitted in addition to fulfilling the requirements in § 1.2.

C. Applicants shall pass the examination on Virginia mining laws and regulations with a score of at least 85%.

D. Applicants shall pass any other examinations

required by the Division of Mines, the Division of Mineral Mining and the Division of Mined Land Reclamation with a score of at least 85% and meet any corresponding Division of Mined Land Reclamation requirements.

## PART II. CERTIFICATION REQUIREMENTS FOR COAL MINING.

### § 2.1. First class mine foreman.

A. Applicants shall possess five years mining experience, three of which shall be underground, or appropriately related work experience approved by the Division of Mines.

B. Applicants may be given three years credit for a degree in mining engineering from an approved four-year college or two years credit for a degree in mining technology.

C. Applicants shall be at least 23 years of age.

### § 2.2. First class shaft or slope foreman.

A. Applicants shall possess five years mining work experience at a shaft or slope or appropriately related work experience approved by the Division of Mines.

B. Applicants may be given three years credit for a degree in mining engineering or two years credit for a degree in mining technology.

### § 2.3. Surface foreman.

A. Applicants shall possess five years of surface mining experience or appropriately related work experience approved by the Division of Mines.

B. Applicants may be given three years credit for a degree in mining engineering or two years credit for a degree in mining technology.

### § 2.4. Surface blaster.

A. Applicants shall possess one year blasting experience on a surface coal mine or appropriately related work experience approved by the Division of Mines.

B. Applicants shall also pass the endorsement examination required by the Division of Mined Land Reclamation and meet any corresponding Division of Mined Land Reclamation requirements.

C. Gas examination not required.

### § 2.5. Underground shot firer.

Applicants shall possess two years mining experience underground, one year of the two years shall have included handling and using explosives underground, or

appropriately related work experience approved by the Division of Mines.

### § 2.6. Underground electrical repairman.

A. Applicants shall possess one year of electrical experience in underground coal mining or appropriately related work experience approved by the Division of Mines.

B. Applicants may be given six months credit for electrical educational training from a college, technical school, or vocational school.

### § 2.7. Surface electrical repairman.

A. Applicants shall possess one year of electrical experience in surface coal mining or appropriately related work experience approved by the Division of Mines.

B. Applicants may be given six months credit for electrical educational training from a college, technical school, or vocational school.

### § 2.8. Electrical maintenance foreman.

A. Applicants shall hold a valid electrical repairman certification prior to being eligible to take the electrical maintenance foreman examination.

B. Applicants shall possess three years electrical experience as applied to underground mining or appropriately related work experience approved by the Division of Mines.

C. Applicants may be given one year credit for an electrical engineering degree, or six months credit for electrical education training from a technical or vocational school.

D. Gas examination not required.

### § 2.9. Chief electrician.

A. Applicants shall hold a valid maintenance foreman certification prior to being eligible to take the chief electrician examination.

B. Applicants shall possess five years electrical experience as applied to underground mining or appropriately related work experience approved by the Division of Mines.

C. Applicants may be given two years credit for an electrical engineering degree, or six months credit for electrical educational training from a technical or vocational school.

D. Gas examination not required.

### § 2.10. Hoisting engineer.

# Proposed Regulations

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A. Applicants shall possess two years of practical mining experience and one year of hoisting experience or appropriately related work experience approved by the Division of Mines. A certified hoisting engineer shall verify the hoisting experience.

B. After the examination has been successfully completed, the applicant shall obtain written permission from a mine official to have a representative from the Division of Mines observe the applicant's operation of hoisting equipment at the mine. Permission shall be on company stationery, signed by the company official, and submitted to the Division of Mines.

## § 2.11. Top person.

Applicants shall possess one year of practical mining experience with at least 30 days under the direction of a certified top person or appropriately related work experience approved by the Division of Mines.

## § 2.12. Preparation plant foreman.

A. Applicants shall possess five years experience, at least one year shall be at a preparation plant, or appropriately related work experience approved by the Division of Mines.

B. Applicants may be given three years credit for a degree in mining engineering or two years credit for a degree in mining technology.

## § 2.13. Dock foreman.

Applicants shall possess two years experience at a dock or appropriately related work experience approved by the Division of Mines.

## § 2.14. Mine inspector.

A. Applicants shall possess seven years underground mining experience.

B. Applicants may be given three years credit for a degree in mining engineering.

C. Applicants shall hold a valid First Class Mine Foreman Certification.

D. Gas examination not required.

E. A certificate will not be issued until an applicant is employed by the Department of Mines, Minerals and Energy.

## § 2.15. Underground diesel engine mechanic.

A. All maintenance work performed on diesel engines used to power equipment in underground coal mines must be performed by, or under the direct supervision of, a person possessing a Diesel Engine Mechanic Certificate

issued by the Board of Examiners. In addition, no operator of an underground coal mine in the Commonwealth of Virginia may use diesel-powered equipment in the a mine without first employing a diesel engine mechanic who is certified by the Board of Examiners.

B. "Maintenance" means all of the tasks required to be performed routinely to ensure that the engine exhaust emissions conform with the requirements of the laws and regulations of Virginia, and with the maintenance recommendations of the manufacturer of the engine.

C. Applicants shall possess six months experience as a diesel engine mechanic, complete a diesel engine mechanic course approved by the Division of Mines, or possess appropriately related work experience approved by the Division of Mines. A one-year diesel engine mechanic program approved by the Division of Mines may be substituted for the diesel engine mechanic experience.

D. The initial training course for diesel engine mechanics shall include at least 32 hours of classroom instruction and be taught by instructors certified by the Division of Mines.

E. To qualify for consideration and approval by the Chief, the content of the initial training course for diesel engine mechanics shall include, but not be limited to:

1. Diesel engine principles;
2. Diesel fuel and fuel systems;
3. Engine exhaust systems;
4. Diesel laws and regulations;
5. Safe use of equipment;
6. Emission controls and testing; and
7. Protection of health of workers exposed to diesel equipment.

F. The annual retraining course for diesel engine mechanics shall include at least four hours of classroom instruction and be taught by instructors certified by the Division of Mines.

G. The content of the retraining course shall include, but not be limited to:

1. Diesel technology;
2. Diesel laws and regulations;
3. Safe use of equipment; and
4. Protection of health of workers exposed to diesel equipment.

# Proposed Regulations

H. Gas examination not required.

I. A Diesel Engine Mechanic Certificate shall remain valid until December 31 following the anniversary date of the training, providing the certification requirements are met, unless the certificate is revoked by the Board of Examiners.

J. The holder of the certificate shall renew the certificate by satisfactorily completing a diesel engine mechanic retraining course approved by the Division of Mines and taught by an instructor approved by the Division of Mines.

K. The holder of the certificate shall submit documentation to the Division of Mines indicating the required retraining has been completed before the expiration of the card.

L. If a certificate expires because the certificate holder fails to complete the retraining requirements, then the holder of the expired certificate shall complete the retraining requirements and pass the Diesel Engine Mechanic Examination prior to the reinstatement of certification, unless otherwise approved by the Chairman of the Board of Examiners.

## § 2.16. Diesel engine mechanic instructor.

A. Applicants shall have teaching experience and be a certified diesel mechanic or possess appropriately related work experience approved by the Division of Mines.

B. Gas examination not required.

C. Applicants shall maintain the certificate by teaching at least one approved diesel engine mechanic course every two years or at least one approved diesel engine mechanic retraining course every year.

D. The holder of the certificate shall submit documentation to the Division of Mines indicating the required teaching has been completed before the expiration of the card.

E. The Board of Examiners may revoke the certification, in accordance with § 45.1-13 of the Code of Virginia, when the certificate holder fails to meet these validation requirements.

F. If a certificate expires because the certificate holder fails to complete the retraining requirements, then the holder of the expired certificate shall complete the retraining requirements and pass the Diesel Engine Mechanic Instructor Examination prior to the reinstatement of certification.

## § 2.17. Advanced first aid.

A. Applicants shall complete a 40-hour advanced first aid class taught by an approved advanced first aid

instructor or possess appropriately related work experience approved by the Division of Mines.

B. Approved advanced first aid classes shall cover the following subjects:

1. Introduction to first aid;
2. Respiratory emergencies and artificial respiration;
3. Removal of foreign bodies from the throat (the Heimlich Maneuver) and cardiopulmonary resuscitation (CPR);
4. Wounds;
5. Shock;
6. Specific injuries including head and chest;
7. Contamination, infection, and prevention;
8. Burns;
9. Cold exposure and frost bite;
10. Bone and joint injuries;
11. Dressings and bandages;
12. Sudden illness;
13. Emergency rescue and transfer;
14. Unusual rescue situations;
15. Poisoning;
16. Transportation of victims; and
17. Heat exposure.

C. Certified persons shall complete eight hours training biannually by an advanced first aid instructor approved by the Division of Mines to maintain their advanced first aid card.

D. The holder of the certificate shall submit documentation to the Division of Mines indicating the required training has been completed before the expiration of the card.

## § 2.18. First aid instructor.

A. Applicants shall be certified as a first aid instructor by the American Red Cross or other certified instructor approved by the Division of Mines.

B. The first aid instructor card shall be good for two years.



# Proposed Regulations

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C. The holder of the certificate shall submit documentation to the Division of Mines indicating that they have continued their certification as required by subsection A of this section before the expiration of the card.

§ 2.19. Surface facilities foreman for shops, labs and warehouses.

A. Applicants shall possess one year work experience at a shop, lab or warehouse or appropriately related work experience approved by the Division of Mines.

B. This certification shall not be used in lieu of the surface foreman, prep plant foreman or dock foreman certifications.

§ 2.20. Automatic elevator operator.

A. Applicants shall possess one year actual mining experience working in and around a mine.

B. The applicant shall obtain written permission from a mine official to have a representative from the Division of Mines observe the applicant's operation of an automatic elevator at the mine. Permission shall be presented on company stationery, signed by the company official, and submitted to the Division of Mines prior to the visit. The applicant shall demonstrate proper use of the equipment.

§ 2.21. Gas detection qualification for coal mining.

A. The applicant shall demonstrate the proper use of equipment at the time of the examination or at the mine.

B. No general requirements shall apply.

## PART III. CERTIFICATION REQUIREMENTS FOR MINERAL MINING.

§ 3.1. Underground foreman.

A. Applicants shall possess five years mining experience at an underground mineral mine or appropriately related work experience approved by the Division of Mineral Mining.

B. Applicants may be given three years credit for a degree in mining engineering or civil engineering or two years credit for a degree in mining technology or civil technology.

C. Applicants shall possess a valid first aid certificate which represents completion of a first aid course with a minimum of eight hours training.

§ 3.2. Surface foreman.

A. Applicants shall possess five years mining experience, at least one year at a surface mineral mine, or

appropriately related work experience approved by the Division of Mineral Mining.

B. Applicants may be given three years credit for a degree in mining engineering or civil engineering or two years credit for a degree in mining technology or civil technology.

C. Applicants shall possess a valid first aid certificate which represents completion of a first aid course with a minimum of eight hours training.

§ 3.3. Surface foreman, open pit (not applicable to mines with on-site blasting).

A. Applicants shall possess five years mining experience, with at least one year at a surface mineral mine or appropriately related work experience approved by the Division of Mineral Mining.

B. Applicants may be given three years credit for a degree in mining engineering or civil engineering or two years credit for a degree in mining technology or civil technology.

C. Applicants shall possess a valid first aid certificate which represents completion of a first aid course with a minimum of eight hours training.

§ 3.4. Surface blaster.

Applicants shall possess one year blasting experience on a surface mineral mine under the supervision of a certified blaster or possess appropriately related work experience approved by the Division of Mineral Mining.

§ 3.5. Underground blaster.

Applicants shall possess two years of work experience in an underground mine with at least one year handling and using explosives underground or possess appropriately related work experience approved by the Division of Mineral Mining.

§ 3.6. Mineral mining electrician.

A. Applicants shall hold a valid journeyman electrical certification issued under Department of Housing and Community Development criteria or possess appropriately related work experience approved by the Division of Mineral Mining.

B. Applicants shall complete training as required by 30 CFR Part 48 and submit documentation of such training to the Division of Mineral Mining.

C. Employees of licensed electrical contractors having completed hazard training under 30 CFR Part 48 shall be allowed to complete electrical work at the mine.

§ 3.7. Advanced first aid.

A. Applicants shall complete a 40-hour advanced first aid class taught by an approved advanced first aid instructor or possess appropriately related work experience approved by the Division of Mineral Mining.

B. Subjects which shall be covered in the advanced first aid class are listed in § 2.17 of this regulation.

§ 3.8. First aid instructor.

Applicants shall be certified as a first aid instructor by the American Red Cross or other certified instructor as approved by the Division of Mineral Mining.

V.A.R. Doc. No. R94-598; Filed February 15, 1994, 3 p.m.

APPLICATION FOR CERTIFICATION EXAMINATION  
COAL MINING

Board of Examiners

Applicants for certification must complete an application and submit a \$10.00 fee for each exam to be taken. Type or print the application in ink and pay the fee with a certified check, cashier's check, or money order made payable to the TREASURER OF VIRGINIA. Cash will be accepted if paid in person. Submit the application and fee to the Board of Examiners, P.O. Drawer 900, Big Stone Gap, VA 24219 at least FIVE WORKING DAYS prior to the date of examination.

1. Full Name \_\_\_\_\_ S.S.# \_\_\_\_\_
2. Address \_\_\_\_\_  
street or P.O. Box city state zip code
3. Date of Birth \_\_\_\_\_ Home Phone No. (\_\_\_\_) \_\_\_\_\_  
month/day/year
4. Total years employed at a coal mine: \_\_\_\_\_  
underground surface
5. List your current (or most recent) mining experience:  
Company Name \_\_\_\_\_  
Address \_\_\_\_\_  
street or P.O. Box city state zip code  
Job Title \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
month/day/year month/day/year
6. Attach copies of the required documentation needed for each certification.
7. Examination Requested (Circle One): first class mine foreman, first class shaft or slope foreman, surface foreman, surface blaster, underground shot firer, underground electrical repairman, surface electrical repairman, electrical maintenance foreman, chief electrician, hoisting engineer, top person, preparation plant foreman, dock foreman, mine inspector, underground diesel engine mechanic, diesel engine instructor, advanced first aid, first aid instructor, surface facilities foreman for shops, labs and warehouses, automatic elevator operator, gas detection qualification, other: \_\_\_\_\_

I HEREBY CERTIFY THAT THE ABOVE ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signed \_\_\_\_\_ Date \_\_\_\_\_

BOE-1 A  
Rev 2/8/94

HAVE TEN CITIZENS OF YOUR COMMUNITY SIGN THE FOLLOWING STATEMENT:

I HEREBY CERTIFY that I am personally acquainted with that above named applicant and know him as a man of good moral character and temperate habit.

	<u>NAME</u>	<u>ADDRESS</u>	<u>TITLE OR POSITION</u>
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

CERTIFICATE of WORK EXPERIENCE FORM  
COAL MINING

Board of Examiners

All applicants for certification must complete a form for each employer to verify the required years of mining experience for the certificate requested. Applicants must have the form signed by a company official knowledgeable of his or her work history before a notary public. Type or print the information in ink and submit the form to the Board of Examiners, U.S. Route 23 South, Drawer 900, Big Stone Gap, VA 24219.

1. Full Name \_\_\_\_\_ S.S.# \_\_\_\_\_

2. Address \_\_\_\_\_  
street or P.O. Box \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_

3. Employer/Company Name \_\_\_\_\_ Mine Name \_\_\_\_\_  
Address \_\_\_\_\_  
street or P.O. Box \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_

4. Job Title \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
month/day/year month/day/year

Description of job duties applicable to certification requested: \_\_\_\_\_

5. I hereby certify, under the penalties of perjury, that the information related to this applicant's experience as submitted on this form is correct.

signature of company official \_\_\_\_\_ print or type name \_\_\_\_\_ title \_\_\_\_\_ date \_\_\_\_\_

6. State of \_\_\_\_\_ county/city of \_\_\_\_\_ to wit:

I, \_\_\_\_\_, a notary public in and for the State and county/city aforesaid, do certify that \_\_\_\_\_ whose name is \_\_\_\_\_ company official

signed to /S above, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ has acknowledged the same before me in my county/city aforesaid. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

notary public

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

APPLICATION FOR CERTIFICATION EXAMINATION  
MINERAL MINING

Board of Examiners

Applicants for certification must complete an application and submit a \$10.00 fee for each exam to be taken. Type or print the application in ink and pay the fee with a certified check, cashier's check, or money order made payable to the TREASURER OF VIRGINIA. Cash will be accepted if paid in person. Submit the application and fee to the Board of Examiners, 7705 Timberlake Road, P.O. Box 4499, Lynchburg, VA 24502 at least FIVE WORKING DAYS prior to the date of examination (Note: The office is scheduled to relocate in Charlottesville in Fall 1994).

1. Full Name \_\_\_\_\_ S.S.# \_\_\_\_\_
2. Address \_\_\_\_\_  
street or P.O. Box \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_
3. Date of Birth \_\_\_\_\_ month/day/year \_\_\_\_\_ Home Phone No. (\_\_\_\_) \_\_\_\_\_
4. Total years employed at a mineral mine: \_\_\_\_\_  
underground \_\_\_\_\_ surface \_\_\_\_\_
5. List your current (or most recent) mining experience:  
Company Name \_\_\_\_\_  
Address \_\_\_\_\_  
street or P.O. Box \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_  
Job Title \_\_\_\_\_ From \_\_\_\_\_ month/day/year To \_\_\_\_\_ month/day/year
6. Attach documentation of any training or education completed which is required for certification:
  - a. Valid first aid certificate required for underground foreman, surface foreman, and surface foreman-open pit.
  - b. Valid standard or advanced first aid certificate/card, first responder card, MSHA form 5000-23, or EMT certification required for surface and underground blaster, mineral mining electrician.
  - c. Valid advanced first aid card or certificate and first aid instructor certificate for the advanced first aid and first aid instructor certifications, respectively.
  - d. Valid copy of pocket card or certificate, grades and documentation required for those requesting reciprocity from another state.
  - e. Copy of degree for foreman certification, if applicable.
7. Examination Requested (circle one): underground foreman, surface foreman, surface foreman - open pit, surface blaster, underground blaster, advanced first aid, or other: \_\_\_\_\_

I HEREBY CERTIFY THAT THE ABOVE ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signed \_\_\_\_\_ Date \_\_\_\_\_

BOE-1 B  
Rev 2/9/94

HAVE TEN CITIZENS OF YOUR COMMUNITY SIGN THE FOLLOWING STATEMENT.

I HEREBY CERTIFY that I am personally acquainted with that above named applicant and know him as a man of good moral character and temperate habit.

	NAME	ADDRESS	TITLE OR POSITION
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

# Proposed Regulations

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CERTIFICATE of WORK EXPERIENCE FORM  
MINERAL MINING

Board of Examiners

All applicants for certification must complete a form for each employer to verify the required years of mining experience for the certificate requested. Applicants must have the form signed by a company official knowledgeable of his or her work history before a notary public. Type or print the information in ink and mail the form to the Board of Examiners, P.O. Box 4499, Lynchburg, VA 24502.

1. Full Name \_\_\_\_\_ S.S.# \_\_\_\_\_
2. Address \_\_\_\_\_  
street or P.O. Box \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_
3. Employer/Company Name \_\_\_\_\_ Mine Name \_\_\_\_\_  
Address \_\_\_\_\_  
street or P.O. Box \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_
4. Job Title \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
month/day/year month/day/year  
Description of job duties applicable to certification requested: \_\_\_\_\_

5. I hereby certify, under the penalties of perjury, that the information related to this applicant's experience as submitted on this form is correct.

\_\_\_\_\_  
signature of company official print or type name title date

6. State of \_\_\_\_\_ county/city of \_\_\_\_\_ to wit:

I, \_\_\_\_\_, a notary public in and for the State and

county/city aforesaid, do certify that \_\_\_\_\_ whose name is  
company official

signed to #5 above, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ has acknowledged the  
same before me in my county/city aforesaid. Given under my hand this \_\_\_\_\_

day of \_\_\_\_\_, 19\_\_.  
notary public

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

BOE-2B  
Rev 2/10/94

SEAL

# Proposed Regulations

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulations: VR 615-08-1. Virginia Energy Assistance Program.

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

Public Hearing Date: April 22, 1994 - 10 a.m.

Written comments may be submitted through May 6, 1994.

(See Calendar of Events section for additional information)

Basis: Section 63.1-25 of the Code of Virginia provides the statutory basis for the promulgation of regulations relative to the Energy Assistance Program.

Purpose: The proposed amendment to benefit amount calculations will ensure compliance with Public Law 103-185, amending Section 927 of the Housing and Community Development Act of 1992 (Public Law 102-550) which allows states to reduce LIHEAP benefits to certain residents of federally assisted housing.

Assistance through crisis for the provision of primary heat was designed to provide a transitional safety net for households when the shorter application period and point matrix system of benefit determination were adopted. The decision to eliminate this type of assistance at this time is warranted by the stability of the programmatic changes and the apparent confusion and misuse of benefits provided through this assistance.

The elimination of providing space heaters is requested due to the ongoing liability issue raised by the use of this type of heater as a heat source. The Attorney General's office has stated that the program could be considered liable if an injury or death resulted from the use of this type of equipment.

The proposal to eliminate cooling assistance is based on the reduction in grant funding and a three-month gap in federal funding for the next two consecutive years.

Substance: The amendments to the program are:

1. In the fuel assistance component, households receiving a utility allowance/subsidy who are responsible for making some out-of-pocket expenditure towards the cost of home heating will have their benefit amount reduced by the amount of the utility allowance.
2. In the crisis assistance component, the following types of assistance will no longer be provided:
  - a. Provision of space heaters;
  - b. Purchase of primary home heating fuel when the household is out of fuel or to prevent the

disconnection of a primary utility heat source.

3. The cooling assistance component will be eliminated.

Issues: Changes proposed regarding fuel assistance benefit determination for subsidized households and the elimination of the purchase of primary fuel through the crisis component will require the release of program changes to affected households and the general public in advance in an attempt to allay negative feelings and complaints.

The liability issue for both state and local governments will be eliminated with the adoption of the proposed policy to discontinue the purchase of portable space heaters.

Language in the federal appropriations bill prohibits encumbering funds during the summer months. Continuation of the cooling component would create a noncompliance issue.

Estimated Impact: The proposed amendments will affect all households statewide who apply for energy assistance. There are no projected costs to the public or vendors.

Eligible fuel assistance households last year received a full benefit amount even though they received a utility allowance. A change to federal law will result in a reduced benefit in 1994-95.

Households who previously may have received assistance from crisis for the types of services eliminated and cooling assistance will no longer receive assistance of this type from the program.

No cost impact is expected for local departments of social services, nor is there any other impact to individual agencies or groups of agencies.

During the 1993-94 program year, 123,538 households were determined eligible for fuel assistance with an average benefit of \$183. The average benefit for crisis assistance is currently \$200. The average benefit for both components will remain essentially the same based on the estimated tentative funding level for the 1994-95 program year. The estimated funding amount is, however, subject to change prior to the program start date.

### Summary:

*The amendments propose several changes to the Energy Assistance Program. In fuel assistance, households receiving utility subsidies that must pay some heating expenses out-of-pocket will have their benefits reduced by the amount of the subsidy. Assistance to provide primary fuel and to purchase space heaters for temporary use will no longer be provided through crisis assistance. The cooling assistance component would be eliminated.*

# Proposed Regulations

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VR 615-08-1. Virginia Energy Assistance Program.

## PART I. DEFINITIONS.

### § 1.1. *Definitions.*

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

*"Department"* means the Department of Social Services.

*"Disabled person"* means a person receiving Social Security disability, Railroad Retirement Disability, 100% Veterans Administration disability, Supplemental Security Income as disabled, or an individual who has been certified as permanently and totally disabled for Medicaid purposes.

*"Elderly person"* means anyone who is 60 years of age or older.

*"Energy-related," "weather-related," or "supply shortage emergency"* means a household has: no heat or an imminent utility cut-off ; or inoperable or unsafe heating equipment ; ~~major air infiltration of housing unit; or a need for air conditioning because of medical reasons .~~

*"Fiscal year"* means ~~October 1 through September 30.~~

*"Household"* means an individual or group of individuals who occupies a housing unit and functions as an economic unit by: purchasing residential energy in common (share heat), or making undesignated payments for energy in the form of rent (heat is included in the rent).

*"Poverty guidelines"* means the Poverty Income Guidelines as established and published annually by the Department of Health and Human Services.

*"Primary heating system"* means the system that is currently used to heat the majority of the house (*vented heater, furnace*). *An unvented or portable heater cannot be considered as the primary heating system .*

*"Program year"* means ~~the specified timeframe established for each of the program components by the department. July 1 to June 30.~~

*"Resources"* means cash, checking accounts, savings account, saving certificates, stocks, bonds, money market certificates, certificates of deposit, credit unions, Christmas clubs, mutual fund shares, promissory notes, deeds of trust, individual retirement accounts, prepaid funeral expenses in excess of \$900, or any other similar resource which can be liquidated in not more than 60 days.

## PART II. FUEL ASSISTANCE.

### § 2.1. *Eligibility criteria; transfer of resources.*

The purpose of the fuel assistance component is to provide heating assistance to eligible households to offset the costs of home *heating* energy that are excessive in relation to household income.

#### A. Eligibility criteria.

1. *Income limits.* Maximum income limits shall be at or below 130% of the poverty guidelines. In order to be eligible for fuel assistance, a household's *countable* income must be at or below the maximum income limits. *Income considered exempt will be determined by the Board of Social Services.*

2. *Resource limits.* The resource limit for a household containing an elderly or disabled person shall be \$3,000. The resource limit for all other households shall be \$2,000. *In addition, any individual or family applying for or receiving assistance under the fuel assistance programs may have or establish one interest-bearing savings account per assistance unit not to exceed \$5,000 at a financial institution for the purpose of paying for tuition, books, and incidental expenses at any elementary, secondary or vocational school or any college or university or for making a down payment on a primary residence. Any funds deposited in the account and any interest earned thereon, and any amounts withdrawn from the account for the purposes stated in this section shall be exempt from consideration in any calculation.* In order to be eligible for fuel assistance, a household's *countable* resources must be at or below the amount specified.

3. *Alien status.* Any alien who has obtained the status of an alien lawfully admitted for temporary residence is ineligible for a period of five years from the date such status was obtained. This shall not apply to a Cuban or Haitian entrant or to an alien who is an aged, blind or disabled individual.

#### B. Resource transfer.

Any applicant of fuel assistance shall be ineligible for that fuel season if he improperly transfers or otherwise improperly disposed of his legal or equitable interest in nonexempt liquid resources without adequate compensation within one year of application for fuel assistance.

Compensation that is adequate means goods, services or money that approximates the value of the resources.

This policy does not apply if any of the following occur:

1. The transfer was not done in an effort to become eligible for fuel assistance;
2. The resource was less than the allowable resource limit;

3. The disposition or transfer was done without the person's full understanding.

## § 2.2. Benefits.

Benefit levels shall be established based on income in relation to household size, fuel type, and geographic area, with the highest benefit given to households with the least income and the highest energy need.

Geographic areas are the six climate zones for Virginia recognized by the National Oceanic and Atmospheric Administration and the United States Department of Commerce. The six climate zones are: Northern, Tidewater, Central Mountain, Southwestern Mountain, Eastern Piedmont, and Western Piedmont.

Each year, the Division of Energy within the Department of Mines, Minerals and Energy will supply data on the average costs of various fuels.

Each year the benefit amounts for each household shall be determined by state computer using the following method:

A. 1. The following factors for each household will be assigned a point value:

- a. Gross monthly income
- b. Living arrangements
- c. Primary heat type
- d. Climate zone
- e. Vulnerability

(1) Person 60 years of age or older

(2) Disabled person in HH

(3) Child under 16

Point values will be determined by department staff.

B. 2. The total points of all households will be determined.

C. 3. The available benefit dollars will be divided by the point total to determine a point dollar value.

D. 4. The household's benefit amount will be calculated by multiplying the household's point total by the value per point.

## § 2.3. Exceptions.

Benefits will be the same for all households with the same income, household size, geographic area and fuel type, except for the following:

1. Roomers occupying only one room will be eligible for a maximum benefit that is one-half of the maximum benefit that other households with the same income, household size, geographic area, and fuel type are eligible to receive.

2. Subsidized households will be eligible for the following maximum benefits depending on whether heat is included in their rent. If heat is included in their rent but they are responsible for excess fuel usage charges, their maximum benefit will be one-quarter of the benefit that other households with the same income, household size, geographic area and fuel type are eligible to receive.

3. If heat is not included in the rent and the household receives a utility allowance/subsidy and is responsible for making some out-of-pocket expenditures towards the cost of home heating, the maximum benefit amount for the household will be reduced by the amount of the utility allowance.

## § 2.4. Application period.

The application period for fuel assistance shall begin not earlier than September 1 and shall end not later than March 31 each year. The Board of Social services shall set specific dates within that period for acceptance of fuel assistance applications.

## PART III. CRISIS ASSISTANCE.

### § 3.1. Eligibility criteria; benefits.

The purpose of the crisis assistance component is to assist households with energy-related, weather-related or supply shortage emergencies. This component is intended to help the household meet energy emergencies that cannot be met by the fuel assistance component or other local resources.

#### A. Eligibility criteria.

In order to be eligible for crisis assistance, a household shall meet the following criteria:

1. All of the fuel assistance criteria as set forth in Part II, § 2.1;
2. Have an energy-related, weather-related or supply shortage emergency as defined in Part I;
3. Other resources cannot meet the emergency (including fuel assistance);
4. Did not receive crisis assistance maximum benefit during the current fiscal program year;
5. For assistance with primary heat source, did not receive Fuel Assistance in current program year.



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## B. Benefits.

An eligible household can receive no more than \$200 for crisis assistance during any federal fiscal program year, unless the assistance is for the rebuilding or replacement of heating equipment or purchase of heating equipment where none exists, in which case the maximum amount of assistance shall be \$700.

The following forms of assistance shall be provided:

1. ~~Repairs, Repair or~~ rebuilding of inoperable or unsafe heating equipment, including necessary maintenance cost of heating equipment and the purchase of supplemental equipment.

2. Payment of electricity when it is needed to operate the primary heating equipment. Payment will be limited to \$200 maximum. Assistance may be provided once every five years.

3. A one-time-only payment per fuel type of a heat-related utility security deposit.

4. Providing space heaters.

5. ~~4.~~ Providing emergency shelter.

6. Purchase 30-day supply of home heating fuel when the household is out of fuel or to prevent the disconnection of a primary utility heat source. Assistance will be provided during a specified timeframe. The Board of Social Services will establish maximum payment amounts.

5. Purchase of heating equipment where none exists.

## § 3.2. Application period.

The application period for crisis assistance shall begin not earlier than September 1 and shall end not later than March 31 each year. The Board of Social Services shall set specific dates within that period for the acceptance of crisis assistance applications.

## PART IV. COOLING ASSISTANCE.

§ 4.1. Cooling Assistance is an optional component of the Energy Assistance Program that is designed to provide help to persons medically in need of cooling assistance due to the heat.

Local agencies who choose this option will be given a separate allocation that will be based on a percentage of their crisis allocation and will provide the assistance no earlier than June 15 through no later than August 31.

## A. Eligibility criteria.

In order to be eligible for cooling assistance, a

household must meet all of the fuel assistance eligibility criteria and must be in critical medical need of cooling.

## B. Benefits.

The assistance is limited to: no more than \$200 for repairing or renting a fan or air conditioner; purchasing a fan; or paying an electric bill or security deposit; or no more than \$400 for purchasing an air conditioner.

## PART V. IV. ADMINISTRATIVE COSTS.

§ ~~5.1.~~ § 4.1. Local administrative expenditures for the implementation of the Energy Assistance Program shall not be reimbursed in excess of 7.0% of program grant allocation.

V.A.R. Doc. No. R94-569; Filed February 9, 1994, 11:26 a.m.

\* \* \* \* \*

**EDITOR'S NOTICE:** The deadline for submitting written comments to the Department of Social Services on the proposed regulation entitled: "VR 615-43-4. Adoptee Application for Disclosure of Identifying Information on Birth Family in a Closed Adoption Record" has been extended until April 6, 1994. This proposed regulation was initially published in The Virginia Register of Regulations on January 10, 1994 (10:8 V.A.R. 2057-2060 January 10, 1994); however, a significant amount of text was inadvertently omitted from publication. For this reason, an additional 30 days is being provided for public comment. The text omitted from the January 10 publication begins with subdivision 4 of § 2.1 and includes subdivisions 1 a through c of § 2.2. The full text of the proposed regulation has been reprinted below.

**Title of Regulation:** VR 615-43-4. Adoptee Application for Disclosure of Identifying Information on Birth Family in a Closed Adoption Record.

**Statutory Authority:** §§ 63.1-25, 63.1-236 and 63.1-236.1 of the Code of Virginia.

**Public Hearing Date:** N/A - Written comments may be submitted until April 6, 1994.

(See Calendar of Events section for additional information)

**Basis:** This regulation is issued under authority granted by §§ 63.1-25, 63.1-236 and 63.1-236.1 of the Code of Virginia. Section 63.1-25 gives the state board the authority to establish rules and regulations. Section 63.1-236 as amended effective July 1, 1992, allows adults adopted in Virginia to apply to the Commissioner of Social Services for identifying information on their birth families. Prior to this Code change, a petition had to be filed in circuit court. Section 63.1-236.1 allows agencies to assess a fee against the applicant when conducting a search for birth family pursuant to § 63.1-236. Section 63.1-236.1 specifies

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that local departments of social services must assess this fee in accordance with regulations and fee schedules established by the state board.

**Purpose:** The purpose of this regulation is to provide policy for implementing the changes in § 63.1-236 of the Code of Virginia. This Code section allows adults adopted in Virginia to apply to the Commissioner of Social Services for identifying information on their birth families. Such information would include the birth family member's name, current address and telephone number. Prior to the Code change, effective July 1, 1992, adults adopted in Virginia had to petition the circuit court for identifying information on their birth families.

**Substance:** This regulation provides policy to local agencies who are conducting searches for birth family members of the adult adoptee in order to request the individual's consent to the disclosure of identifying information. The regulation also provides policy to department staff who have decision making responsibility with regard to whether to grant or deny disclosure.

**Issues:** Upon receiving the application of an adult adopted in Virginia, § 63.1-236 provides the department with the authority to designate the agency which conducted the adoption investigation to search for specific birth family members. The purpose of the search is to advise the birth family members of the adoptee's request for identifying information and to ascertain the birth family members' feelings about having such identifying information disclosed. Based upon the information obtained during the search, the department will make a decision regarding the disclosure of the requested information. Although the law clearly provides both the department and the searching agency with specific authority and decision making responsibility, regulations are an added protection. Regulations also help to ensure that adult adoptees and birth family members feel protected since they provide clear guidelines which specify when the disclosure of identifying information can be granted and when it cannot be. When this was a court-ordered rather than an administrative process, disclosure was normally granted upon receiving the mutual consent of the parties involved. This continues to be the case under administrative procedures.

**Impact:** The provisions of § 63.1-236 must be complied with regardless of whether regulations are promulgated. Therefore, these regulations will not have a financial impact on the department or on local agencies. The regulations will prescribe consistent guidelines, and in so doing, provide an additional protection for all parties involved in the process.

**Summary:**

*This regulation establishes policy relative to the search and disclosure process when an adult adopted in Virginia applies to the Virginia Department of Social Services to obtain identifying information on*

*his birth family pursuant to § 63.1-236 of the Code of Virginia. This regulation prescribes consistent guidelines which complement the law and provide an additional protection to all parties involved in the process.*

VR 615-43-4. Adoptee Application for Disclosure of Identifying Information on Birth Family in a Closed Adoption Record.

## PART I. DEFINITIONS.

### § 1.1. Definitions.

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

*"Adoption" means the legal process in which a person's rights and duties toward birth parents are terminated and similar rights and duties are established with a new family.*

*"Adoptee Application for Disclosure" means the adult adoptee's formal request, on a prescribed notarized application form, to receive identifying information on specific birth family members.*

*"Agency" means a local department of social services or a licensed child-placing agency.*

*"Agency Letter of Appointment" means a letter from the commissioner or his designee appointing a designated person or agency to do a search for certain birth family members and to report the findings back to the commissioner within an established period of time.*

*"Commissioner" means the Commissioner of the Department of Social Services or his designee.*

*"Designated person or agency" means the person or agency whom the commissioner or his designee has appointed to conduct a search for the birth family members about whom the adult adoptee wants identifying information.*

*"Final Disposition" means the letter in which the commissioner or his designee grants or denies the Adoptee Application for Disclosure.*

*"Identifying information" means facts, such as names and addresses, that designate the birth family of the adult adoptee.*

*"Person" means any individual, association, partnership or corporation.*

*"Search" means an attempt by a designated person or agency to locate and advise specific members of the adoptee's birth family of the Adoptee Application for*

# Proposed Regulations

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*Disclosure and to ascertain the birth family members feelings about having their identity and whereabouts disclosed to the adoptee.*

## PART II. POLICY.

### § 2.1. Responsibilities of the commissioner.

*The commissioner shall:*

1. Upon receiving the Adoptee Application for Disclosure, designate the person or agency that made the investigation required by § 63.1-223 or § 63.1-228 of the Code of Virginia to attempt to locate and advise the applicable members of the birth family of the request for identifying information. Such designation is to be made within 30 days of receipt of the Adoptee Application for Disclosure. The time frame for the search is eight months unless otherwise determined by the commissioner. If the agency needs additional time, this may be granted if such need is documented in writing by the searching agency to the commissioner.

2. Assist the agency in the search by providing technical assistance and case material from the adoption records.

3. Upon receipt of the agency's report to the commissioner and any written comments submitted by the adoptee, the biological family, or the adoptive parents, make a determination as to whether good cause exists for the release of identifying information and send the adoptee and searching agency a copy of the Final Disposition granting or denying the Adoptee Application for Disclosure. The disclosure of identifying information will be granted when the adult birth family members for whom the agency searched is located and consents to having his identity and whereabouts disclosed to the adoptee. However, the following extenuating circumstances are to be considered:

a. If the birth parent is deceased, and other adult family members who know about the birth and adoption of the adoptee want their names and addresses disclosed, good cause may exist for identifying information on these family members to be given to the adoptee if the adoptee wishes this.

b. If one birth parent does not want his identity disclosed to the adoptee, other adult children of the birth parent who were not adopted or who were adopted by a relative should generally not have their identity disclosed. Exceptions are:

(1) If the other birth parent of the adoptee and adult sibling consents to disclosure and if the searching agency ascertains that the adult sibling has been informed about the adopted child (in such

a case, the sibling could be contacted by the searching agency and could give informed consent relative to the disclosure of his identity and whereabouts); or

(2) If the birth parent is deceased and the adult sibling was contacted by the designated person or agency doing the search because the record or other information indicated that the adult sibling knew the circumstances surrounding the child's placement and adoption, and the adult sibling consented to disclosure.

c. If the search is for an adult birth sibling who was adopted, at least one of the adult sibling's adoptive parents, unless both are deceased, must give his consent for the birth sibling to be contacted unless it is certain that the birth sibling knows that he was adopted. As an example, but not a limitation, it may be ascertained that the birth sibling knows of his adoption if he has contacted the Virginia Department of Social Services or the placing agency to find out about his adoption or to ask that a letter be put in the file of adopted siblings. Another example would be if the adoptive parents, when being informed of the search by the agency, reveal that the adoptee knows of his adoption.

4. Advise the adoptee of his right to file a petition with the appropriate circuit court if the commissioner fails to designate within 30 days a person or agency to do the search or if the commissioner denies the Adoptee Application for Disclosure after receiving the designated person's or agency's report.

### § 2.2. Responsibilities of the designated person or agency conducting the search.

*The designated person or agency conducting the search shall, upon receiving an Agency Letter of Appointment:*

1. Attempt to locate and advise the adult birth family members about whom the adoptee wants identifying information of the Adoptee Application for Disclosure.

a. If the adoptee applies for identifying information on adult birth relatives other than his birth parents, the birth parents, unless deceased, must be contacted and consent to having identifying information on themselves disclosed. An exception would be if the adoptee does not want identifying information on his birth parents but does want identifying information on birth siblings adopted by nonrelatives.

b. If one birth parent does not want his identity disclosed to the adoptee, other adult children of the birth parent who were not adopted or who were adopted by a relative should generally not be contacted. Exceptions are:

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(1) If the other birth parent of the adoptee and the adult sibling consents to disclosure and if the searching agency ascertains that the adult sibling has been informed about the adopted child; or

(2) If the birth parent is deceased and information in the record or other information indicates that the adult sibling knows about the circumstances surrounding the child's placement and adoption.

c. If the search is for an adult birth sibling who was adopted, at least one of the adult sibling's adoptive parents, unless both are deceased, must give his consent for the birth sibling to be contacted unless it is certain that the birth sibling knows that he was adopted. As an example, but not a limitation, it may be ascertained that the birth sibling knows of his adoption if he has contacted the Virginia Department of Social Services or the placing agency to find out about his adoption or to ask that a letter be put in the file of adopted siblings. Another example would be if the adoptive parents, when being informed of the search by the agency, reveal that the adoptee knows of his adoption.

d. In contacting relatives or persons who know the birth parent/adult sibling and can aid in the search, the searching agency is to use discretion. The confidential nature of the inquiry is not to be revealed unless it is clear from the record or other information that the contacted person knows the circumstances surrounding the child's placement and adoption.

2. Report to the commissioner, or the court if applicable, the results of the attempt to locate and advise the adult birth family members about whom the adoptee wants identifying information of the Adoptee Application for Disclosure.

a. The agency's report shall be in the format prescribed by the commissioner and shall not include identifying information on the birth family. No identifying information is to be disclosed to the adoptee, the birth family, or any attorney representing the parties without proper authorization from the commissioner or the court.

b. Resources used to locate the adult birth family members should be fully documented in the agency's report in those cases where agency efforts were unsuccessful.

c. If the adult birth family members about whom the adoptee wants identifying information can be located, the agency's report shall include updated nonidentifying information about him. The report should also indicate his wishes regarding having his identity disclosed and being contacted by the adoptee.

d. The agency's report shall include a recommendation regarding disclosure based on their findings. If the agency recommends that identifying information be disclosed, the agency may wish to offer its services as an intermediary or suggest some other agency or person be appointed.

e. If there is a fee, the agency's report shall include a statement indicating the amount of the fee assessed and whether or not the fee has been paid. The commissioner cannot grant the release of identifying information unless the agency has provided verification that the fee has been paid. Fees assessed for services rendered by local departments of social services shall be assessed according to standards and fee schedules established by the State Board of Social Services.

f. If the agency needs additional time to conduct the search, the agency shall document this need in writing to the commissioner and shall inform the adoptee of the need for additional time. If the search is being conducted by a local department of social services, and is not completed after 20 hours of work, the agency must obtain the adoptee's written permission to continue the search if additional fees are to be charged.

g. If disclosure of identifying information is granted by the commissioner, the searching agency is responsible for providing the identifying information to the adoptee.

VA.R. Doc. No. R94-361; Filed December 16, 1993, 4:27 p.m.

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## ADOPTEE APPLICATION FOR DISCLOSURE

TYPE OR PRINT CLEARLY AND ADD ADDITIONAL PERTINENT INFORMATION  
ON A SEPARATE PAGE IF NECESSARY

\_\_\_\_\_  
(APPLICANT'S ADOPTIVE NAME)  
\_\_\_\_\_  
(APPLICANT'S CURRENT NAME,  
IF DIFFERENT FROM ADOPTIVE  
NAME)

APPLIES TO THE COMMISSIONER, VIRGINIA DEPARTMENT OF SOCIAL SERVICES, PURSUANT  
TO CODE SECTION 63.1-236

1. The Applicant, \_\_\_\_\_ (name) is over the age of eighteen  
born on \_\_\_\_\_ (complete date of birth).
2. The Applicant's adoptive mother's name and address is \_\_\_\_\_  
\_\_\_\_\_.
3. The Applicant's adoptive father's name and address is \_\_\_\_\_  
\_\_\_\_\_.
4. If the Applicant has identifying or other information which would aid in the search, please  
note this below or on an attached page.  
\_\_\_\_\_  
\_\_\_\_\_.
5. The Applicant is desirous of obtaining the identity of the birth parents and/or other birth  
family because \_\_\_\_\_ (give reason).
6. The Applicant must indicate by check mark(s) for whom he/she is searching. The Applicant  
wishes to obtain the identity of \_\_\_ (Birth Mother) \_\_\_ (Birth Father) \_\_\_ (Birth Siblings)

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Complete address and phone number of applicant)

STATE OF \_\_\_\_\_  
COUNTY OR CITY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

# 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.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**REGISTRAR'S NOTICE:** The following regulation is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** State Plan for Medical Assistance Relating to 1993 Federal Poverty Income Levels.  
**VR 460-03-02.6101:1. Income Eligibility Levels.**

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

**Effective Date:** April 6, 1994.

**Summary:**

The section of the State Plan for Medical Assistance which is affected by this action is *Income Eligibility Levels, Attachment 2.6 A, Supplement 1.*

This amendment makes permanent the changes effected by an emergency regulation by incorporating into the plan the 1993 Federal Poverty Income Guidelines, as published by the U.S. Department of Health and Human Services (DHHS) in the February 12, 1993, Federal Register.

The Federal Register notice provided updated guidelines which are effective on the date of the Federal Register publication. Sections 1902(1), 1902(1)(1)(D), 1902(m), and 1905(s) of the Social Security Act require states to base Medicaid eligibility on percentages of the Federal Poverty Income Guidelines for certain categories of eligible individuals.

1902(a)(10)(E)(iii) - Special Low Income Medicare Beneficiaries ..... 110%

1902(1) - Pregnant Women and Children Under Age 6 ..... 133%

1902(1)(1)(D) - Children born after 9/30/83 who have attained age 6 but have not attained age 19 ..... 100%

1902(m) - Qualified Medicare Beneficiaries ..... 100%

1905(s) - *Qualified Disabled and Working Individuals* ..... 200%

*Each year when the annual Federal Poverty Income Guidelines are published, states must revise the financial eligibility income standards for the affected categories by incorporating the new income levels into the state plan.*

VR 460-03-2.6101:1. Income Eligibility Levels.

A. Mandatory categorically needy.

1. AFDC-related groups other than poverty level pregnant women and infants.

Family Size	Need Standard	Payment Standard	Maximum Payment Amounts
	See Table 1	See Table 2	

### STANDARDS OF ASSISTANCE

#### GROUP I

Size of Assistance Unit	Table 1	Table 2
	(100%)	(90%)
1	\$ 146	\$ 131
2	229	207
3	295	265
4	358	322
5	422	380
6	473	427
7	535	482
8	602	541
9	657	591
10	718	647
Each person above 10	61	56

MAXIMUM REIMBURSABLE PAYMENT \$403

#### GROUP II

Size of Assistance Unit	Table 1	Table 2
	(100%)	(90%)
1	\$ 174	\$ 157
2	257	231

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3	322	291
4	386	347
5	457	410
6	509	458
7	570	512
8	636	572
9	692	623
10	754	678
Each person above 10	61	56

MAXIMUM REIMBURSABLE PAYMENT \$435

Size of Assistance Unit	GROUP III	
	Table 1 (100%)	Table 2 (90%)
1	\$ 243	\$ 220
2	327	294
3	393	354
4	457	410
5	542	488
6	593	534
7	655	590
8	721	650
9	779	701
10	838	755
Each person above 10	61	56

MAXIMUM REIMBURSABLE PAYMENT \$518

## 2. Pregnant Women and Infants under 1902(a)(10)(i)(IV) of the Act:

Effective April 1, 1990, based on the following percentage of the official federal income poverty level

- 133%     .....% (no more than 185%)  
 (specify)

Family Size	Income Level
1	\$ 9,270
2	\$12,542
3	\$15,814
4	\$19,086
5	\$22,357

3. Children under § 1902(a)(10)(i)(VI) of the Act (children who have attained age 1 but have not attained age 6), the income eligibility level is 133% of the federal poverty level (as revised annually in the Federal Register) for the size family involved.

4. For children under § 1902(a)(10)(i)(VII) of the Act (children who were born after September 30, 1983, and have attained age 6 but have not attained age 19), the income eligibility level is 100% of the federal poverty level (as revised annually in the Federal Register) for the size family involved.

## B. Optional categorically needy groups with income related to federal poverty level.

1. Pregnant woman and infants. The levels for determining income eligibility for optional groups of pregnant women and infants under the provisions of §§ 1902(a)(1)(A)(ii)(IX) and 1902(l)(2) of the Act are as follows:

Based on .....% of the official federal income poverty level (no less than 133% and no more than 185%).

Family Size	Income Level
1	\$
2	\$
3	\$
4	\$
5	\$

2. Children between ages 6 and 19. The levels for determining income eligibility for groups of children who are born after September 30, 1973, and who have attained six years of age but are under 19 years of age under the provisions of §§ 1902(l)(2) and 1905(n)(2) of the Act are as follows:

Based on 100% (no more than 100%) of the official federal income poverty line.

Family Size	Income Level
1	\$ 6,970
2	\$ 9,430
3	\$11,890
4	\$14,350
5	\$16,810
6	\$19,270
7	\$21,730
8	\$24,190
9	\$25,850
10	\$28,230

3. Children. Mandatory group of children under § 1902(a)(10)(i)(VI) of the Act. (Children who have attained age 1 but have not attained age 6.)

Same as resource levels in the state's approved AFDC plan.

Less restrictive than the AFDC levels and are as follows:

Family Size	Income Level
1	\$ 9,057
2	\$12,223
3	\$15,388
4	\$18,554
5	\$21,719
6	\$24,884

7	\$28,050
8	\$31,215
9	\$34,380
10	\$37,545

4. Aged and disabled individuals. The levels for determining income eligibility for groups of aged and disabled individuals under the provisions of § 1902(m)(4) of the Act are as follows:

Based on.....% on the official federal income poverty line.

Family Size	Income Level
1	\$
2	\$
3	\$
4	\$
5	\$

If an individual receives a Title II benefit, any amount attributable to the most recent increase in the monthly insurance benefit as a result of a Title II COLA is not counted as income during a "transition period" beginning with January, when the Title II benefit for December is received, and ending with the last day of the month following the month of publication of the revised annual federal poverty level.

For individuals with Title II income, the revised poverty levels are not effective until the first day of the month following the end of the transition period.

For individuals not receiving Title II income, the revised poverty levels are effective no later than the beginning of the month following the date of publication.

C. Qualified Medicare beneficiaries with incomes related to federal poverty level.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(p)(2)(A) of the Act are as follows:

1. Non-§ 1902(f) States:

a. Based on the following percentage of the official federal income poverty level:

Effective Jan. 1, 1989:  85% .....%  
(no more than 100)

Effective Jan. 1, 1990:  90% .....%  
(no more than 100)

Effective Jan. 1, 1991: 100%

Effective Jan. 1, 1992: 100%

b. Levels:

Family Size	Income Level
1	\$
2	\$

2. § 1902(f) states which as of January 1, 1987 used income standards more restrictive than SSL. (\*VA did not apply a more restrictive income standard as of January 1, 1987.)

a. Based on the following percentage of the official federal income poverty level:

Effective Jan. 1, 1989:  80% .....%  
(no more than 100)

85%\*

Effective Jan. 1, 1990:  85% .....%  
(no more than 100)

90%\*

Effective Jan. 1, 1991:  95%  100%\*  
(no more than 100)

Effective Jan. 1, 1992: 100%

b. Levels:

Family Size	Income Level
1	\$ <del>6,810</del> 6,970
2	\$ <del>9,190</del> 9,430

D. Income levels - medically needy.

1.  Applicable to all groups

Applicable to all groups except those specified below. Excepted group income levels are also listed on an attached page 3.

(1) Family Size	(2) Net income level protected for 12 months	(3) Amount by which Column 2 exceeds limits specified in 42 CFR 435.1007'	(4) Net income level for persons living in rural areas for ..... months	(5) Amount by which Column 4 exceeds limits specified in 42 CFR 435.1007'
1	\$	\$	\$	\$
2	\$	\$	\$	\$
3	\$	\$	\$	\$
4	\$	\$	\$	\$
5	\$	\$	\$	\$
6	\$	\$	\$	\$

urban only

urban and rural See Page 6a subdivision 2 of this subsection for required income levels.



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7	\$	\$	\$	\$
8	\$	\$	\$	\$
9	\$	\$	\$	\$
10	\$	\$	\$	\$
For each additional person, add:	\$	\$	\$	\$

<sup>1</sup> The agency has methods for excluding from its claim for FFP payments made on behalf of individuals whose income exceeds these limits.

2.  Applicable to all groups

Applicable to:

(1)	(2)	(5)
Family Size	Net income level protected for maintenance	Amount by which column 2 exceeds limits specified in 42 CFR 435.1007

urban only

urban and rural

	Group I	Group II	Group III	
1	\$2,600	\$3,000	\$3,900	\$0
2	\$3,400	\$3,700	\$4,800	\$0
3	\$3,900	\$4,300	\$5,300	\$0
4	\$4,400	\$4,800	\$5,800	\$0
5	\$4,900	\$5,300	\$6,300	\$0
6	\$5,400	\$5,800	\$6,800	\$0
7	\$5,900	\$6,300	\$7,300	\$0
8	\$6,500	\$6,900	\$7,800	\$0
9	\$7,100	\$7,500	\$8,500	\$0
10	\$7,800	\$8,200	\$9,100	\$0
For each additional person, add	\$ 600	\$ 600	\$ 600	\$0

\*NOTE: As authorized in § 4718 of OBRA 190.

## Grouping of Localities

### GROUP I

#### Counties

Accomack  
 Alleghany  
 Amelia  
 Amherst  
 Appomattox  
 Bath  
 Bedford  
 Bland  
 Botetourt

Brunswick  
 Buchanan  
 Buckingham  
 Campbell  
 Caroline  
 Carroll  
 Charles City  
 Charlotte  
 Clarke  
 Craig  
 Culpeper  
 Cumberland  
 Dickenson  
 Dinwiddie  
 Essex  
 Fauquier  
 Floyd  
 Fluvanna  
 Franklin  
 Frederick  
 Giles  
 Gloucester  
 Goochland  
 Grayson  
 Greene  
 Greensville  
 Halifax  
 Hanover  
 Henry  
 Highland  
 Isle of Wight  
 James City  
 King George  
 King and Queen  
 King William  
 Lancaster  
 Lee  
 Louisa  
 Lunenburg  
 Madison  
 Matthews  
 Mecklenburg  
 Middlesex  
 Nelson  
 New Kent  
 Northampton  
 Northumberland  
 Nottoway  
 Orange  
 Page  
 Patrick  
 Pittsylvania  
 Powhatan  
 Prince Edward  
 Prince George  
 Pulaski  
 Rappahannock  
 Richmond  
 Rockbridge  
 Russell  
 Scott

Shenandoah  
 Smyth  
 Southampton  
 Spotsylvania  
 Stafford  
 Surry  
 Sussex  
 Tazewell  
 Washington  
 Westmoreland  
 Wise  
 Wythe  
 York

Cities

Bristol  
 Buena Vista  
 Clifton Forge  
 Danville  
 Emporia  
 Franklin  
 Galax  
 Norton  
 Poquoson  
 Suffolk

GROUP II

Counties

Albemarle  
 Augusta  
 Chesterfield  
 Henrico  
 Loudoun  
 Roanoke  
 Rockingham  
 Warren

Cities

Chesapeake  
 Covington  
 Harrisonburg  
 Hopewell  
 Lexington  
 Lynchburg  
 Martinsville  
 Newport News  
 Norfolk  
 Petersburg  
 Portsmouth  
 Radford  
 Richmond  
 Roanoke  
 Salem  
 Staunton  
 Virginia Beach  
 Williamsburg  
 Winchester

GROUP III

Counties

Arlington  
 Fairfax  
 Montgomery  
 Prince William

Cities

Alexandria  
 Charlottesville  
 Colonial Heights  
 Fairfax  
 Falls Church  
 Fredericksburg  
 Hampton  
 Manassas  
 Manassas Park  
 Waynesboro

E. Income eligibility levels—mandatory group of specified low-income Medicare beneficiaries with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(a)(10)(E) of the Act are as follows:

Based on 110%, and updated annually, of the official federal nonfarm income poverty line:

Size of Family Unit	Poverty Guideline	
1	\$ 7,491	\$7,667
2	<del>\$10,100</del>	\$10,383

F. Income eligibility levels—mandatory group of qualified disabled and working individuals with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified disabled and working individuals under the provisions of 1905(s) of the Act are as follows:

Based on 200%, and updated annually, of the official federal nonfarm income poverty level:

Size of Family Unit	Poverty Guideline	
1	\$13,940	
2	\$18,860	

VA.R. Doc. No. R94-554; Filed February 2, 1994, 11:51 a.m.

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## COMMONWEALTH of VIRGINIA

JOAN W. SMITH  
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION  
General Assembly Building

910 CAPITOL STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-3591

February 21, 1994

Mr. Bruce Kozlowski, Commissioner  
Department of Medical Assistance Services  
600 East Broad Street, Suite 1300  
Richmond, Virginia 23219

RE: VR 460-03-2.6101 - Income Eligibility Levels:  
1993 Federal Poverty Income Levels.

Dear Mr. Kozlowski:

This will acknowledge receipt of the above-referenced regulations from the Department of Medical Assistance Services.

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. However, this determination is premised on the assumption that both the Attorney General's Office and HCFA approve the content as complying with the relevant law.

Sincerely,

A handwritten signature in cursive script that reads "Joan W. Smith".

Joan W. Smith  
Registrar of Regulations

JWS:ibc

\* \* \* \* \*

**Title of Regulation:** VR 460-04-8.900. **Public Participation Guidelines in the Formation and Development of Regulations .**

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

**Effective Date:** May 1, 1994.

**Summary:**

*This regulation amends the agency's Public Participation Guidelines to be consistent with provisions of the Administrative Process Act which was amended effective July 1, 1993.*

*Effective October 1984 the Department of Medical Assistance Services (DMAS) became subject to the Administrative Process Act. Because the State Plan is a "regulation" as defined in § 9-6.14:4 F of the Code of Virginia, amendments to it must be promulgated in accordance with the Administrative Process Act.*

*The Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) requires the development and use of Public Participation Guidelines by executive agencies. DMAS' Public Participation Guidelines became effective November 1, 1985, and were most recently revised effective April 1991.*

*The 1993 General Assembly-approved House Bill 1652 made numerous changes in the Administrative Process Act which were intended to improve and increase the public's opportunities to participate in the Commonwealth's executive agencies' rule making processes. These changes in the Administrative Process Act necessitate a modification to the DMAS' Public Participation Guidelines. Specifically, § 4 A is being modified regarding methods for soliciting the input of interested parties in the development of regulations.*

**Summary of Public Comment and Agency Response:** No public comment was received by the promulgating agency.

**Agency Contact:** Copies of the regulation may be obtained from Victoria P. Simmons, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-3481. There may be a charge for copies.

VR 460-04-8.900. Public Participation Guidelines.

§ 1. Definitions.

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

"Board" means the Board of Medical Assistance

Services.

"Director" means the Director of the Department of Medical Assistance Services.

"Department" or "DMAS" means the Department of Medical Assistance Services.

"Formation and development process" means those activities with respect to a specific regulation which occur between the publication of a notice of intent to develop or modify regulations, and the release of the proposed regulation for public comment.

"Regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic law.

§ 2. General information.

A. Authority.

Chapter 1.1:1 of Title 9 of the Code of Virginia, deals with the promulgation of rules and regulations. Specifically, § 9.6.14:7.1 directs agencies of the Commonwealth to develop public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 32.1-325 of the Code of Virginia empowers the Board of Medical Assistance Services to make, adopt, and promulgate regulations.

B. Purpose.

These regulations are designed to provide consistent, written guidelines in order to ensure input from interested parties at all stages of the regulatory process.

C. Administration.

The Board of Medical Assistance Services shall have the responsibility for promulgating regulations pertaining to public input in the regulatory process. Pursuant to § 32.1-324 C, the director shall have this responsibility and authority when the board is not in session, subject to such rules and regulations as may be prescribed by the board.

D. Application of regulations.

These regulations shall have general application throughout the Commonwealth.

E. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code of Virginia, shall govern the adoption, amendment, modification, and revision of these regulations. All hearings deemed necessary by the director on such regulations,

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shall be conducted in accordance with § 9-6.14:7.1.

## § 3. Identification of interested parties.

### A. Existing data.

The department will maintain a list of those persons and organizations who have demonstrated an interest in certain program regulations in the past through participation in regulatory hearings, correspondence, or other activities with the department.

### B. Development of new lists.

Periodically, the department shall publish a notice in The Virginia Register of Regulations, in a newspaper published at *in* Richmond, and in other major newspapers in Virginia localities, a request that any individual or organization interested in participating in the development of specific rules and regulations [ *to* ] notify the office of the director. Any persons or organizations identified in this process will be incorporated in the lists developed under § 3 A. The director may periodically remove from the lists persons or organizations that request to be removed or who fail to respond to an inquiry regarding continued interest.

## § 4. Notification of interested parties.

### A. Individual mailings.

When the Director of DMAS determines that specific regulations need to be developed or modified, the program ~~may~~ shall notify by mail the individuals and organizations identified in § 3 of these regulations. The notice shall include the title of the regulation to be developed or modified; a summary of the subject matter; the program contact person, mailing address, and telephone number; and the date by which a notice of a desire to participate in the formation and development process must be received. This rule shall not be mandatory where the department is formulating and developing regulations pursuant to court order, or federally required action or General Assembly action, but whenever time permits every effort will be made to provide such notice.

### B. Notice of intent.

When the department determines that specific regulations need to be developed or modified, the department will publish a Notice of Intent in The Virginia Register of Regulations. This notice will include the title of the regulation to be developed or modified; a summary of the subject matter; the program contact person, mailing address and telephone number; and the date by which a notice of a desire to participate must be received.

C. An announcement shall be sent to members of the Governor's Advisory Committee on [ *the* ] Medicare and Medicaid and the board of the department.

## § 5. Solicitation of input from interested parties.

### A. Advisory panels.

The department's rule-making is so frequent that the Governor's Advisory Committee on Medicare and Medicaid will function as the department's on-going advisory panel. Based on the scope and nature of the regulatory issue, the director may, at his discretion, establish a sole function advisory panel to assist in this development or modification.

### B. Membership of panels.

Members of these sole-function advisory panels will be individuals and organization representatives identified under § 3 of these regulations and who have expressed the desire to participate in the department's regulatory process. Panel membership will consist of individuals oriented to the department, program issues and constraints of the intended regulations and representatives of entities governed by the proposed regulations. Advisory panels will consist of no less than three nor more than seven members.

### C. Operation of panels.

Individual panels will establish their own operating procedure, but in every case a panel will meet once and then will decide on subsequent meetings. All panel and other comments on proposed regulations will be developed for each comment. A written report on the public and panel comments will be prepared and the subsequent decision or action recommended shall be prepared by departmental staff and submitted to the Board of the Department of Medical Assistance Services for review and approval.

### D. Exceptions.

The use of an advisory panel may be waived at the director's discretion when:

1. There is no response to the notice of intent,
2. The office of the Attorney General determines that regulations are promulgated to comply with state or federal law or federal regulation and that no agency discretion is involved, or
3. When the program is formulating and developing regulations pursuant to a court order.

### E. Other comments.

All persons and organizations who notify the Department of Medical Assistance Services under § 4 of their desire to comment shall be provided an opportunity to examine regulations in their developmental stage and to provide written comments on these regulations to the department. The department shall document the receipt of these

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comments and will respond to all comments. This rule shall not be mandatory when the department is formulating and developing regulations pursuant to a court order but every effort will be made to comply.

## § 6. Administrative Process Act procedures.

After regulations have been developed according to these guidelines they shall be submitted for public comment in accordance with the Administrative Process Act.

V.A.R. Doc. No. R94-593; Filed February 9, 1994, 10:10 a.m.

\* \* \* \* \*

**Title of Regulation:** VR 460-05-1000.0000. State/Local Hospitalization Program.

**Statutory Authority:** §§ 32.1-344 and 32.1-346 of the Code of Virginia.

**Effective Date:** May 1, 1994.

### Summary:

*Sections 32.1-343 through 32.1-350 of the Code of Virginia established the State/Local Hospitalization Program (SLH) within the Department of Medical Assistance Services. The purpose of the SLH program is to provide for the inpatient and outpatient hospital care of Virginians who have no health insurance and whose income falls below the federal poverty level.*

*The SLH program is not an entitlement program. The amount of general fund available for this program is determined by the General Assembly each year. Payment for services provided to eligible individuals is made only to the extent that funds are available in the account of the locality in which the eligible individual resides. All counties and cities in the Commonwealth are required to participate in the SLH program.*

*Available funds are allocated annually by the department to localities on the basis of the estimated total cost of required services for the locality, less the required local matching funds. Since the appropriation is insufficient to fully fund estimated cost, local allocations are actually a percentage of total need. Funds allocated to localities are maintained in locality-specific accounts and can be spent only for services provided to residents of that locality.*

*The statute requires that general funds remaining at the end of the state fiscal year are used to offset the calculated local share for the following year. These funds are allocated among the localities first to offset increases in the local shares, then to offset calculated local shares for all localities.*

*The allocations for most localities are exhausted by the end of March of each year and payments for claims submitted after that date are rejected for lack of funds. A few localities have sufficient funds for all claims submitted during the year and some have a surplus at end of the year. In order to process claims before the end of state fiscal year the department has adopted, with the concurrence of the Secretary of Health and Human Services and the Department of Planning and Budget, a policy under which state/local hospitalization claims with service dates of May 1 and later of any year are processed for payment in the following state fiscal year. This cutoff for claims is necessary to allow adequate time to resolve any outstanding SLH claims and to perform the necessary accounting reconciliations for the state fiscal year ending June 30. The fund will be reallocated for payment of the following fiscal year claims.*

*This regulation is necessary to clarify the policy adopted by the department and is being promulgated as the result of an appeal filed by a recipient who questioned the policy because it had not been promulgated as a regulation. The regulation defines the claims that are payable from the general fund appropriation of any fiscal year as those that are for services rendered between May 1 and April 30 to the extent that funds exist in the locality allocation at the time the claim is processed. It will allow the necessary lead time to perform claims resolution and state year-end reconciliation procedures.*

*This regulation also clarifies that funds remaining at year end are used only for the purpose of offsetting the calculated share for the following fiscal year as required by statute. This clarification is needed to prohibit possible claims against SLH funds for other purposes. Specifically, SLH funds allocated to pay for provider claims in one fiscal year would be prohibited from being used to pay claims in another fiscal year.*

**Summary of Public Comment and Agency Response:** No public comment was received by the promulgating agency.

**Agency Contact:** Copies of the regulation may be obtained from Victoria P. Simmons, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850. There may be a charge for copies.

VR 460-05-1000.0000. State/Local Hospitalization Program.

## PART I. DEFINITIONS.

### § 1.1. Definitions.

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

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“Allocation process” means the process described in § 32.1-345 B of the Code of Virginia, which is used annually to allocate funds appropriated by the General Assembly for this program to counties and cities of the Commonwealth.

“Board of Medical Assistance Services” or “BMAS” means that board established by the Virginia Code § 32.1-324 et seq. of the Code of Virginia.

“Bona fide resident” means an individual who has been determined by the local department of social services to be residing in the city or county where making application at the time of or immediately prior to medical treatment with the intent of remaining permanently in that locality and who did not establish residency for the purposes of obtaining benefits.

[ “Code” means the Code of Virginia. ]

“Covered ambulatory surgical center services” means those services which are provided by any distinct licensed and certified entity, established by 42 CFR 416.2, that operate exclusively for the purpose of providing surgical services to patients not requiring hospitalization, which do not exceed in amount, duration, and scope those available to recipients of medical assistance services as provided in the State Plan for Medical Assistance established by Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia ; and which are rendered by providers who have signed agreements to participate in the SLH program and who are enrolled providers in the MAP.

“Covered inpatient services” means inpatient services that do not exceed in amount, duration, and scope those available to recipients of medical assistance services as provided in the State Plan for Medical Assistance established by Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia and that are rendered by providers who have signed agreements to participate in the SLH program and who are enrolled providers in the MAP.

“Covered local public health services” means services provided by local health departments that do not exceed in amount, duration and scope those available to recipients of medical assistance services as provided in the State Plan for Medical Assistance established by Chapter 10 of Title 32.1 of the Code of Virginia and that are rendered by providers who have signed agreements to participate in the SLH program and who are enrolled providers in the MAP.

“Covered outpatient services” means outpatient services, as performed in an outpatient hospital setting, that do not exceed in amount, duration and scope those available to recipients of medical assistance services as provided in the State Plan for Medical Assistance established by Chapter 10 of Title 32.1 of the Code of Virginia and that are rendered by providers who have signed agreements to participate in the SLH program and who are enrolled

providers in the MAP.

“Current population” means the most recent population of a city or county as shown by the last preceding United States census or as estimated by the Center for Public Service of the University of Virginia, whichever is more current.

“Claim” means a request for payment for services rendered.

“Department” or “DMAS” means the Department of Medical Assistance Services established by § 32.1-323 of the Code of Virginia .

“Director” means the Director of the Department of Medical Assistance Services established by § 32.1-323 of the Code of Virginia .

“Enrolled provider” or “providers” means inpatient [ + or ] outpatient hospitals, free-standing ambulatory surgical centers and local public health departments which have signed agreements to participate in the SLH program and are enrolled providers in the MAP.

“Indigent person” means a person[ ; established by ] Code [ § 32.1-343 of the Code of Virginia ; ] who is a bona fide resident of the county or city, whether gainfully employed or not and who, either by himself or by those upon whom he is dependent, is unable to pay for required hospitalization or treatment. Residence shall not be established for the purpose of obtaining the benefits of this program. Aliens illegally living in the United States and migrant workers shall not be considered bona fide residents of the county or city for purposes of the SLH program.

“Locality” means any city or county which is required by law to participate in the SLH program.

“MAP” or “Medicaid” means the Medical Assistance Program as administered by the Department of Medical Assistance Services.

“Medical emergency” means that a delay in obtaining treatment may cause death or serious impairment of the health of the patient. See 42 CFR 440.170(e).

“Net countable income” means the value of income using the current budget methodology of the Virginia Aid to Dependent Children Program.

“Net countable resources” means the countable value of an applicant's resources using the current budget methodology of the Virginia Aid to Dependent Children Program.

“Payable claim” means a claim for a covered service rendered to an eligible individual with a date of service in the current SLH payment year provided that the claim is submitted for payment before the last payment processing

cycle in June and provided there are funds available in the allocation for the locality of residence of the eligible individual.

"SLH payment year" means a year beginning May 1 of any year and ending April 30 of the following year.

"SLH program" means the State/Local Hospitalization Program.

"State Plan" means the State Plan for Medical Assistance for the Commonwealth.

## PART II. SLH PROGRAM ESTABLISHED.

### § 2.1. Program established.

The State/Local Hospitalization Program is hereby established, within the Department of Medical Assistance Services (DMAS), for indigent persons. The director of the department shall administer this program and expend state and local funds in accordance with the provisions of Chapter [ ~~10~~ (§ ~~32.1-323~~ 12 (§ 32.1-343 ] et seq.) of Title 32.1 of the Code of Virginia .

### § 2.2. Allocation of funds.

From the appropriation made by the General Assembly each state fiscal year, the director shall allocate funds to each locality in accordance with provisions of § 32.1-345 of the Code of Virginia. These allocations will be used for the sole purpose of processing payable claims for that [ SLH payment ] year.

## PART III. SERVICES COVERED.

### § 3.1. Amount, duration, and scope of services covered.

The amount, duration, and scope of services covered by the SLH program shall be equal to the amount, duration, and scope of the same services covered by the MAP established by the State Plan. SLH services shall be limited to inpatient and outpatient hospital services; and to services rendered in free-standing ambulatory surgical centers and local public health departments.

### § 3.2. Changes in amount, duration, and scope of services covered.

Changes in the amount, duration, and scope of services covered by the MAP shall, unless modified by the BMAS, automatically change the amount, duration, and scope of services covered by the SLH program.

### § 3.3. Inpatient hospital reimbursement rate.

The daily inpatient hospital reimbursement rate shall be the same as that per diem rate established and in effect on June 30 of each year by DMAS for the specific

hospital established by § 32.1-346 B 2 of the Code of Virginia . Inpatient hospital reimbursement rates for SLH services shall not be subject to readjustment through the year-end cost reporting process.

### § 3.4. Local health department and outpatient hospital clinics reimbursement.

Reimbursement to local health departments and outpatient hospital clinics shall be an all inclusive fee per visit and at the rate established by § 32.1-346 B 1 of the Code of Virginia . Outpatient hospital clinics reimbursement rates shall not be subject to readjustment through the year-end cost reporting process.

### § 3.5. Emergency services reimbursement.

Reimbursement for hospital emergency room services shall be an all inclusive fee per visit and shall be reimbursed at the rate established by § 32.1-346 B 4 of the Code of Virginia . Emergency room services reimbursement rates shall not be subject to readjustment through the year-end cost reporting process.

## PART IV. ELIGIBILITY.

### § 4.1. Eligibility criteria.

An individual is eligible to receive SLH program services if he:

1. Has filed an application with the locality where he resides within 30 days of discharge, in the case of inpatient services, or within 30 days of the date of service, in the case of outpatient services;
2. Is a bona fide resident of the locality to which he has applied;
3. Has a net countable income, using the current budget methodology of the Virginia Aid to Dependent Children Program, equal to or less than 100% of the federal nonfarm poverty income guidelines as published for the then current year in the United States Code of Federal Regulations (CFR), except that localities which in fiscal year 1989 used a higher income level may continue to use the 1989 income level in subsequent years; and
4. Has net countable resources, using the current budget methodology of the Virginia Aid to Dependent Children Program, equal to or less than the then current resource standards of the federal Supplemental Security Income Program (SSI).

### § 4.2. Length of effective period of application.

An eligibility decision favorable to the applicant shall remain in effect for a period of 180 days. If the recipient requires further medical treatment during the eligibility



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period, no new application shall be required. If the eligibility period has expired a new application shall be required.

## § 4.3. Persons eligible for Title XIX services.

Persons who have been determined eligible for services as defined by and contained in the Social Security Act Title XIX shall not be eligible for SLH program benefits established by § 32.1-346 B 3 of the Code of Virginia .

## § 4.4. Appeal.

An applicant for SLH may appeal an appealable adverse determination regarding eligibility for services or liability for excess payments as defined in § 32.1-349 of the Code of Virginia . SLH appeals will follow the procedures established by Medicaid for client appeals. Exhaustion of appropriated funds in a given locality for payment of SLH services is not an appealable issue. *Funds allocated for one fiscal year shall not be used to pay for provider claims in another fiscal year.*

### PART V. ALLOCATION OF REMAINING STATE FUNDS.

## § 5.1. State funds remaining at the end of the fiscal year.

State funds remaining at the end of the fiscal year shall be used as an offset to the calculated local share for the following year. The funds shall be allocated among localities in accordance with a procedure established by DMAS to ensure that state funds remaining at the end of the fiscal year are used first to offset increases in calculated local shares, then to offset calculated local share for all localities. Remaining state funds shall be applied toward offsetting calculated local share only and shall not be added to a locality's base allocation. *State funds remaining at the end of the state fiscal year shall not be used for other purposes including payment for claims rendered in a prior SLH payment year.*

### PART VI. LIABILITY FOR EXCESS PAYMENTS.

## § 6.1. Determination of liability for excess payments.

The department shall be empowered to recover excess SLH payments. Such disputes shall be heard in accordance with the Administrative Process Act. Potential fraud cases shall be referred to the appropriate law-enforcement agency.

VA.R. Doc. No. R94-592; Filed February 9, 1994, 10:10 a.m.

### DEPARTMENT OF THE TREASURY (TREASURY BOARD)

**Title of Regulation:** VR ~~640-01-01~~ 640-01-1. **Public Participation Guidelines for the Department of the**

## Treasury and Treasury Board.

**Statutory Authority:** §§ 2.1-179 and 9-6.14:7.1 of the Code of Virginia.

**Effective Date:** April 8, 1994.

## Summary:

*The 1984 amendments to the Administrative Process Act required that each regulatory agency develop, adopt and use Public Participation Guidelines for seeking comments from interested parties when developing, revising or repealing regulations. These procedures were required before initial action on any regulations, and during the entire promulgation process. All regulations adopted after October 1, 1984, were subject to this requirement.*

*Legislation enacted by the 1993 General Assembly amended the Administrative Process Act (Acts of Assembly 1993, Chapter 898) by adding additional provisions to be included in agency Public Participation Guidelines.*

*The department's Public Participation Guidelines have been amended to reflect current agency practice and to accommodate the new requirements in the Administrative Process Act. This regulation establishes public participation guidelines for soliciting input from interested parties in the formation, development and revision of regulations by the Department of the Treasury and the Treasury Board during all phases of the regulatory process. The amendments provide for public petition to develop or amend a regulation and clarify under what condition the use of public hearings and advisory committees are appropriate.*

**Summary of Public Comment and Agency Response:** No public comment was received by the promulgating agency.

**Agency Contact:** Copies of the regulation may be obtained from Robert S. Young, Department of the Treasury, 101 North 14th Street, 3rd Floor, Richmond, VA 23219, telephone (804) 225-4930. There may be a charge for copies.

VR 640-01-1. Public Participation Guidelines for the Department of the Treasury and Treasury Board.

## § 1. Generally.

In developing proposed regulations, the Department of the Treasury or Treasury Board (collectively, "department") are committed to active solicitation of input and comment from interested citizens, professional associations, and industry associations.

Any person who is interested in participating in the regulation development process should notify the department in writing. Such notification of interest should:

be sent to Agency Regulatory Coordinator, Department of the Treasury, P.O. Box 6-H 1879, Richmond, Va. 23215.

*Accordingly, the department shall consult with interested groups and individuals, identified by the process set out in § 2, concerning each regulation promulgated by the department. The department shall make use of standing or ad hoc panels under the circumstances set out in § 4 A 2.*

*Any person may petition the department to develop a new regulation or amend an existing regulation. The department shall respond to any such request within 180 days from its receipt.*

## § 2. Identification of interested parties.

Prior to the development of any regulation, the department shall identify persons likely to be interested in or affected by the proposal. The methods for identifying interested parties shall include, but not be limited to, the following:

1. Obtaining annually from the Secretary of the Commonwealth a list of all persons, citizen groups, associations and others who have registered as lobbyists for the annual General Assembly session. This list will be used to identify interest groups which may be interested in the subject matter of the proposed regulation;
2. Utilizing the statewide listing of business, professional, civic and charitable associations and societies in Virginia published by the State Chamber of Commerce to identify additional industry and professional associations which might be interested in the regulation;
3. Utilizing department subject matter files to identify persons who have previously raised questions or expressed an interest in the subject matter under consideration through requests for rulings or information; and
4. Utilizing a standing list, compiled by the department, of persons who have previously participated in public proceedings relative to similar subject matters who have expressed a general interest in Treasury regulations.

## § 3. Notification of interested parties.

### A. Generally.

The department shall prepare a Notice of Intended Regulatory Action prior to the development of any regulations. The notice shall identify the subject matter and purpose for the development of the new regulation(s) and shall specify a deadline for receipt of responses from persons interested in participating in the development process. *The notice shall state whether a public hearing is*

*to be held. If the notice states that a public hearing will be held, then the department shall hold a public hearing. If the notice states that no public hearing is to be held, then no public hearing is required unless, prior to the completion of the comment period specified in the notice, the Governor directs the department to hold a public hearing or at least 25 persons request the department to hold a public hearing.*

### B. Dissemination of notice.

The methods for disseminating the notice to the public shall include, but not be limited to, the following:

1. Sending notice to all persons identified (pursuant to subdivision 2 of § 2 above) as having a potential interest in the regulation;
2. Publishing notice in The Virginia Register of Regulations; and
3. Requesting that industry, professional and citizen associations publish the notice in their newsletters or journals or use any other means available to them to disseminate the notice to their membership.

## § 4. Public participation.

### A. Regulation development.

1. Initial comment. After interested parties have responded to the notice, the department may schedule informal meetings prior to the development of any regulation to determine specific areas of interest and concern and to gather factual information relative to the subject matter of the regulation. Alternatively, the department may elect to request that persons who have responded to the notice make written submissions of comments, concerns and suggestions relative to the proposed regulation. *The department may begin drafting the proposed regulation prior to or during any opportunities it provides to the public to submit input.*

2. *Ad hoc advisory group or standing advisory committee. The department shall form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups and individuals registering interest in working with the department to assist the department in the drafting and formation of regulations when: (i) the department, in the department's sole discretion, determines to form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups and individuals; or (ii) the department receives written comments from at least 25 persons during the comment period of the notice requesting the department to form an ad hoc advisory group, utilize a standing advisory committee, or consult with groups and individuals and the subject matter of the notice has not previously been the subject matter of a notice published in The*

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*Virginia Register of Regulations by the department.*

2. 3. Preparation of working draft. Subsequent to the initial public comment, the department shall develop a working draft of the proposed regulation. In certain instances where the technical nature of the subject matter merits, the department may request that industry or professional groups develop a working draft. Copies of such drafts will be furnished to all persons who responded to the notice indicating an interest in the regulation and to those persons participating in the initial comment process. Persons to whom a copy of the working draft is furnished will be invited to submit written comments on the draft.

## B. Promulgation of proposed regulation.

Upon conclusion of the development process, the department shall promulgate the regulation for submission to the Registrar of Regulations pursuant to the Administrative Process Act ("APA"), Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia. The department shall furnish to all persons identified as having a potential interest in the subject matter, a copy of the proposed regulation and a copy of the general public notice of opportunity for oral or written submission accompanied by a cover letter explaining the deadlines established by the APA for submissions of comment. In some cases, the public opportunity to comment may be limited to written submissions: such a limitation, however, must be clearly set forth in the notice. The date by which and place to which submissions must be made shall be clearly specified. Where a public hearing is to be held, the time, date, and place shall be clearly specified. Additionally, the date by which persons intending to participate in the public hearing should notify the department of their interest shall be noted. Persons who will participate will be encouraged to submit written copies of their comments in advance or at the public hearing in order to insure that all comments are accurately reflected in the formal transcript of the hearing.

## C. Publication of final regulation.

In order to promote voluntary compliance, the department shall print and distribute copies of all regulations.

Upon issuing an order adopting a regulation, the department, at its discretion, may send to participants a copy of the regulation as adopted, together with its response to comments made during the public hearing or written submittal period.

*If one or more changes with substantial impact are made to a regulation between the time it is published as a proposed regulation and the time it is published as a final regulation, any person may petition the department within 30 days from the publication of the final regulation to request an opportunity for oral and written submittals*

*on the changes to the regulation. If at least 25 persons request an opportunity to submit oral and written comments on the changes to the regulation, the department shall suspend the regulatory process for 30 days to solicit additional public comment, unless the department determines that the changes made are minor or inconsequential in their impact.*

VA.R. Doc. No. R94-599; Filed February 16, 1994, 9:46 a.m.

## VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

**REGISTRAR'S NOTICE:** The following regulations filed by Virginia Polytechnic Institute and State University are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

**Title of Regulation:** VR 660-01-01. Traffic and Parking Regulations.

**Statutory Authority:** § 23-9.2:3 3 of the Code of Virginia.

**Effective Date:** February 9, 1994.

### Summary:

*These regulations are established to promote safety and control student, employee and visitor vehicle registration, parking and operation on the campus of Virginia Polytechnic Institute and State University.*

VR 660-01-01. Traffic and Parking Regulations.

### PART I. GENERAL PROVISIONS.

#### § 1.1. Mission.

*A. The mission of the Parking Services Office is to work toward providing safe, convenient, and secure parking areas and to facilitate travel to, from, and within the campus for members of the university community and guests.*

*B. The university president has appointed an advisory committee so that individuals in the university community can comment on parking and transportation problems and make suggestions as to their solution. The Parking and Transportation Advisory Board makes recommendations on general policies relating to traffic and parking matters on campus. Students, faculty members, and staff members are represented on this committee.*

#### § 1.2. General information.

*A. Traffic and parking regulations, as published by the university, will be administered by the Parking Services,*

Office and the University Police Department. These regulations, pursuant to authority granted by Virginia state statute to the board of visitors, are enforceable as laws of the Commonwealth. Regulations are needed to aid in safety and orderly conduct of university business, as well as to provide parking facilities within the limits of available space. Students are to obey these regulations as a condition of attendance and faculty and staff members are to obey them as a condition of employment.

B. Changes in these regulations and notices about parking regulations for special events are official when published in the *Spectrum* and *Collegiate Times* and when listed on the university's administrative display system on the mainframe computer (PROFS or CMS information screens).

C. If you have any questions, comments, or suggestions, please call the Parking Services Office at 231-3200 or visit the Visitor Information Center on Southgate Drive.

D. The university shall have no responsibility for loss or damage to any vehicle, or its contents, operated or parked on the Virginia Tech campus.

## PART II. MOTOR VEHICLE REGISTRATION.

### § 2.1. Permit parking.

A. The purchase of a permit does not guarantee a parking place, but merely allows for legal parking in an appropriate area.

B. Permits allowing parking in specific areas of the campus. Permits are required from 7 a.m. to 5 p.m., Monday through Friday, whenever the university is open for business, whether classes are in session or not. This includes semester breaks.

### § 2.2. Who must register.

A. All motor vehicles, motorcycles, and motor scooters on campus requiring state license plates are required to be registered with the Parking Services Office. Vehicles operated by the faculty, staff, and students in connection with their employment or attendance at Virginia Tech are required to display a parking permit before parking on campus or on university-leased property.

B. Visitors, vendors, contractors, and university employees who are employed at university remote sites and visiting the university on a short-term basis (30-day maximum) should register for a complimentary visitor permit.

C. Vehicle registration is valid until the registrant is no longer affiliated with the university as a student, faculty, or staff member, or until the permit expires. Faculty and staff permits are to be returned to Parking Services when an employee leaves the university.

### § 2.3. How to register.

A. Bring your vehicle information and Virginia Tech ID to the Visitor Information Center on Southgate Drive to purchase a parking permit.

B. Students are required to show their vehicle registration. The vehicle must be owned by the student or an immediate family member.

C. An individual may register more than one vehicle since the hangtag style permit can be moved from one vehicle to another. Individuals having two vehicles parked on campus at the same time must have each vehicle registered and displaying a permit.

D. Only one permit type per vehicle is allowed. Sharing of permits and other unauthorized use may result in a \$100 fine. If a vehicle is shared by two persons needing different permit types, the Parking Services Office needs to be notified before the vehicle can be registered.

E. Vehicles are to be registered no later than the end of the first week of the semester. Student vehicles must be parked in designated student areas at all times, including the first week of classes and semester breaks.

### § 2.4. How to display.

A. The registration procedure is not complete until the permit is properly displayed on the vehicle; permits must be displayed in the proper location and so that the maroon side can be seen through the windshield by enforcement officers.

B. The permit is to be displayed on the rearview mirror, facing the windshield. Motorcycle permits are to be displayed on the front fork. Bumper stickers are available for vehicles that cannot be locked (e.g., Jeep CJ, Suzuki Samuri, etc.) and are to be affixed to the driver's side rear bumper.

C. A vehicle displaying two different types of permits (e.g., displaying a faculty/staff permit and a commuter student permit at the same time) may be ticketed.

### § 2.5. New vehicles.

Original permits (if hangtag style) can be transferred to a new vehicle if Parking Services is notified of the new vehicle information. If the permit is other than a hangtag style, the original permit must be returned to the Parking Services Office to receive a free replacement permit for the new vehicle.

### § 2.6. Lost or stolen permits.

A. There will be no refund or free replacement for lost or stolen decals or hangtags. Replacement permits may be purchased for \$5 after filing a lost/stolen permit report at the Parking Services Office. Purchasers are encouraged to

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lock their vehicles and safeguard their permits.

B. If the original permit is found, the replacement permit must be returned to the Parking Services Office. Failure to do so could result in a \$100 unauthorized-use fine.

## § 2.7. Refunds.

As a general rule, refunds for parking permits and tickets are not granted. Under special circumstances however, Parking Services may use its discretion in granting certain refunds.

### PART III. PERMIT TYPES.

## § 3.1. Issuance of permits.

All parking permits for the categories listed in this part are issued by the Parking Services Office on Southgate Drive.

## § 3.2. Resident (on campus) permit.

This permit allows parking only on the right side of the Resident Lot (fenced lot at west end of Washington Street), the west end of Lot D (Stadium Lot, between Lane Stadium and Southgate Drive), and the overflow lot beyond the golf course. Parking is not permitted in Lot D (Stadium Lot) from 11 p.m. the night before any home football game until the game has ended.

## § 3.3. Commuter (off campus) permit.

A. This permit allows parking in the Commuter Lot (between Perry Street and Prices Fork Road); the left side of the Resident Lot (nearest the Vet-Med School on Duck Pond Drive at Washington Street); the commuter section of the Wallace Hall Lot; and the overflow lot beyond the golf course at the end of the Duck Pond. Commuter permit holders may also park in designated portions of the Coliseum Parking Lot and along Stadium Road (in marked parking spaces), except at specific times as noted in the Football and Basketball Parking Restrictions sections of these regulations.

B. Parking in commuter lots is prohibited from 2 a.m. to 6 a.m. unless prior arrangements have been made with the Parking Services Office (7:30 a.m. - 5:00 p.m., Monday through Friday) or the University Police Department all other times.

C. Students please note: if student status changes to faculty/staff status before the expiration date on the permit, the student permit must be exchanged for a faculty/staff permit within five working days.

## § 3.4. Faculty/staff permit.

A. This permit allows parking in any legal parking area

on campus. New employees, see the New Employee (Temporary) Parking Permits section (§ 3.6).

B. Faculty/staff permits are issued to salaried (full or part-time) and wage employees of the university. Graduate teaching assistants, graduate research assistants, and part-time salaried or wage employees who are students (taking more than six hours during fall or spring semesters; one or more hours during the summer semester) are not authorized to purchase a faculty/staff permit.

C. If faculty/staff status changes to student status before the expiration date on the permit, the faculty/staff permit must be exchanged for a student permit within five working days.

## § 3.5. Daily permits.

A. These permits are available for \$1 per day for those who drive only occasionally or who bring a second vehicle. Daily permits may be purchased in advance and validated on the date of use.

B. A daily permit allows parking in the area indicated on the permit for any one day selected by the purchaser. The date of use will be blackened in with a pen or marker; pencil markings are not acceptable to validate the permit. The misuse, resale, fabrication, alteration, or unauthorized transfer of daily permits will result in a \$100 fine.

## § 3.6. New employee (temporary) parking permits.

A. All first-time new employees of the university can receive a temporary parking permit. The new employee temporary permit will be valid for not more than 30 calendar days, beginning with the first day of paid employment.

B. The new employee must bring an employment validation form from the hiring department to the Parking Services Office.

C. It is recommended that this process be completed the first day of employment. Unauthorized use of these permits carries a \$100 fine to the person displaying such a permit.

D. Full-time Virginia Tech students (taking more than six hours during fall or spring semesters; one or more hours during the summer semesters) who are employed by the university are not eligible for temporary employment permits.

## § 3.7. Visitor permits.

A. Visitors may park in any faculty, staff, visitor, or student parking space if they have a valid visitor parking permit. Visitor parking permits are available through the Visitor Information Center on Southgate Drive (7:30 a.m.

5 p.m., Monday through Friday) or at the University Police Department in the Maintenance Complex on Southgate Drive all other times. Visitor permits must be signed and dated by an authorized parking services or police official and displayed 7 a.m. to 5 p.m., Monday through Friday.

B. University employees who are employed at university remote sites and are visiting the university on a short-term basis (30-day maximum) may register for a visitor permit.

C. Metered parking spaces are also available for short-term visitors on campus. Visitors with parking permits may not park free at parking meters. Visitors may park in the CEC Parking Lot at the corner of College Avenue and Otey Street across from the Continuing Education Center with a valid visitor permit.

### § 3.8. Vendors and contractors.

These and other who visit the campus frequently can apply for a long-term visitors pass if they present a letter from their company or supervisor. These letters should include the name, social security number, and license plate number of each person who needs a pass, as well as a contact person and contact phone number.

### § 3.9. Turf permits.

These permits are available for individuals needing to park on the grass. This permit does not allow parking on sidewalks. These permits are issued by the Parking Services Office.

## PART IV. HANDICAP AND TEMPORARY MEDICAL DISABILITY PARKING.

### § 4.1. Special assistance.

If an individual requires special assistance, the parking manager should be notified at 231-3200 for special arrangements.

### § 4.2. Handicap parking.

A. These spaces on campus are exclusively for those persons displaying state-authorized DMV handicap license plates or permits. These permits are available to any individual who has a disability of six weeks or longer duration. The Virginia Department of Motor Vehicles office nearest Virginia Tech is located at Route 114 (Peppers Ferry Road) and Walters Drive in Christiansburg (telephone 382-5000). Only state DMV handicap permits allow parking in handicap spaces. State DMV handicap permits also allow free parking at metered spaces.

B. Faculty members, staff members, and students with handicap passes or plates are required to obtain a Virginia Tech parking permit to park on campus.

C. Unauthorized vehicles parked in handicap spaces will be ticketed and towed at the owner's expense. See Part X on towing for details on recovering a car.

D. Handicapped individuals may also use the Blacksburg Transit Para-Transit system, which has lift-equipped vehicles for on- and off-campus transportation needs. Call 961-1803 for more information.

### § 4.3. Temporary medical disability permits (TMD).

A. A Virginia Tech temporary medical disability permit (TMD) is available for students having mobility impairments lasting six weeks or less. If the disability qualifies for a handicap permit, it should be obtained from the Virginia Department of Motor Vehicles. Because of Virginia state laws, TMD permits are not valid at handicap spaces at any time.

B. TMD permits allow students to park in faculty/staff area, and are valid only with a Virginia Tech commuter or resident parking permit. Persons with TMD passes may park in metered spaces as long as the meter is kept current with the proper amount of coins.

C. A temporary medical disability permit can be obtained at the office of Parking Services by presenting a request slip from the Student Health Services or a doctor's statement. This documentation must include how long the disability requires special parking.

D. Unauthorized use of a TMD permit carries a \$100 fine to the person displaying such a permit.

## PART V. SPECIAL-NEEDS PARKING.

### § 5.1. Temporary or short-term parking.

Permission may be obtained from the Parking Services Office (7:30 a.m. - 5 p.m., Monday through Friday) or the University Police Department all other times for temporary or short-term parking for emergencies and for loading and unloading only. Permission must be obtained before parking, and only the Parking Services Office and the University Policy Department are authorized to grant such permission. Anyone with a parking problem should contact the Parking Services Office to seek a possible solution before parking illegally. Emergency flashers or signs on a windshield indicating the vehicle is disabled or loading/unloading are not acceptable notification.

### § 5.2. Loading/unloading.

A. Thirty minutes is the maximum time allowed for loading and unloading. A current Virginia Tech parking permit and prior authorization are required from 7 a.m. to 5 p.m. weekdays to use this service. Authorization can be obtained by calling Parking Services 7:30 a.m. to 5 p.m. Monday through Friday, or the University Police Department all other times. Please have available your

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license plate number and permit number.

B. To load vehicles for the weekend, only resident permit holders may park in most faculty/staff areas near residence halls after 2:30 p.m. on Fridays. You are allowed a maximum of 30 minutes and a call to the Parking Services Office is not necessary. However, Owens and Dietrick Dining Hall lots are reserved exclusively for faculty and staff parking 24 hours a day, seven days a week.

## § 5.3. Disabled vehicles.

A. The Parking Services Office and the University Police Department should be notified immediately if an automobile is disabled. Emergency flashers or signs on the windshield indicating the vehicle is disabled are not sufficient. Any disabled vehicle in a roadway, blocking traffic, creating a hazard, or illegally parked in a handicap space will be towed immediately at the owner's expense. If in a legal parking space, a disabled vehicle is to be removed within 24 hours.

B. The parking lots are not designed or intended for automobile repairs. If repairs become necessary, permission must be secured from the Parking Services Office or the University Police Department. Permission will be granted only for minor repairs and never for more than 24 hours.

## § 5.4. Special-event/special group parking.

Contact the Parking Services Office at least two weeks prior to the event for special parking arrangements.

## § 5.5. Residence hall move-in/move out.

Special parking arrangements are in effect for these periods. Call the Parking Services Office for more information.

## PART VI. ENFORCEMENT.

### § 6.1. Enforcement authority.

A. Only designated Parking Services and University Police Department employees shall have the authority to enforce the parking rules and regulations herein established.

B. The university reserves the right to prohibit or restrict parking on university-owned or university-leased property for special circumstances. Any individual who accumulates 10 or more unpaid tickets in an academic year is considered to be abusing parking privileges and may lose parking privileges on campus for the remainder for that period. Parking Services reserves the right to confiscate the parking permit attached to such a vehicle, and there will be no refund to the owner of that permit. In addition, the vehicle may be towed from campus at

the owner's expense.

### § 6.2. Expired meter.

A. Virginia Tech has parking meters available to meet short-term parking needs of visitors, faculty, staff, and students. Most meters take nickles, dimes, and quarters. The 10 meters nearest the War Memorial Gym are reserved for faculty, staff and visitors only. Parking permits (including visitor permits) never allow parking at meters without paying the meter. State DMV handicap permits do allow free parking at meters.

B. Any parking meter covered with a green cover indicates "general parking," a yellow cover indicates "no parking," and a red cover indicates "faculty/staff parking only." A parking space that has a post with no meter head may be used by anyone authorized to park in that area.

C. Meters are enforced from 7 a.m. to 5 p.m., Monday through Friday. Meters in the Bookstore lot are enforced from 7 a.m. to 7 p.m., seven days a week.

D. Please notify the Parking Services Office before moving a vehicle from a defective meter so that the meter may be checked immediately.

### § 6.3. Parking in an unauthorized area.

A. Resident and commuter student permit parking is prohibited on campus streets and in faculty/staff parking areas (except where signs designate otherwise) from 7 a.m. to 5 p.m., Monday through Friday. Parking at other times may also be prohibited as announced and/or posted in all parking areas. Overnight (2 a.m. - 6 a.m.) commuter student parking on campus is prohibited unless prior arrangements have been made with Parking Services (7:30 a.m. - 5 p.m., Monday through Friday) or the University Police Department all other times.

B. To load vehicles for the weekend, only resident permit holders may park in most faculty/staff areas near residence halls after 2:30 p.m. on Fridays for a maximum of 30 minutes. However Owens and Dietrick Dining Hall lots are reserved exclusively for faculty and staff parking 24 hours a day, seven days a week. All dining hall loading dock areas are posted as "No Parking" or "Service Vehicle Parking Only" at all times.

C. The parking lot across from the Donaldson Brown Continuing Education Center (CEC) and in front of Squires is reserved for faculty and staff parking 24 hours a day, seven days a week. Visitors and CEC guests may also park in this parking lot.

D. Persons receiving an "Unauthorized Area" ticket but whose vehicle is registered with the Parking Services Office and parked in an authorized area may request that their ticket be voided. This request is only valid if filled out within 10 calendar days of ticket issuance and upon

presentation of the permit. This request may be made a maximum of three times within an academic year. Forms are available at the Parking Services Office for these requests and are necessary to comply with audit procedures.

E. If you forget your hangtag on any given day, stop by the Parking Services Office to verify your registration and obtain a temporary one-day permit before parking on campus. There is no charge for this permit.

F. Vehicles not registered with Parking Services prior to parking on campus will receive an "Unauthorized Area" ticket.

## § 6.4. Parking on a yellow curb.

Yellow painted curbs, poles, and lines including those inside the parking lots and at loading docks, indicate no parking. Yellow curbs designate safety zones established by traffic engineers to facilitate free and safe movement of emergency vehicles and other traffic moving into and out of the area.

## § 6.5. Parking in a no parking zone.

A. Parking is permitted in authorized, clearly identified parking spaces only. Parking is not allowed in or on lawns, grass, loading zones, bus stops, pedestrian crosswalks, handicap spaces, handicap access ramps, yellow lines or curbs, service drives, service vehicle spaces, unmarked areas, and fire lanes without specific authorization. Parking on any sidewalk is prohibited at all times. Bagged or covered signs indicate special purpose or no parking.

B. A general rule to follow is that parking is permitted only between white-painted control lines; if no control lines exist, do not park there.

## § 6.6. Other no parking situations.

Parking is not permitted in roadways, occupying multiple spaces (double parking), facing in wrong direction, etc. This violation may also include any of the no parking zones mentioned in § 6.5.

## § 6.7. Overtime parking (parking in timed areas).

Timed parking areas (e.g., in front of Burruss, in Shultz lot, at the Duck Pond, etc.) are strictly enforced to provide limited, short-term parking for the purposes of brief business in certain areas by faculty, staff and students.

## § 6.8. Parking in a handicap zone.

Handicap parking spaces on campus are exclusively for those persons displaying state-authorized DMV handicap license plates or permits. Unauthorized vehicles parked in a handicap space will be ticketed and towed at the

owner's expense.

## § 6.9. Unauthorized use of permit.

A. The misuse, resale, fabrication, alteration, or unauthorized transfer of a Virginia Tech parking permit is illegal. Permits are to be used only by the original purchaser, and are required to be purchased from the Parking Services Office. Vehicles displaying lost, stolen, or fraudulent Virginia Tech parking permits will be immobilized or towed immediately and the campus police notified.

B. "Unauthorized Use of Permit" violations will be assessed against the person who purchased the permit or the person to whom the vehicle is registered with the DMV. An "Unauthorized Use of Permit" ticket carries a \$100 fine and may carry a judicial referral and/or criminal charge. Vehicles may also be towed or immobilized.

## § 6.10. Motorcycles.

Motorcycles need to be parked in designated motorcycle areas within the parking lots or in a regular space designated by white-painted control lines. The areas set aside for motorcycles correspond to the permit type required in that lot (e.g., a faculty/staff permit is necessary in a motorcycle area within a faculty/staff parking lot). Vehicles are not to be parked in areas designated for motorcycles.

## § 6.11. Bicycles.

See Part XIII.

## § 6.12. Responsibility.

All parking violations are the responsibility of the person who purchased the permit or the person to whom a vehicle is registered with the DMV. Violations that are issued to a member of the immediate family of a faculty/staff member or student are assumed to have been committed by the faculty/staff member or student.

## PART VII. PARKING RESTRICTIONS.

### § 7.1. Football and basketball parking restrictions.

Parking in the Coliseum Lot and along Spring and Stadium Roads is strictly forbidden at the following times:

1. After 5:15 p.m. on the day before a home varsity football game or weekend home varsity basketball game until the game has started.
2. After 5:15 p.m. on the day of a weekday home varsity men's basketball game until the game has started.
3. The Lane Stadium lot is also restricted from



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parking after 11 p.m. the night before all home football games until the game has started.

4. During any other special event when prior notice is given by the posting of signs the morning of the event. Failure to comply with these restrictions will result in the vehicle being ticketed and/or towed at the owner's expense.

## § 7.2. Special Purpose and Graduate Housing parking.

A. Parking at the Special Purpose Housing complex is limited and only available to residents with special permits. Residents of the Special Purpose Housing complex are required to register their vehicles with the Parking Services Office as well. Visitors who wish to park in these areas should:

1. Park in the gravel parking lot adjacent to the Duck Pond on Oak Lane.

2. Ride the "Heathwood" BT bus from campus and get off at the Special Purpose Housing stop at the Anaerobe Lab on Prices Fork Road. Parking is available in the Commuter "B" lot adjacent to the bus stop on West Campus Drive.

3. Park in I Lot and ride the BT shuttle bus provided. Contact the Office of Residential and Dining Programs or the Blacksburg Transit Office for a schedule.

B. Special Purpose Housing parking is not permitted at the Anaerobe Lab on Prices Fork Road at any time. Unauthorized vehicles in the lab parking lot may be towed at owner's expense.

C. All residents of Special Purpose Housing, Hillcrest Graduate Housing, and Main Campbell Graduate Housing qualify for commuter parking permits. Special passes to be used with their Virginia Tech commuter parking permits will be issued by area coordinators to designate these residents.

## § 7.3. Golf Course, Duck Pond, Tennis, and Rec Field Parking.

Individuals may park in the specially designated parking areas at the Golf Course and Tennis Pavilion only while registered to engage in either activity, and at the Duck Pond only while present there. In addition to the above restriction, a Virginia Tech parking permit is required to park in these areas. Duck Pond parking is limited to two hours. Parking for participants at the Tennis Pavilion and Rec Field is available in the General (Resident) Parking Lot below Lane Stadium.

## PART VIII. ESCORT SERVICE.

### § 8.1. Escort Service.

The University Police Department provides a dusk-to-dawn service for individuals who need to walk at night from their dorm or office to their vehicle. Please call 231-SAFE (231-7233) for details.

## PART IX. PARKING VIOLATIONS.

### § 9.1. Fines and violations.

A. Fines for parking violations are as follows:

1. Most parking and bicycle violations are \$10 each.
2. Unauthorized parking in a designated handicap space is a \$50 violation.
3. Unauthorized or fraudulent use of a Virginia Tech parking permit is a \$100 violation.

B. Parking fines not received at the Office of the University Bursar within 10 days from the date of ticket issuance, or postmarked within seven days of issuance shall result in an additional \$10 late fee unless the ticket is under appeal. Payments sent through campus mail must be received by the 10th day of ticket issuance. Lost, stolen, or misplaced tickets do not excuse the late fee.

C. Fines may be handled as a payroll deduction or Commonwealth of Virginia tax offset, or applied against other existing accounts with the university. Nonpayment of fines may result in blocked class registration and/or withheld grade transcripts. Outstanding fines may also be given to a collection agency. Accounts sent to collections will be assessed an additional collection cost.

D. All parking fines will be assessed against either the person who purchased the parking permit or the registered DMV owner of the vehicle.

### § 9.2. Payment of parking fines.

A. Parking fines may be paid by:

1. Paying in person at Burruss Hall:

- a. If the ticket is less than 10 days old, pay at Burruss Hall, second floor, window 8.
- b. If the ticket is over 10 days old, go to 227 Burruss, pick up a remittance form, and pay at window 6 or 7. If you already have a remittance form, you can go directly to window 6 or 7.

2. Mailing ticket and payment through U.S. mail. Payment envelope must be postmarked no later than seven days from the date of ticket issuance to avoid a late fee. Mail to:

Office of the University Bursar  
233 Burruss Hall

Virginia Tech  
Blacksburg, VA 24061-0143

3. Mailing ticket and payment through campus mail to the Office of the University Bursar, campus mail code 0143. Payment must be received by the 10th day of ticket issuance to avoid a late fee.

4. Depositing the ticket and payment in the lock box outside the Visitor Information Center on Southgate Drive. Payment must be received by the 10th day of ticket issuance to avoid a late fee.

B. Checks should be made payable to: Treasurer, Virginia Tech.

C. Do not send cash through the mail or deposit cash in lock box.

## PART X. IMMOBILIZATION POLICY (TOWING).

### § 10.1. Vehicle towing.

A. Vehicles may be immobilized and/or towed at the owner's expense under the following circumstances:

1. For vehicles displaying lost, stolen, or fraudulent Virginia Tech parking permits, the campus police will be notified and the vehicle immobilized or towed. The vehicle will also be ticketed for unauthorized use of permit.

2. When a vehicle is illegally parked in a handicap zone or fire lane (such towing is required by state law).

3. When a vehicle is illegally parked, restricting traffic, or creating a traffic hazard.

4. When three or more unpaid tickets have accumulated.

5. When vehicles are parked on designated snow routes. Most streets and roads on campus are considered snow routes.

6. When vehicles are parked in violation of football and basketball game restrictions.

7. If notified by the Parking Services Office or the University Police Department to move a vehicle, and the owner or user does not accomplish this move within the specified time.

B. If the tow truck is called and the vehicle owner arrives on the scene to move the vehicle, the tow order may be cancelled.

C. If the tow truck is already en route, the person responsible for the vehicle may still be required to pay

towing costs before being permitted to move the vehicle. A ticket for illegal parking will also be issued.

D. The Parking Services Office and University Police Department are not responsible for damage resulting from towing or immobilization of vehicles.

### § 10.2. Vehicle recovery.

If a vehicle is towed, the owner or person responsible must report to the University Police Department to arrange to recover the vehicle. Any fines and towing costs must be paid before the towing company will release the car.

### § 10.3. Abandoned vehicles.

Abandoned cars will be disposed of in accordance with Virginia state law. Any vehicle that does not have current license plates will be presumed to be abandoned.

## PART XI. MOVING VIOLATIONS.

### § 11.1. Moving violations.

A. The University Police Department is charged with the enforcement of all state laws, including the Motor Vehicle Code of Virginia. Traffic citations for moving violations are referred to local courts. Campus speed limits are radar enforced.

B. The speed limit on campus is 25 MPH unless otherwise posted.

C. The speed limit around the Drillfield is 15 MPH.

D. Every person shall obey the instructions of any traffic control device, sign, or notice, unless otherwise directed by a traffic control officer.

E. All university police officers have the authority to enforce the laws of the Commonwealth and the university pertaining to the operation of motor vehicles on campus property.

## PART XII. APPEALS.

### § 12.1. Appealing a violation.

A. The appeals hearing officer for the university will review all written appeals involving nonmoving traffic violations. Traffic citations for moving violations are issued by the University Police Department on campus and referred to the local courts for a decision.

B. Tickets received for parking on a yellow line or curb, handicap zone, or metered space will not be viewed favorably in the appeals process except in genuine emergency situations as determined by the appeals

# Final Regulations

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hearing officer.

C. If a person wishes to appeal a parking or bicycle ticket, the procedure below should be followed:

1. All appeals must be filed within 10 calendar days of issuance of the ticket. All rights to appeal a ticket are waived after this 10-day period.
2. The appeal must be written on an official appeals form available in the Parking Services Office. This is necessary to ensure the Parking Services Office has all the necessary information to process the appeal and satisfy audit procedures.
3. Please make sure the address and phone numbers you list are complete, accurate, and legible. The Parking Services Office cannot be responsible if you fail to receive your appeal notice under these circumstances. Remember to notify the Parking Services Office of any address changes.
4. The issue on appeal is whether or not the cited rule was violated. It is no defense to "not mean" to violate a rule, to "see others" violate it, to "not realize" it was violated, or to have "violated it in the past without penalty."
5. All appeals should be finalized by the last day of classes.
6. The decision of the appeals hearing officer is final.

## PART XIII.

### BICYCLE INFORMATION (REGISTRATION AND PARKING).

#### § 13.1. General.

All designated employees of the Parking Services Office and the University Police Department have the authority to enforce these rules and regulations.

#### § 13.2. Registration.

All bicycles and mopeds are to be registered with the Parking Services Office prior to parking on campus. Registration for bicycles and mopeds is provided as a courtesy at no charge. However, the user of a non-registered bicycle on campus will be subject to a \$10 fine and impoundment or immobilization of the bicycle or moped. Impounded or immobilized bicycles may be retrieved after the owner presents proof of ownership to the Parking Services Office.

#### § 13.3. Parking enforcement.

A. Bicycles may be parked only at bicycle racks, except when permission has been granted to keep a bicycle inside a campus building. (Housing must approve keeping a bike in a dormitory room. A department head must

grant permission to keep a bike in a faculty office.)

B. Mopeds may be parked only at bicycle parking racks.

C. No person is allowed to park a bicycle or moped as follows:

1. On a sidewalk, at a tree or post, on a lawn, next to a building, in a roadway, at a utility pole, light post, banister, parking meter, or other available structure. Always use a bicycle rack.
2. So that it blocks or obstructs any entrance, exit, ramp or breezeway.
3. In any campus building (except as permitted in dormitory rooms and faculty offices).
4. In a parking area designated for motor vehicles.
5. In other than an upright position.

D. Bicycles or mopeds found parked and/or locked in areas other than those allowed may be impounded or immobilized by the Parking Services Office or the University Police Department. The person responsible for the bike will receive a bicycle parking ticket.

E. Motorcycles may not be parked in bicycle racks. Students' motorcycles are to be parked in designated student motorcycle areas.

#### § 13.4. Operation enforcement.

A. Bicycles are useful means of transportation when used properly. By taking a few precautions, bicycling can be a safe, enjoyable and theft-free experience.

B. Every person operating a bicycle on university property is to comply with all traffic control devices, applicable Virginia state statutes regarding bicycle operation, and these regulations.

C. Persons riding bicycles on campus are to practice courteous, defensive riding. They will consider pedestrians and conditions that require traveling at safe speeds. At all times, they are to be in proper control over their bicycles.

D. Remember the following:

1. Persons may not operate a bicycle on any campus sidewalk, lawn, or designated pedestrian plaza, such as the Library Plaza, Cowgill Plaza, etc.
2. It is illegal to ride in the wrong direction on a one-way street or against the regular flow of vehicular traffic, including the Drillfield.
3. Persons operating a bicycle will yield to pedestrians in situations of conflicting bicycle/pedestrian traffic.

4. Ride single file, with traffic, and to the right of the roadway.

5. Use bike paths when available.

6. Use proper turn signals.

7. Keep bicycle in proper mechanical condition.

8. Watch for people exiting parked vehicles.

9. Watch for the unexpected from motorists. (The number-one statement of vehicle operators involved in accidents with cyclists is, "I didn't see him!")

10. Virginia law requires a rear reflector and a headlight when riding at night.

11. In crosswalks, always walk; you are considered a pedestrian.

12. If involved in an accident, report it to the University Police Department immediately.

E. Moving violations will result in a traffic citation being issued by the University Police Department. Repeated violations may result in suspension or revocation of bicycle operation privileges on campus.

#### § 13.5. Theft prevention.

Bicycles are an easy target for theft. Some helpful hints are as follows:

1. Use bike racks, and secure bikes with bar-type locks.

2. Secure frame and front wheel.

3. Chain fences and chain-type locks can be quickly and easily cut.

4. Check bicycle frequently so it doesn't appear abandoned.

5. Park in high visibility areas.

6. Personalize your bicycle to make it easy to recognize.

7. Engrave your bike in several locations.

8. Register your bicycle. If it is stolen and then located, you can be easily found and ownership readily determined.

9. Write down the make, model, and serial number of your equipment. Keep this information in a safe place with the receipt of purchase.

10. Have your bicycle insured.

If your bicycle is stolen on campus, report the theft to the University Police Department.

#### § 13.6. Abandoned bicycles.

Bicycles left on the university grounds more than five days following graduation will be considered abandoned. These bikes will be impounded and disposed of in accordance with university policy regarding such property.

### PART XIV. AVOIDING PARKING TICKETS AND TOWING CHARGES.

#### § 14.1. How to avoid parking tickets and towing charges.

A. Properly display a Virginia Tech parking permit.

B. Park in a clearly identified parking space appropriate for your permit.

C. Do not loan your permit to others. Shared permits may result in a \$100 "Unauthorized Use of Permit" ticket assessed against the permit owner.

D. Have visiting family and friends obtain a visitor parking permit before parking on campus.

E. Observe special parking restrictions such as:

1. Parking lots at the Owens Dining Hall, Dietrick Dining Hall and the Donaldson Brown Continuing Education Center (CEC) are restricted to faculty and staff parking only, 24 hours a day, seven days a week.

2. All dining hall loading docks prohibit parking at all times.

3. Parking is prohibited in the Coliseum Lot and along Stadium and Spring Roads after 5:15 p.m. on the day before a home varsity football game or weekend home varsity basketball game, or after 5:15 p.m. on the day of a weekday home varsity men's basketball game until the game has started.

4. Parking is prohibited in the parking lot below Lane Stadium from 11 p.m. the night before any home football games until the game has started.

5. Other special restrictions, as posted.

#### § 14.2. Avoiding late fees.

Avoid a \$10 late fee per ticket by making sure payment is made to the Office of the University Bursar in Burruss Hall within 10 calendar days of ticket issuance; if payment is mailed, the payment envelope must be postmarked within seven days of ticket issuance. Payments sent through campus mail must be received by the 10th day of ticket issuance. Do not send cash through

# Final Regulations

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*the mail or deposit cash in the payment box at the Visitor Information Center. Checks should be made payable to Treasurer, Virginia Tech.*

V.A.R. Doc. No. R94-594; Filed February 9, 1994, 2:11 p.m.

# STATE LOTTERY DEPARTMENT

## DIRECTOR'S ORDER NUMBER FIVE (94)

VIRGINIA'S FORTIETH INSTANT GAME LOTTERY;  
"INSTANT JACKPOT," FINAL RULES FOR GAME  
OPERATION.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's fortieth instant game lottery, "Instant Jackpot." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson  
Director  
Date: February 2, 1994

V.A.R. Doc. No. R94-589; Filed February 3, 1994, 11:22 a.m.

## DIRECTOR'S ORDER NUMBER SIX (94)

VIRGINIA'S THIRTY-FIFTH INSTANT GAME LOTTERY,  
"CASH EXPLOSION," END OF GAME.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby give notice that Virginia's thirty-fifth instant game lottery, "Cash Explosion," will officially end at midnight on Friday, February 4, 1994. The last day for lottery retailers to return for credit unsold tickets from "Cash Explosion" will be Friday, February 25, 1994. The last day to redeem winning tickets for "Cash Explosion" will be Wednesday, August 3, 1994, 180 days from the declared official end of the game. Claims for winning tickets from "Cash Explosion" will not be accepted after that date. Claims which are mailed and received in an envelope bearing a United States Postal Service postmark of August 3, 1994, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia; and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box

4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson  
Director  
Date: January 28, 1994

V.A.R. Doc. No. R94-590; Filed February 3, 1994, 11:22 a.m.

## DIRECTOR'S ORDER NUMBER SEVEN (94)

"THREE DAYS OF THUNDER" CASH 5 FREE TICKET  
GIVEAWAY; FINAL RULES FOR GAME OPERATION

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Three Days of Thunder" Cash 5 free ticket giveaway game and drawing rules for the promotional events for Virginia's fourth on-line game lottery. The promotional will be conducted from January 31 through February 25, 1994. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until February 28, 1994, unless otherwise extended by the Director.

/s/ Kenneth W. Thorson  
Director  
Date: January 31, 1994

V.A.R. Doc. No. R94-591; Filed February 3, 1994, 11:22 a.m.

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# GOVERNOR

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## EXECUTIVE ORDER NUMBER FIVE (94)

### CREATING THE COMMISSION ON PAROLE ABOLITION AND SENTENCING REFORM

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and, including, but not limited to Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Commission on Parole Abolition and Sentencing Reform.

The Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

The Commission shall have the responsibility to advise the Governor on all matters related to the abolition of parole and the adoption and implementation of a truth-in-sentencing system for the Commonwealth of Virginia. The Commission's specific responsibilities shall be:

1. To examine relevant data regarding sentencing systems, including truth-in-sentencing, sentencing guidelines, and similar systems in other states and at the federal level, for the purpose of recommending to the Governor an effective and workable plan for abolishing parole and instituting truth-in-sentencing in Virginia;
2. To identify those criminal offenses for which increased incarceration is necessary to protect public safety, including violent offenses and offenses by recidivists, and to provide for such increases as part of the truth-in-sentencing plan recommended to the Governor;
3. To evaluate the feasibility of alternatives to incarceration for certain non-violent offenders, and to develop standard criteria and procedures for use of such alternative punishments;
4. To recommend, as part of the truth-in-sentencing plan, a mechanism for the comprehensive restructuring of criminal sentences to achieve the objectives of increased incarceration of violent and repeat offenders and alternative punishments for certain non-violent offenders;
5. To evaluate current inmate population and cost projections in the Virginia corrections system and the population and fiscal impact of the truth-in-sentencing plan recommended by the Commission; and
6. To conduct public meetings throughout the Commonwealth of Virginia for the purpose of receiving the views of citizens and informing them about the proposed truth-in-sentencing system and its objectives.

The Commission shall be composed of no more than 35 members appointed by the Governor and serving at his pleasure. The Governor shall designate a Chair and Vice-Chair, or in lieu thereof two or more Co-Chairs, of the Commission.

Such staff support as is necessary for the conduct of the Commission's work during the term of its existence, estimated at 3,000 hours, shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Department of Planning and Budget, and such other executive agencies, with closely and definitely related purposes, as the Governor may designate. Such funding as is necessary for the term of the Commission's existence shall be provided from such sources, both state appropriations and private contributions, as are authorized by Section 2.1-51.37(2) of the Code of Virginia. Expenditures for the Commission's work are estimated to be \$5,000.

Members of the Commission shall serve without compensation and shall not receive any expenses incurred in the discharge of their official duties.

The Commission shall complete its work and report to the Governor no later than May 15, 1994, unless directed otherwise by the Governor. It may issue interim reports and make recommendations at any time it deems necessary or upon the request of the Governor.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 1994, unless amended or rescinded by further executive order.

Given under my hand and the Seal of the Commonwealth of Virginia this 4th day of February, 1994.

/s/ George Allen  
Governor

V.A.R. Doc. No. R94-586; Filed February 9, 1994, 2:03 p.m.

### GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

#### STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **VR 120-01. Regulations for the Control and Abatement of Air Pollution (Revision NN - Public Participation Procedures, Appendix E).**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen

Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-585; Filed February 9, 1994, 10:12 a.m.

**BOARD FOR ARCHITECTS, PROFESSIONAL  
ENGINEERS, LAND SURVEYORS AND LANDSCAPE  
ARCHITECTS**

Title of Regulation: **VR 130-01-2. Board for Architects,  
Professional Engineers, Land Surveyors and Landscape  
Architects Rules and Regulations.**

Governor's Comment:

I reserve my right to make final comments on this  
regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: January 27, 1994

V.A.R. Doc. No. R94-574; Filed February 3, 1994, 10:52 a.m.

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD**

Title of Regulation: **VR 173-01-00:1. Public Participation  
Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this  
regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-577; Filed February 9, 1994, 10:12 a.m.

**CHILD DAY-CARE COUNCIL**

Title of Regulation: **VR 175-01-01. Public Participation  
Guidelines (REPEAL).**

Governor's Comment:

I reserve my right to make final comments on this  
regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

V.A.R. Doc. No. R94-613; Filed February 16, 1994, 11:33 a.m.

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Title of Regulation: **VR 175-01-01:1. Public Participation**

**Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this  
regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 11, 1994

V.A.R. Doc. No. R94-612; Filed February 16, 1994, 11:33 a.m.

**DEPARTMENT OF CONSERVATION AND RECREATION**

Title of Regulation: **VR 217-00-00. Regulatory Public  
Participation Procedures.**

Governor's Comment:

I reserve my right to make final comments on this  
regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-584; Filed February 9, 1994, 10:12 a.m.

**Board of Conservation and Recreation**

Title of Regulation: **VR 215-00-00. Regulatory Public  
Participation Procedures.**

Governor's Comment:

I reserve my right to make final comments on this  
regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-583; Filed February 9, 1994, 10:12 a.m.

**Virginia Soil and Water Conservation Board**

Title of Regulation: **VR 625-00-00:1. Regulatory Public  
Participation Procedures.**

Governor's Comment:

I reserve my right to make final comments on this  
regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-575; Filed February 9, 1994, 10:12 a.m.



# Governor

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## BOARD FOR COSMETOLOGY

Title of Regulation: **VR 235-01-1. Public Participation Guidelines (REPEAL).**

Title of Regulation: **VR 235-01-1:1. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

V.A.R. Doc. No. R94-608; Filed February 16, 1994, 11:53 a.m.

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: **VR 270-01-0059. Regulations for the School Breakfast Program.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 11, 1994

V.A.R. Doc. No. R94-611; Filed February 16, 1994, 11:55 a.m.

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Title of Regulation: **VR 270-01-0066. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

V.A.R. Doc. No. R94-602; Filed February 16, 1994, 11:55 a.m.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Title of Regulation: **VR 304-01-01. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this

regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-580; Filed February 9, 1994, 10:12 a.m.

## BOARD OF GAME AND INLAND FISHERIES

Title of Regulation: **VR 325-05-1. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

V.A.R. Doc. No. R94-604; Filed February 16, 1994, 11:55 a.m.

## BOARD OF HISTORIC RESOURCES

Title of Regulation: **VR 390-01-01. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-578; Filed February 9, 1994, 10:12 a.m.

## DEPARTMENT OF HISTORIC RESOURCES

Title of Regulation: **VR 392-01-01. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-579; Filed February 9, 1994, 10:12 a.m.

## MARINE RESOURCES COMMISSION

Title of Regulation: **VR 450-01-0045. Public Participation**

**Guidelines.**

**Governor's Comment:**

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

V.A.R. Doc. No. R94-576; Filed February 9, 1994, 10:12 a.m.

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES  
(BOARD OF)**

**Title of Regulation: State Plan for Medical Assistance  
Relating to Nonenrolled Provider Reimbursement.  
VR 460-02-4.1910. Methods and Standards for Establishing  
Payment Rates - Inpatient Hospital Care.**

**Governor's Comment:**

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

V.A.R. Doc. No. R94-610; Filed February 16, 1994, 11:55 a.m.

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**Title of Regulation: State Plan for Medical Assistance  
Relating to Case Management for the Elderly.  
VR 460-03-3.1102. Case Management Services (Supplement  
2 to Attachment 3.1-A.**

**Governor's Comment:**

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: January 27, 1994

V.A.R. Doc. No. R94-573; Filed February 3, 1994, 10:52 a.m.

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**Title of Regulation: VR 460-04-8.900. Public Participation  
Guidelines.**

**Governor's Comment:**

I reserve my right to make comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: January 27, 1994

V.A.R. Doc. No. R94-572; Filed February 3, 1994, 10:52 a.m.

**DEPARTMENT OF MINES, MINERALS AND ENERGY**

**Title of Regulation: VR 480-01-1. Public Participation  
Guidelines.**

**Governor's Comment:**

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

V.A.R. Doc. No. R94-605; Filed February 16, 1994, 11:55 a.m.

**BOARD OF PROFESSIONAL AND OCCUPATIONAL  
REGULATION**

**Title of Regulation: VR 190-00-04. Public Participation  
Guidelines.**

**Governor's Comment:**

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

V.A.R. Doc. No. R94-607; Filed February 16, 1994, 11:55 a.m.

**BOARD OF PROFESSIONAL COUNSELORS**

**Title of Regulation: VR 560-01-03. Regulations Governing  
the Certification of Substance Abuse Counselors.**

**Governor's Comment:**

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

V.A.R. Doc. No. R94-609; Filed February 16, 1994, 11:55 a.m.

**REAL ESTATE APPRAISER BOARD**

**Title of Regulation: VR 583-01-1. Public Participation  
Guidelines (REPEAL).**

# Governor

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Title of Regulation: **VR 583-01-1:1. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

VA.R. Doc. No. R94-606; Filed February 10, 1994, 11:53 a.m.

## DEPARTMENT OF THE TREASURY (TREASURY BOARD)

Title of Regulation: **VR 640-01-1. Public Participation Guidelines for the Department of the Treasury and Treasury Board.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 10, 1994

VA.R. Doc. No. R94-603; Filed February 16, 1994, 11:55 a.m.

## VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: **VR 672-01-1:1. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

VA.R. Doc. No. R94-582; Filed February 9, 1994, 10:12 a.m.

## STATE WATER CONTROL BOARD

Title of Regulation: **VR 680-14-22. Virginia Pollution Abatement General Permit for Intensified Animal Feeding Operations of Swine, Dairy, and Slaughter and Feeder Cattle.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: January 27, 1994

VA.R. Doc. No. R94-570; Filed February 3, 1994, 10:52 a.m.

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Title of Regulation: **VR 680-14-23. Virginia Pollution Abatement General Permit for Concentrated Animal Feeding Operations of Swine, Dairy, and Slaughter and Feeder Cattle.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: January 27, 1994

VA.R. Doc. No. R94-571; Filed February 3, 1994, 10:52 a.m.

\* \* \* \* \*

Title of Regulation: **VR 680-41-01:1. Public Participation Guidelines.**

Governor's Comment:

I reserve my right to make final comments on this regulation after review of the public's comments.

/s/ George Allen  
Governor  
Date: February 4, 1994

VA.R. Doc. No. R94-581; Filed February 9, 1994, 10:12 a.m.

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## GENERAL NOTICES

### DEPARTMENT OF ENVIRONMENTAL QUALITY

#### Designation of Regional Solid Waste Management Planning Area

In accordance with the provisions of § 10.1-1411 of the Code of Virginia, and Part V of Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Waste Division of the Department of Environmental Quality intends to designate Washington County and the Towns of Abingdon, Damascus, and Glade Spring as a solid waste management region. The director has approved a comprehensive solid waste management plan for this area. Washington County is the designated contact for implementation of the plan.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on March 15, 1994, to Ms. Anne M. Field, Department of Environmental Quality, 629 East Main Street, P. O. Box 10009, Richmond, Virginia 23240-0009, Fax: 804/762-4346. Questions concerning this notice should be directed to Ms. Field at (804) 762-4365.

Following the closing date for comments, the Director of the Waste Division will notify the affected local governments of his designation of the region or of the need to hold a public hearing on the designation.

#### Notice to Sources of Air Pollution Concerning the Application Schedule for Federal Air Operating Permits

This is a notice of the availability of the list of sources or source categories required to file applications with the Department of Environmental Quality for federal operating permits.

**Public Notice and Meetings.** In preparation for this publication, the department published a notice of public meetings and a comment period in the November 29, 1993, Virginia Register. These meetings were held between November 30 and December 9, 1993. Written comments were invited in the notice and the meetings. The postmark deadline for the department's receipt of these written comments was December 28, 1993.

The department has considered these written comments and the comments given at the public meetings in

formulating the application schedule and this notice.

**Application Schedule.** The schedule will give the priority of source applications. The department will notify sources known to it that are required to submit applications (see Sources Subject to Federal Air Operating Permits below). There will be opportunities to change these priorities (see Changes in Application Priorities below).

Due to uncertainties regarding the timing of full program implementation, the department is not accepting federal operating permit applications at this time, nor is it assigning due dates for permit applications. However, the department will notify sources, as soon as possible, when applications can be accepted.

**Sources Subject to Federal Air Operating Permits.** Sources which must file applications pursuant to the priority list are (1) solid waste incinerators subject to provisions of Parts IV and V of the regulations adopted pursuant to Section 129(e) of the federal Clean Air Act, and (2) major sources, which are defined as follows:

stationary sources with potential to emit 100 tons per year or more of any air pollutant other than hazardous air pollutants; stationary sources of hazardous air pollutants with potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants; and, for the Northern Virginia ozone nonattainment area, sources of volatile organic compounds or oxides of nitrogen with potential to emit 50 tons per year or more.

Nonmajor sources are deferred from permitting requirements under this program until after the initial round of permits are issued to the major sources described above.

**Development of Priority List.** The application priority list was developed by a random selection of large and small sources within each air region. This is a listing of the priorities of application due dates; it is not a schedule of final permit issuance.

Federal operating permits for major sources must be issued in equal yearly numbers in each of the first three years following the approval (anticipated to be no sooner than November 15, 1994) of Virginia's federal operating permit program (VR 120-08-0511 B 1). As indicated above, the department will determine precise due dates for applications at a later time.

**State Operating Permits.** The owner of a source subject to

# General Notices/Errata

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the federal operating permit program may, in some cases, avoid the requirement by applying for and obtaining a state operating permit pursuant to VR 120-08-04. These cases arise when the state operating permit imposes enforceable limits on potential to emit that are lower than the threshold amount for federal operating permits. This application must be filed with the department by October 1, 1994, for major sources. To apply for a state operating permit, please request the necessary forms from the appropriate regional office.

**Changes in Application Priorities.** The application priority list reflects the comments received in the public meetings and during the public comment period, and the department's consideration of its workload. The list is subject to change without notice based on these considerations and those enunciated above. No rights are conveyed insofar as scheduling is concerned, other than those expressly provided in individual notices of application due dates.

Sources receiving individual notices, or reading this notice, are invited to advise the department's appropriate Regional Air Director whether circumstances exist which would warrant a change in this published application priority list as it applies to individual sources. Such circumstances could include:

1. Whether a source not listed in the first third, including a source subject to Reasonably Available Control Technology (RACT) requirements, wishes to be listed therein, for any reason;
  2. Whether a single owner of multiple facilities desires a different priority of application due dates as they apply to the owner in question (i.e., making sure that multiple applications for a common owner are not all due at once, when the random priority list failed to take these wishes into account);
  3. Whether a given source is likely to be subject to Maximum Achievable Control Technology (MACT) requirements which will be published sometime after the source's probable application due date as it appears in the application schedule.
- In each of the first three cases, the source should indicate the adjustment in the schedule that is desired.
4. Whether a source wishes to apply for a state operating permit.
  5. Whether a source, not listed in the schedule as a major source, has reason to think it is major for purposes of federal operating permits.

**Application Forms and Due Dates.** In the future, the department will be sending out federal operating permit application forms to all the sources on this application priority list.

**Further Information.** For further information or to request a change in the application schedule, a source should contact the appropriate air regional office for the facility location in question. Sources wishing to obtain the application priority list (written or on a computer disc) may do so at:

Department of Environmental Quality, Air Division  
Office of Permit Evaluation  
Attn: Title V Application Schedule  
P.O. Box 10009  
Richmond, Virginia 23240

Sources wishing to review the list may do so at any regional office or at the department's Innsbrook office:

4900 Cox Road  
Glen Allen, Virginia 23060

## VA DEQ - ABINGDON REGION \* OPERATING PERMIT APPLICABILITY LIST

TOTAL NUMBER OF SOURCES ON THIS LIST = 225

REG NO	SOURCE	ORDER
10020	UNITED COAL/SULLINS ACADE	30
10031	CROWDER, H D & SONS, INC	9
10032	W-L CONST. & PAVING,INC	131
10035	PENDLETON CONST CORP	157
10037	MAYMEAD,INC	155
10039	WOODWAY STONE CO	103
10044	SOUTHWEST VA.MENTAL HLTH	220
10045	SARA LEE KNIT PDTS	90
10047	WONDERKNIT SCOREBOARD	86
10050	BRUNSWICK COMPOSITES	184
10060	REYNOLDS METALS CO	36
10061	CYPRUS FOOTE MINERAL CO	136
10069	OLD BEN COAL CO	130
10083	VISADOR CO,BRISTOL DIV	162
10100	LEA INDUSTRIES	83
10102	CLINCH RIVER QUARRIES	99
10106	VA.IRON COAL & COKE CO	34
10119	STERLING CASKET HARDWARE	127
10124	KEOKEE COMB SCH	173
10131	VISADOR CO	56
10133	COLUMBUS MCKINNON CORP.	222
10137	BURTON,J.I.HIGH SCHOOL	117
10147	CAROLINA TURKEYS OF VA	151
10159	VAUGHAN FURNITURE CO	108
10161	GALAX APPAREL CORP	125
10193	ROGERS GROUP,INC	51
10194	BRUNSWICK COMPOSITES	22
10200	JEWELL COAL & COKE CO	15
10206	DILLON, E & CO	42
10207	VA HOUSE FURN CORP	135
10209	AMERICAN SCREW	85
10211	MORRISON MOLDED FBR GLASS	121
10212	LEBANON QUALITY CLEANERS	188
10213	AUSTINVILLE LIME CO	105
10215	SALEM STONE CORPORATION	10

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10216	BLACK DIAMOND CO,THE	95	10430	MARTY MATERIALS CO	204
10219	BLACK WATCH COAL CO	218	10431	JOHNSTON MEMORIAL HOSPITA	16
10228	SAWYERS FURNITURE CO	65	10432	CUMBERLAND COLLIERIES INC	190
10230	POUNDING MILL QUARRY CORP	49	10441	HARMAN MINING CORP	149
10231	POUNDING MILL QUARRY CORP	23	10443	VAUGHAN FURN CO,THE	60
10233	CLINCHFIELD COAL CO	139	10448	COMPTON,LUTHER & SONS	111
10235	CLINCHFIELD COAL CO	155	10470	INDEPENDENCE HIGH SCH	112
10237	CLINCHFIELD COAL CO	178	10484	VIRGINIA WOODWORKING CO	73
10239	WASHINGTON COUNTY STONE	186	10492	GEORGE WYTHE HIGH SCH	55
10244	GENERAL SHALE PRODTS CORP	7	10494	FORT CHRISWELL HIGH SCH	159
10248	TAZEWELL HIGH SCHOOL	13	10496	RURAL RETREAT SCHOOL	11
10273	DIXON LUMBER CO INC	33	10502	HBA CAST PRODS,INC	171
10274	GREER,ELMO & SONS,INC	58	10509	LEA INDUSTRIES	223
10277	VA.MFG.CO.INC.	14	10525	BO PAR DOCK CO	210
10279	KY-VA STONE CO	110	10536	BLUEFIELD COLLEGE	69
10282	WOODWAY STONE CO	75	10538	WEBB FURNITURE ENTERPRISE	126
10284	MARLEY MOULDINGS,INC	52	10554	GRAYSON SUPPLY CO	70
10286	U S GYPSUM CO	168	10559	BARKER MICROFARADS	98
10291	JEWELL RIDGE MINING CORP	146	10563	MCCLURE CONCRETE,INC	74
10292	JEWELL RIDGE MINING CORP	172	10603	PARAMONT MINERALS CORP	2
10293	WESTMORELAND COAL CO	48	10623	GRUNDY SR HS	224
10294	DAMASCUS HOSIERY MILLS	20	10625	LEE FARMERS COOP	217
10299	DIXIE CEMENT CO,INC	219	10627	GRABEEL'S FEED MILL	169
10302	WEBB FURNITURE ENT/PLT.#4	156	10629	ARATEX UNIFORM RENTAL	82
10305	CARDINAL STONE CO	140	10635	NAUTILUS	129
10307	CLINCH VALLEY COLLEGE	199	10636	VA.INSULATED PDTS	116
10308	VAUGHAN-BASSET FURN CO	96	10637	ELECTROLUX CORP	101
10313	EMERSON ELECTRIC	187	10640	H & H STONE	21
10316	SERVICE MILL,INC	180	10645	JOHNSON'S GREENHOUSES	114
10318	LIMESTONE DUST CORP, THE	91	10647	SOUTHWEST VIRGINIA TRAINI	78
10326	NAUTILUS	113	10669	HURLEY HIGH SCHOOL	119
10330	MARLEY MOULDINGS,INC	77	10682	MARTY MATERIALS CO	57
10332	WEBB FURNITURE ENTERPRISE	142	10683	PERMAC INC	138
10338	HUNTER PAVING,INC	61	10684	WELLMORE COAL PREP #7	216
10339	BURLINGTON IND-LEE CARPET	205	10685	WESTMORELAND COAL CO	179
10341	FLAV-O-RICH, INC	161	10689	ISLAND CREEK COAL CO	43
10348	WELLMORE COAL CORP	192	10690	REEDY COAL CO,INC	215
10350	BEATRICE POCAHONTAS CO	3	10691	WISE DOCK COMPANY	32
10351	ISLAND CREEK COAL CO	198	10694	MOTIVATION COAL CO	46
10352	ISLAND CREEK COAL CO	118	10700	BRUNSWICK COMPOSITES	194
10353	ISLAND CREEK COAL CO VP#2	41	10704	ISLAND CREEK COAL CO	193
10354	ISLAND CREEK COAL CO VP#1	8	10706	SANDVIK ROCK TOOLS	102
10355	PARSONS & RIVERS,INC	203	10712	LIGHTNIN	5
10356	WESTINGHOUSE ELECTRIC COR	120	10714	HAROLD KEENE COAL CO	167
10368	MARION SENIOR HIGH SCH	124	10720	PENDLETON CONST CORP	31
10375	ROANOKE FASIONS,INC	181	10727	CHEYENNE PROCESSING CO	221
10379	LITTLE HENRY'S EXCAVATING	122	10731	MASCO IND	212
10385	WHITE EXCAVATING CO	89	10734	JEWELL RIDGE MINING CORP	100
10387	COLUMBUS MCKINNON CORP.	165	10761	VIRGINIA IRON COAL & COKE	28
10390	MEDUSA AGGREGATES CO	163	10766	SKYLINE ENT OF VA,INC	176
10391	BLAND CORRECTIONAL FARM	71	10767	WESTMORELAND COAL CO DERB	81
10394	F&M CONST CO	84	10769	MULLINS COAL CO INC VA	39
10395	POUNDING MILL QUARRY CORP	214	10770	WESTMORELAND COAL CO CRES	29
10396	WYTHE STONE CO	141	10771	WESTMORELAND COAL CO PRES	38
10400	WASHINGTON SQUARE CLINIC	88	10772	WESTMORELAND COAL CO RODA	62
10402	FRIES,TOWN OF	1	10777	WELLMORE COAL-DOCK #1	79
10410	POLYMER CORP, THE	107	10780	MOTIVATION COAL CO	134
10414	PEPSI COLA BOTTLING CO	123	10782	TACOMA COAL CORP	25
10423	SMYTH CO.COMM.HOSPITAL	158	10785	WYTHE STONE CO	19
10424	VA HOUSE FURN CORP	68	10791	PINE BRANCH MINING,INC	202
10429	LONGWOOD ELASTOMERS,INC	206	10804	CLINCHFIELD COAL CO	27

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10805 BRISTOL ASPHALT PROD	133
10813 TEXASGULF,INC	200
10814 ASEA BROWN BOVERI POWER T	97
10818 JEWELL SMOKELESS COAL PRE	132
10823 JEWELL SMOKELESS COAL	80
10830 MERILLAT IND.,INC	87
10832 GRAHAM MIDDLE SCHOOL	144
10834 W-L CONST&PAVING	37
10837 WELLMORE COAL PREP #8	170
10838 VULCAN MAT'LS.CO	12
10851 WESTMORELAND COAL CO	207
10852 TAZEWELL MIDDLE SCHOOL	160
10854 WHITAKER COAL CORP	40
10855 CLINCHFIELD COAL CO	76
10859 CLINCHFIELD COAL CO	185
10873 LEE READY MIX	47
10886 GALAX GLASS & MIRROR	150
10891 H & H STONE CO	182
10892 VALENITE,INC	63
10893 VA IRON COAL & COKE CO	35
10903 DILLON,E.& CO,PLT.#2	177
10905 UNITED COAL/KNX CRK#3	213
10906 RAPOCA ENERGY CO-NORTON D	201
10914 UNITED COAL/KNOX CRK/VA-B	17
10916 POWELL MTN COAL PREP	53
10917 AMERICAN COAL TRADING INC	152
10931 MCCLURE CONCRETE CO,INC	128
10939 SALTVILLE SILICA	72
10945 CONSOLIDATION COAL CO	197
10959 SIGMON COAL CO	196
10969 GREGORY COAL CORP	195
10971 BOSTIC,H C COAL CO	106
10972 BOSTIC,H C COAL CO	208
10973 VA IRON COAL & COKE CO	44
10979 EAST TENNESSEE NATURAL GA	175
10987 WEBB FURNITURE ENTERPRISE	109
10990 APAC-VIRGINIA,INC	166
10999 W-L CONST.& PAVING	26
11008 VAUGHAN FURNITURE	211
11013 WESTMORELAND COAL CO	147
11021 LA.PACIFIC CORP	6
11022 DILLON.E & COMPANY	94
11026 EAST RIVER METALS,INC	115
11027 D.W.L.,INC	225
11030 UNITED STATE GYPSUM CO	64
11042 LYALLS STONE CO	148
11043 W-L CONSTRUCTION & PAVING	24
11046 E.TN.NAT.GAS CO	183
11050 MAYMEAD LIME CO	4
11058 FEDERAL PACIFIC TRANSFORM	67
11059 MORTON INTERNATIONAL,INC	92
11061 DOTSON WHEEL CORP	137
11062 TWIN CO.COMM.HOSP	66
11072 UTILIY TRAILER MFG CO	189
11074 APPALACHIAN PLASTICS, INC	54
11075 MERILLAT INDUSTRIES, INC.	10
11085 CONSOLIDATED GLASS & MIRR	145
11090 MOUNTAIN READY-MIX,INC	174
11095 CERAMIC TECHNOLOGY,INC	50
11097 ELECTRIC MOTOR REPAIR & S	164
11098 VIRGINIA-CAROLINA CONCRETE	191

11103 WOODTECH, INC	59
11105 KLOCKNER-PENTAPLAST, INC	143
11119 W-L CONSTRUCTION &PAVING,	18
11121 HILLS COAL CO	209
11125 THREE SEASONS, INC	45
11126 WOOD WORLD,INC.	154
11130 TRAY COAL PROCESSORS,INC	93

### VA DEQ - ROANOKE REGION \* OPERATING PERMIT APPLICABILITY LIST

TOTAL NUMBER OF SOURCES = 252

REG NO SOURCE	ORDER
Valley Cleaners	227
20001 DRAGON CORPORATION	165
20002 STRUCTURAL STEEL CO	212
20005 FRAZIER QUARRY,INC	53
20008 HOLLINS COLLEGE	47
20010 VA.MAID HOSIERY MILL INC	1
20016 KAWNEER AMAX CO	197
20017 RADFORD UNIVERSITY	75
20018 ELKTON LIMESTONE&PAVING	128
20019 DOUBLE ENVELOPE	83
20021 LONE JACK LIMESTONE	81
20022 CUPP BLACK-TOP,INC	78
20026 B&S CONTRACTING,INC	24
20027 B&S CONTRACTING,INC	34
20031 ADAMS CONSTRUCTION CO	237
20032 ADAMS CONST CO	11
20036 ADAMS CONSTRUCTION CO	175
20037 ADAMS CONSTRUCTION CO	236
20042 VALLEY BLOX,INC	7
20043 NAT'L FRUIT PRODTS CO	46
20057 ITT ELECTRON TUBE DIV	55
20058 DEJARNETTE ST SANATORIUM	12
20059 SUTERS CABINET SHOPS	10
20060 ROANOKE TIMES&WORLD-NEWS	126
20067 VICTOR TUBE CORPORATION	229
20068 PACKAGING COR.OF AMER	151
20077 MUNDET-HERMITITE,INC	206
20081 VA FOUNDRY CO, INC	211
20082 WAMPLER-LONGACRE,INC	235
20085 ELKTON LIMESTONE&PAVING	241
20087 ROCCO FEEDS,INC	113
20088 COMMUNITY HOSP.OF ROANOKE	38
20091 GROENDYK MFG.CORP	198
20111 ROANOKE DYEING & FINISHIN	50
20116 BARGER,C.W.& SON	157
20117 JAMES MADISON UNIVERSITY	185
20119 COVINGTON CITY/ASPHALT PL	234
20123 YOKOHAMA TIRE CORP	139
20124 VPI & STATE UNIVERSITY	143
20131 ROANOKE ELECTRIC STEEL CO	108
20135 ROWE FURNITURE CORP	142
20139 JEFFERSON MILLS	26
20144 VALLEY PROTEINS,INC	89
20150 TOM'S FOOD	111
20153 BUSH,DUNHAM,INC	35
20157 COLUMBIA GAS TRANS.CORP	12

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20171 ELKTON HIGH SCH .....	73	20447 GENERAL SHALE WEBSTER .....	138
20176 MONTEVIDO HIGH SCH .....	17	20450 BLUE RIDGE STONE CORP .....	228
20180 ASHBY,TURNER HIGH SCH .....	13	20451 HARRIS FLOORING CO.VA .....	247
20181 BROADWAY HIGH SCH .....	99	20456 ROCKYDALE QUARRIES CORP .....	11
20184 VALLEYDALE PACKERS,INC .....	163	20457 ROCKYDALE QUARRIES CORP .....	98
20187 WAMPLER-LONGACRE CHICKEN, .....	105	20458 JAMES RVR LIMESTONE .....	252
20189 AMERICAN SAFETY RAZOR CO .....	160	20465 N&W RR CO .....	140
20203 BOND LUMBER&MILLWORK CORP .....	210	20466 N & W RAILWAY CO .....	29
20204 ANDREW LEWIS SEC.SCH .....	118	20468 N & W RAILWAY CO .....	52
20206 BELMONT QUARRY CO. ....	100	20469 AKZO COATINGS .....	207
20208 MUNDY,C.S.QUARRIES,INC .....	58	20470 PULASKI FURNITURE CORP .....	203
20209 VFP,INC .....	200	20471 LONE JACK LIMESTONE,INC .....	231
20212 SINGER FURNITURE .....	32	20474 MODERN MATERIALS .....	183
20213 HALMODE APPAREL .....	202	20476 BRIDGEWATER COLLEGE .....	133
20214 KING'S DAUGHTER'S HOSP .....	9	20477 VA HOSPITAL MED CTR .....	187
20218 ROANOKE CONCRETE PROD .....	158	20478 VIRGINIA MILITARY INSTITU .....	110
20222 MILLER CONTAINER CORP .....	40	20480 SHENANDOAH PRPTIES .....	179
20225 APG LIME CORPORATION .....	2	20482 ACCO STONE CO .....	90
20232 ROANOKE CEMENT COMPANY .....	122	20483 ROCKINGHAM MILLING CO .....	85
20235 CENTRAL CONCRETE SERV .....	166	20484 SALEM STONE CORP .....	5
20239 WELLS,W.T.CO .....	22	20500 AUBURN HIGH&MID.SCH .....	134
20269 BURLINGTON IND,INC .....	14	20503 CHRISTIANSBURG HI&ELEM SC .....	69
20271 BURLINGTON IND .....	195	20505 ROANOKE COLLEGE .....	167
20272 BURLINGTON IND,INC .....	112	20508 TRI-CITY CONCRETE PROD,IN .....	176
20273 PRECISION FABRICS GROUP .....	226	20510 HERCULES, INC .....	135
20299 BELLE HETH SCHOOL .....	248	20513 ROCKINGHAM MILLING CO .....	242
20302 OLD VIRGINIA BRICK CO .....	224	20514 WALKER MFG.CO .....	63
20304 HOECHST CELANESE CORP .....	180	20515 REYNOLDS METAL CO .....	27
20307 NARROWS ELEM.SCH .....	74	20516 REEVES BROTHERS,INC .....	169
20310 PEMBROKE ELEM.SCH .....	80	20517 DUPONT DE NEMOURS,E.I. ....	145
20314 FUEL OIL&EQUIP CO .....	56	20518 VIRGINIA METALCRAFTERS .....	246
20315 LIGHTWEIGHT BLOCK CO .....	3	20520 INGERSOLL RAND CO .....	141
20318 O-I BROCKWAY PLASTICS .....	209	20523 HOOKER FURNITURE CORP .....	174
20320 JAMES RIVER LIMESTONE CO .....	28	20524 MERCK&CO,INC .....	61
20321 HOOVER COLOR CORP .....	109	20526 BONDCOTE CORPORATION .....	156
20322 MAGNOX PULASKI INC .....	25	20529 GENERAL SHALE CORP .....	68
20323 WASHINGTON & LEE UNIV .....	93	20536 PULASKI HIGH SCH .....	66
20328 WESTVACO CORP .....	86	20544 KOPPERS IND.,INC .....	213
20329 WESTVACO CORP .....	51	20548 ETHAN ALLEN,INC .....	71
20330 MCHARG ELEM.SCH .....	106	20553 WAMPLER/LONGACRE,INC .....	205
20332 ROCCO FURTHER PROCESSING .....	221	20554 MAGNETITE,T.F.CORP .....	219
20334 WALKER M/C & FNDRY CORP .....	60	20560 WHITE FOUNDRY CO,INC .....	188
20337 WAYN-TEX,INC .....	130	20562 HIGHLAND HIGH SCHOOL .....	222
20338 HANCOCK,JOHN W.,JR .....	193	20563 HOLLY FARMS PUULTRY .....	97
20341 EASTERN RIDGE LIME CO,LP .....	4	20565 LUCK STONE CORP .....	147
20342 GEORGIA-BONDED FIBERS,INC .....	59	20569 JAMES RIVER LIMESTONE .....	33
20370 GLENVAR HIGH SCH .....	170	20572 GENICOM CORP .....	149
20381 LYNCHBURG FNDRY-RADFORD P .....	43	20573 CORNING GLASS WORKS .....	65
20391 ACADIA .....	101	20587 BURRELL MEMORIAL HOSP .....	164
20397 SHELL OIL CO .....	245	20588 PEARCE,DOUGLAS INC .....	31
20398 SO.STATES COOP,INC .....	131	20589 VIRGINIA BLOCK CO .....	153
20406 PAINTER SPACE PRINT .....	208	20590 CATAWBA HOSPITAL .....	62
20411 LOFTON CORP .....	115	20592 GENERAL ELECTRIC CO .....	161
20412 VA.DEPT.OF CORRECTIONS .....	249	20598 GREEN HILL INC .....	18
20413 CROMPTON CO, INC .....	136	20600 ROCKINGHAM MEM.HOSP .....	87
20420 FEDERAL-MOGUL CORP .....	82	20615 ROANOKE MEMORIAL HOSP .....	243
20424 COLLINS,KATE JR.HIGH SCH .....	48	20616 ROANOKE MEM.REHAB.CENTER .....	76
20431 HOLSTON RVR.QUARRY .....	121	20619 RADFORD COMM.HOSPITAL .....	196
20432 RADFORD LIMESTONE CORP .....	30	20621 SALEM READY MIX CONCRETE .....	171
20433 RADFORD LIMESTONE CORP .....	190	20622 BATH CO COMMUNITY HOSP .....	144
20434 RADFORD LIMESTONE CORP .....	230	20630 WILLIAM FLEMING H S .....	114



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20632	STONEWALL JACKSON JR.HIGH	137
20640	JEFFERSON HIGH SCH	152
20652	PATRICK HENRY HS	37
20656	RADFORD ARMY AMMO PLT	238
20663	VA.DEHYDRATING CO	72
20667	ALLIED READY MIX	39
20674	ROCCO TURKEYS INC	117
20675	VIRGINIA POWER	96
20685	STILLWATER, INC	84
20694	EASTERN MENNOITE COLL	95
20698	ROANOKE FOUNDRY,INC	91
20709	BURKE-PARSONS-BOWLBYCORP	223
20711	MENNEL MILLING OF VA	181
20734	NATURA BRIDGE HS	54
20735	GALLIMORE PAVING & SCALIN	6
20736	SALEM FRAME CO,INC	42
20742	GRAHAM-WHITE MFG CO	57
20749	TEMPLETON,MARVIN V. & SON	199
20755	AUGUSTA COOP FARM BUREAU	79
20756	SONNY'S FEED & SEED,INC	45
20758	NEW RIVER IND,INC	132
20763	WOLVERINE GASKET CO	88
20765	VOLVO GM HEAVY TRUCK	154
20770	PULASKI COMM HOSPITAL	233
20771	QUALITY FEEDS,INC	244
20786	WAMPLER-LONGACRE CHICKENS	150
20787	AUGUSTA MILITARY ACADEMY	173
20789	PULASKI FURNITURE CORP	102
20794	STAUNTON LIME CO	125
20797	SISSON & RYAN,INC	16
20808	ROCKINGHAM COOP	124
20816	BANTA CO,INC	186
20828	VA HOT SPRINGS INC	239
20834	VIRGINIA POWER	192
20848	KENNAMETAL INC	217
20874	GALE,LEWIS HOSP,INC	220
20878	VIRGINIA LIME CO	116
20883	SAWYER,L.H. PAVING,INC	67
20889	CHRISTIANSBURG HIGH SCH	103
20890	BLACKSBURG HIGH SCH	44
20893	SALEM CONCRETE PRODS,INC	15
20895	UNIMET,INC	215
20901	ELIZABETH ARDEN,INC	225
20904	MCVITTY HOUSE,INC	162
20906	SNYDER GENERAL CORP	70
20911	BLACKSBURG-VA TECH SANITA	201
20914	ADAMS CONSTRUCTION CO	159
20916	TIMBERVILLE LIME CO	189
20917	WAMPLER CHEM CORP	178
20919	FRAZIER QUARRY,INC(THE)	155
20924	LEHIGH PORT CEMENT CO	36
20926	STOREYS TRANSPRINTS,INC	232
20938	HOLLINGSWORTH & VOSE CO	41
20955	REXNORD CORP	127
20959	SO CAMPUS VOC CTR	240
20963	ADAMS CONSTRUCTION CO	184
20979	CERRO METAL PRODS	8
20991	EXXON CO USA	120
20995	MARATHON OIL COMPANY	216
21000	DONNELLEY,R.R & SONS	218
21004	TRANSIENT MIX CONCRETE	77

21012	COORS BREWING CO	107
21016	HARRISONBURG CITY	64
21018	HERSHEY CHOCOLATE,USA	204
21037	EAVERS BROS.EXCAVATING	20
21039	WESTERN STATE HOSP	94
21040	ELKTON LIMESTONE	251
21045	LOFTON CORPORATION	123
21053	HOLSTON RIVER QUARRY	49
21058	WESTVACO-BLEACHED BD DIV	92
21059	ADAMS CONSTRUCTION CO	168
21060	WOMETCO COCA-COLA BOTTLIN	21
21071	EDWARDS,W.F.& SONS PAVING	104
21077	NOMAR CASTINGS,INC	250
21083	NEW RIVER CASTINGS	146
21088	QUADREX ENVIRONMENTAL CO	148
21109	BLUE RIDGE STONE CORP.	177
21113	AUTOMOTIVE INDUSTRIES,INC	19
21125	B&S CONTRACTING, INC.	191
21129	VITRAMON,INC	214
21133	AUGUSTA CORRECTIONAL CENT	172
21145	RENFRO, CORP	23
21154	VFP, INC.	182
21156	AUGUSTA MED.CTR	194

VA DEQ - FREDERICKSBURG REG. \* OPERATING PERMIT APPLICABILITY LIST

TOTAL NUMBER OF SOURCES = 117

REG NO	SOURCE	ORDER
40011	CULPEPER FARMERS COOP	74
40013	SUPERIOR PAVING,INC	77
40018	WILLIAMSON, S L CO	102
40019	WILLIAMSON, S L CO	18
40029	IX, FRANK & SONS, INC	57
40032	LEE HY PAVING CORP	17
40034	MARTIN MARIETTA	36
40049	TIDEWATER FARM SUPPLY	63
40056	ADMINISTRATIVE OFFICES-SC	20
40063	AMPRO FISHERIES	25
40066	SLAUGHTER, T C CO	32
40075	VIRGINIA INDUSTRIES	46
40087	CARGILL,INC	33
40090	VA LOG COMPANY, INC	38
40111	PERRY OIL CO.	31
40113	WARSHOW,H.& SONS,INC	112
40121	BLUE RIDGE HOSPITAL	88
40126	CHESAPEAKE PAPER PDTS.CO	59
40144	COLONIAL CONCRETE CORP	65
40150	WOOD PRESERVERS INC	69
40151	MARTIN MARIETTA AGGREGATE	79
40155	CULPEPER STONE CO/CONCRET	97
40160	ORANGE CO.HIGH SCHOOL	86
40163	GENERAL SHALE WEBSTER	87
40164	WINE,E.E,INC	40
40166	SMITH,A.H.ASSOC.LTD.PTNRS	39
40170	KELLER MANUFACTURING,INC	45
40175	ALBEMARLE HIGH SCHOOL	109
40184	ALLIED CONCRETE CO	117



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50076 PHILIP MORRIS USA .....	64	50284 STAR ENTERPRISE .....	204
50082 PHILIP MORRIS USA .....	134	50287 C&O RAILWAY,MAIN ST.STA .....	22
50083 PHILIP MORRIS USA .....	214	50292 BRESCO INC .....	93
50085 DIXIE CONTAINER CORP .....	65	50294 DINWIDDIE CO.,JR.HI.SCH .....	252
50086 SADLER BROS OIL CO .....	106	50295 EVANS LUMBER COMPANY .....	188
50088 SOUTHAMPTON TEXTILE CO .....	85	50298 VIRGINIA STATE UNIVERSITY .....	2
50090 VIRGINIA DYEING CORP .....	231	50301 RICHMOND TERMIAL RAILWAY .....	177
50093 C E DUNN & SONS .....	40	50302 R,F,&P RR CO .....	173
50094 BELDING HAUSMAN RABRICS I .....	3	50304 REYNOLDS METALS CO .....	136
50096 HASKELL CHEM. CO, INC .....	100	50305 MARTIN MARIETTA AGGREGATE .....	265
50098 RICHMOND GOODWILL IND .....	232	50309 COLONIAL HGT'S JR.HI.SCH .....	46
50099 REYNOLDS METAL-PLT #44 .....	31	50314 CONSOLIDATED CIGAR CORP .....	233
50101 GENERAL CHEMICAL CORP .....	119	50315 PATRICK HENRY HIGH SCH .....	37
50102 RICHMOND COCO-COLA CO .....	142	50316 LEE DAVIS HIGH SCH .....	75
50118 VCU-WEST ACADEMIC CAMPUS .....	260	50331 VULCAN MATERIALS CO .....	160
50121 CONOCO,INC .....	102	50334 CITGO PETROLEUM CORP .....	25
50126 VA COMMONWEALTH UNIV/MCV .....	167	50336 VIRGINIA POWER .....	244
50127 DEFENSE GEN.SUPPLY CTR .....	257	50341 JAMES RIVER BRICK CO .....	92
50132 UNION ENVELOPE .....	11	50344 WESTVACO .....	196
50134 US TOBACCO CO .....	176	50349 BAKER EQUIP ENGR CO .....	180
50138 MILLHISER INC .....	63	50353 PURINA MILLS,INC .....	169
50144 PARKER OIL CO .....	221	50355 MANCHESTER BOARD&PAPER CO .....	181
50145 CHARLES ZOPPA CO .....	243	50356 SONOCO PRODUCTS CO .....	130
50159 TITMUS OPTICAL CO.INC .....	216	50358 WM BYRD PRESS,INC .....	17
50160 REYNOLDS METAL CO .....	32	50360 WEST SAND & GRAVEL .....	7
50164 CHESTER INT.SCH .....	47	50363 AQUALON .....	108
50167 MATOACA HIGH SCH .....	141	50369 KOPPERS CO .....	107
50169 MASONITE CORP .....	96	50370 STONE CONTAINER CORP .....	56
50170 Richmond Plastics .....	206	50375 HOERNER WALDOLF CORP .....	262
50179 SEWARD LUGGAGE DIV .....	205	50376 EXXON CO,USA .....	110
50195 AMERICAN TOBACCO CO,THE .....	208	50387 TARMAC MID-ATLANTIC INC .....	113
50199 INTERBAKE FOOD CO INC .....	123	50391 SPURLOCK COMPANY .....	139
50205 FRIEND SAND & GRAVEL CO .....	235	50393 HYMAN VIENER & SONS .....	253
50209 UNIVERSITY OF RICHMOND .....	71	50397 E I DUPONT DE NEMOURS & C .....	183
50210 T FRANK FLIPPO & SONS .....	153	50399 TIDEWATER QUARRIES INC. ....	124
50216 TARMAC-LONESTAR .....	10	50400 TIDEWATER QUARRIES INC. ....	157
50217 FELDSPAR CORPORATION .....	186	50406 GREAT A&P TEA CO.INC .....	81
50223 TARMAC MID-ATLANTIC,INC .....	182	50412 ST.MARY'S HOSPITAL .....	23
50224 FERGUSSON, J W & SONS .....	228	50417 CHILDREN'S HOSPITAL .....	9
50228 TARMAC MID-ATLANTIC,INC .....	122	50418 ICI AMERICAS,INC .....	132
50230 TARMAC MID-ATLANTIC, INC .....	246	50426 AMERICAN ALCHEMY CO .....	215
50232 ALLIED-SIGNAL,INC. ....	198	50428 JAMES RIVER CORP .....	61
50233 ALLIED SIGNAL CORP .....	144	50429 LUCK STONE CORP .....	161
50245 RANDOLPH-MACON COLLEGE .....	256	50431 LUCK STONE CORP .....	218
50249 REYNOLDS METALS CO .....	174	50439 RICHMOND TECH CENTER .....	202
50250 FIRESTONE FBRS/TEXTILES .....	190	50450 MOSBY MIDDLE SCH .....	14
50252 REYNOLDS METAL CO .....	84	50454 MARSHALL,JOHN,HIGH SCH .....	68
50253 GEORGIA-PACIFIC CORP .....	82	50456 KENNEDY,J.F.HIGH SCH .....	225
50257 RECO INDUSTRIES .....	49	50457 JEFFERSON,THOMAS HIGH SCH .....	76
50257 RECO INDUSTRIES .....	112	50468 CHIMBORAZO ELEM.SCH .....	126
50258 EXXON USA .....	237	50471 ELKHARDT MID.SCH .....	185
50260 REYNOLDS METAL CO .....	147	50480 BLACKWELL ELEM.SCH .....	213
50262 SHOW CASE WOODWORKING .....	158	50481 ARMSTRONG HIGH SCH .....	4
50264 EMPORIA FOUNDRY INC .....	187	50497 HUGUENOT HIGH SCH .....	131
50266 VULCAN MATERIALS CO .....	170	50506 WALKER,MAGGIE HIGH SCH .....	12
50270 CUSTOM PAPERS-RICHMOND .....	209	50507 RICHMOND PUB SCH WHSE .....	241
50271 LOUIS DREYFUS ENERGY .....	57	50513 WYTHE,GEO.HIGH SCH .....	110
50272 SOUTHERN STATES COOP .....	88	50518 INLAND CONTAINER CORP .....	44
50278 AMOCO OIL CO .....	194	50528 CARPENTER, E R CO .....	140
50282 SPENCER BROS.,INC. ....	26	50533 KOCH FUELS,INC .....	229
50283 GEORGIA-PACIFIC CORP .....	29	50534 REYNOLDS METALS CO .....	25

## General Notices/Errata

50535 LAYFIELD LUMBER CO .....	201	50750 HENRICO COUNTY GOV.CNTR .....	151
50536 BENJAMIN MOORE & CO .....	135	50752 SHOOSMITH BROTHERS,INC .....	195
50540 WESTBROOK PSYC.HOSP. ....	212	50756 CHIPPENHAM MED.CTR .....	239
50546 AMF INC .....	43	50761 VA DEPT HYWAYS .....	125
50547 VA CORRECTIONAL CENTER FO ..	230	50765 F & M PROP,INC .....	60
50552 UPACO ADHESIVES INC .....	45	50766 HON COMPANY .....	109
50553 KENSINGTON GARDENS .....	248	50776 UNIO THEOLOGICAL SEMINARY ..	53
50554 E I DU PONT DE NEMOURS & ..	137	50788 SOUTHERN STATES COOP INC .....	148
50561 THALHIMER BROS INC .....	18	50790 GILMOUR COURT APTS .....	250
50562 THALHIMER BROS INC .....	220	50791 VIRGINIA HOSP LAUNDRY INC .....	150
50564 U S ARMY FORT LEE .....	77	50792 COLLEGIATE SCHOOLS,THE .....	259
50565 SHORT,B.P.& SON PAVING .....	8	50793 HENDERSON,THOMAS H. ....	70
50568 ABC FOUNDRY .....	94	50827 14 ST.TOWER OFFICE BLDG. ....	163
50575 REYNOLDS METALS CO .....	189	50831 ALLIED SIGNAL,INC .....	62
50579 PRESSION&WARTHAM INC .....	184	50832 TARMAC MID-ATLANTIC,INC .....	52
50583 COWLING BROTHERS SUPPLY C .....	80	50833 ROSLYN CONVERTERS,INC .....	261
50584 HALLIGAN,P.O. ....	42	50836 IMTT-RICHMOND .....	191
50589 STONE CONTAINER CORP. ....	211	50838 I R INTERNATIONAL,INC .....	50
50590 FEDERAL BLDG .....	203	50840 BEAR ISLAND PAPER CO .....	222
50591 U S COURTHOUSE .....	242	50846 SO.GRAVURE,INC .....	133
50592 MILLER & RHODES .....	51	50850 VIRGINIA MUSEUM .....	164
50594 MILLER & RHOADS .....	249	50856 B.I.CHEMICALS,INC .....	240
50595 SPENCER BROS,INC .....	95	50862 BLAKEMORE CONST .....	48
50597 BERKSHIRE APTS .....	19	50865 ARRARAT ROCK PROD CO .....	5
50600 DEPT OF CORRECTIONS .....	162	50872 RICHMOND METROPOLITAN HOS .....	91
50606 JAME RIVER CORR CTR .....	226	50880 QUEBECOR PRINTING RICHMON ..	13
50610 RICHMOND COLISEUM .....	58	50889 JOHNSTON-WILLIS HOSP .....	224
50614 BLANDFORD ELEM.SCH .....	33	50891 Goldschmidt Chemical Corp .....	236
50627 MONROE PRESTWOULD CORP .....	127	50897 BRAKE SUPPLY .....	129
50632 CENTRAL NAT'L BANK .....	27	50900 ROSS ASSOC .....	6
50633 CITY SAFETY BLDG .....	238	50906 SUPER RADIATOR .....	171
50635 CITY HALL .....	73	50909 PRIMARY CORP .....	111
50637 CITY LIBRARY .....	193	50921 VIRGINIA SOLID FUELS INC .....	36
50642 FAIRFIELD MID.SCH .....	154	50923 RICHMOND BARREL&BOX CO .....	79
50664 RIVER TOWER ASSOCIATES .....	145	50925 WESTVACO CORPORATION .....	24
50667 SEABOARD COAST LINE RR .....	217	50934 RASCHIG CORP .....	165
50668 7TH&FRANKLIN LIMITED PART ..	90	50941 GEORGIA PACIFIC CORP .....	247
50674 TUCKER,J.R,HIGH SCH .....	16	50943 TARMAC MID-ATLANTIC,INC .....	86
50675 HOTEL JEFFERSON .....	267	50946 LUCK STONE CORP-POWHATAN .....	168
50679 RANDOLPH,VA.SPEC.ED.SCH .....	156	50949 GRAVURE PACKAGING,INC. ....	255
50683 HERMITAGE MID.SCH .....	199	50950 JAMES RIVER COGEN.CO .....	1
50684 HENRICO HIGH SCH .....	72	50967 HOPEWELL COGENERATION LTD .....	152
50685 BROOKLAND MID.SCH .....	20	50969 HENRICO DOCTORS HOSPITAL .....	67
50691 VIRINA HIGH SCHOOL .....	263	50974 GREENSVILLE MEMORIAL HOSP .....	113
50692 HIGHLAND SPRINGS HIGH SCH .....	207	50979 ENERGY RESOURCES OF HENRI ..	166
50694 TUCKAHOE MID SCH .....	78	50984 MARUCHAN VIRGINIA,INC .....	35
50695 FREEMAN HIGH SCH .....	99	50988 RICHMOND POWER ENTERPRISE .....	118
50703 NABISCO,INC .....	54	50997 VIRGINIA ELECTRIC PWR .....	159
50704 CROWN CENTRAL PETROLEUM .....	104	51009 COLUMBIA GAS TRANS CORP .....	266
50706 ALLEN INDUSTRIES .....	175	51014 GESMAR CORPORATION .....	146
50707 RICHMOND GRAVURE INC .....	69	51018 DOSWELL LTD. PARTNERSHIP .....	115
50711 LITTLE OIL CO,THE .....	210	51019 LG&E-WESTMORELAND HOPEWEL ..	39
50716 ADAMS OIL COMPANY .....	21	51021 COGENTRIX OF DINWIDDIE .....	89
50720 VULCAN MATERIALS CO .....	66	51028 PRE CON,INC .....	172
50721 APAC-VIRGINIA INC .....	105	51033 COGENTRIX OF RICHMOND, IN .....	245
50722 PHILIP MORRIS,PARK 500 .....	34	51034 PRIMARY CORPORATION .....	101
50724 RICHARD BLAND COLLEGE .....	149	51052 THE PINE FACTORY LTD. ....	155
50727 APAC-VIRGINIA INC .....	219	51066 PERFORMER YACHTS,INC .....	120
50728 PECK IRON & METAL .....	197	51095 CSX TRANSPORTATION, INC .....	83
50730 AT&T .....	38		
50735 HOPEWELL,HRWTF .....	28		

# General Notices/Errata

VA DEQ - CHESAPEAKE REGION \* OPERATING  
PERMIT APPLICABILITY LIST

TOTAL NUMBER OF SOURCES = 201

REG NO SOURCE ..... ORDER

Wayside Cleaners .....	69
40217 NASA WALLOPS FLT.FAC .....	52
40304 DELMARVA POWER & LIGHT CO .....	119
40348 TAYLOR, J W PACKING CO .....	20
40483 PERDUE FARMS,INC .....	99
40574 KMC FOODS,INC .....	37
40575 NORTHAMPTON-ACCOMACK MEM. ....	8
40602 DELMARVA PWR &LIGHT CO .....	73
40613 JONES,J.F.LUMBER CO .....	188
40624 BAGWELL OIL COMPANY, INC .....	60
40633 ARCADIA H.S .....	19
40717 NANDUA HIGH SCHOOL .....	142
40722 DYNACHEM TECHNOLOGIES,INC .....	97
60007 TIDEWATER COMM COLLEGE .....	104
60008 PARKER PEANUT CO .....	16
60010 CHESAPEAKE PRODUCTS,INC .....	147
60016 CROWN CENTRAL PETRO .....	67
60018 SOUTHERN STATES COOP .....	30
60026 MULLER,E.W.INC .....	12
60028 SHORT,B.P.& SONS PAVING .....	196
60031 BASIC CONST CO .....	63
60033 NAB/LITTLE CRK .....	22
60038 OBICI LOUISE MENO HOSP .....	4
60039 DAVIS GRAIN CORP .....	117
60045 HANCOCK PEANUT CO .....	103
60049 BEALE,H.P.& SONS .....	54
60050 ELIZABETH RIVER TERMINALS .....	110
60051 NASA,LANGLEY RES CEN .....	157
60057 PROCTER & GAMBLE MFG CO .....	114
60059 LANGLEY AFB .....	190
60063 BIRDSONG PEANUTS .....	197
60065 BALL METAL CONTAINER DIV .....	39
60066 VA MATERIALS CORP .....	121
60068 CHASE PACKAGING,INC .....	34
60069 CONOCO, INC .....	13
60070 PORTSMOUTH GEN.HOSP .....	105
60076 POND BROS PEANUT CO .....	186
60077 LAFARGE CALCIUM ALUMINATE .....	81
60078 BIRDSONG PEANUTS .....	42
60084 WINDSOR SUPPLY CORP .....	122
60089 VA BEACH CENTRAL HEATING .....	100
60092 PLANTERS PEANUTS .....	108
60097 NORFOLK STATE UNIV .....	152
60100 NORFOLK STEEL CORP .....	176
60102 WALTERS GRAIN & SUPPLY CO .....	27
60103 MARYVIEW HOSPITAL .....	193
60106 HAMPTON UNIVERSITY .....	55
60108 COLONNA'S SHIPYARD .....	144
60111 MARY IMMACULATE HOSP .....	83
60116 AMOCO OIL CO .....	145
60122 US COAST GUARD RES TNG CE .....	17
60125 SOLITE MASONRY UNITS CORP .....	161
60127 WEAVER FERTILIZER CO,INC .....	146
60133 GENERAL FOAM PLASTICS COR .....	187

60134 METRO MACHINE CORP .....	48
60139 SMITHFIELD HAM&PRODS CO.I .....	70
60141 U S GOVT VET ADM CTR .....	167
60146 PHIL CARTER .....	138
60149 IMTT-CHESAPEAKE .....	162
60152 ANHEUSER-BUSCH,INC .....	98
60153 NEWPORT NEWS SHIPBUILDING .....	174
60155 ATLANTIC WOOD INDUSTRIES, .....	64
60157 NORFOLK CIVIC CTR .....	25
60159 BLUE CIRCLE ATLANTIC .....	189
60161 CITGO PETROLEUM CORP .....	173
60164 SENTARA NORFOLK GEN.HOSP .....	57
60171 UNION CAMP .....	198
60172 TEXACO REF.&MARKTNG .....	192
60178 MAYFLOWER APTS .....	36
60179 AMOCO OIL COMPANY .....	130
60180 NORFOLK & WESTERN RLY .....	182
60181 CARGILL,INC .....	106
60183 ST BRIDES CORR CTR .....	91
60188 HERCULES INC .....	90
60198 NORFOLK COMM.HOSP .....	165
60208 MICA CO OF CANADA .....	184
60214 UNION CAMP CORP .....	129
60217 CRADOCK HIGH SCH .....	179
60218 CHURCHLAND HIGH SCH .....	75
60219 NORCOM,I.C.HIGH SCH .....	21
60222 EASTERN STATE HOSPITAL .....	180
60229 GWALTNEY OF SMITHFIELD .....	53
60234 U.S.GYPSUM .....	3
60242 LOUIS DREYFUS ENERGY .....	74
60243 SOUTHLAND INDUSTRIES .....	131
60244 MILITARY CIRCLE SHOPPING .....	9
60246 NORFOLK SHIPBULDG &DRY DO .....	10
60268 FORD MOTOR CO .....	183
60270 SMITHFIELD PACKING .....	126
60272 BARHAM,J.T.& CO. ....	137
60274 EXXON CO USA .....	115
60275 CHEATHAM ANEX,NAVAL SUPPL .....	28
60276 U S NAVY CAMP PEARY .....	158
60277 CARGILL INC .....	32
60278 NAVY PUBLIC WKS.CTR .....	7
60279 FLEET & INDUSTRIAL SUPPLY .....	72
60280 FLEET COMBAT TRG CTR .....	92
60281 NORFOLK PUBLIC SAFETY BLD .....	2
60291 HOECHST-CELANESE .....	201
60293 NAVAL HOSPITAL .....	171
60294 U S GOVT NAVAL AIR STATIO .....	149
60295 NAVAL AVIATION DEPOT .....	79
60299 DEPAUL HOSPITAL .....	68
60301 NAVAL WEAPONS STATION .....	150
60302 BLAIR BROS INC .....	166
60305 MOBIL OIL CORPORATION .....	49
60308 OLD DOMINION UNIVERSITY .....	14
60311 BARHAM,J.T. & CO .....	136
60316 CAMP,PAUL D.COMM.COLL .....	6
60318 NORFOLK SHIPBLDG & DRYDK .....	35
60319 NORFOLK SHIPBLDG &DRYDOCK .....	58
60326 USN,NORFOLK NAVAL SHIPYAR .....	43
60330 U S ARMY BASE-FORT STORY .....	164
60332 BERKLEY M/C WORKS & FOUND .....	45
60333 U S ARMY FT EUSTIS .....	117



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20200 SHENANDOAH CO.HOSP .....	128	21108 AUDIOPAK,INC .....	243
20226 O'SULLIVAN CORPORATION .....	101	21111 INSULATED BLDG.SYS .....	175
20237 CROWN CORK&SEAL CO .....	266	21112 CENTURY GRAPHICS CORP .....	96
20252 CHEMSTONE CORP .....	86	21119 BLAKEMORE CONSTRUCTION CO .....	200
20257 WRANGLER,NORTH AREA .....	127	21139 Columbia Gas Transmission .....	139
20263 PLUMLY,P.W.LUMBER CORP .....	182	21158 Green Bay Packaging, Inc .....	75
20325 PERRY,STUART M,INC .....	287	21170 Seaward International .....	61
20326 PERRY,STUART M,INC .....	8	70001 LOUDOUN MEMORIAL HOSPITAL .....	180
20333 O'SULLIVAN CORP .....	198	70003 MWAA/DULLES INTERNATIONAL .....	150
20335 VA OAK TANNERY,INC .....	271	70005 MWAA/WASHINGTON NATIONAL .....	55
20392 SHOCKEY BROS.INC. ....	196	70006 PRINCE WILLIAM HOSPITAL .....	118
20400 BERTELSMANN PRNTG.& MFG.C .....	284	70008 BULL RUN STONE CO .....	106
20405 ZUCKERMAN CO, INC .....	292	70010 SUPERIOR PAVING CORP .....	208
20417 DAVIS PAVING CO .....	148	70012 APAC-VIRGINIA,INC .....	43
20418 ROCCO FARM FOODS INC .....	115	70013 APAC-VIRGINIA,INC .....	211
20422 GENIE CO,THE .....	203	70014 APAC-VIRGINIA,INC .....	304
20430 ABEX CORPORATION .....	89	70015 NATL.ASPHLT MFG.CORP .....	138
20452 GENSTAR STONE PDTS.CO .....	16	70018 NEWTON ASPHALT CO/PT.#2 .....	232
20453 SHEN-VALLEY LIME CORP .....	85	70020 SUPERIOR PAVING CORP .....	111
20504 FREY,W.S,INC .....	135	70021 FAIRFAX HOSPITAL .....	167
20570 RIVERTON CORP .....	78	70026 ARLINGTON COUNTY BD WPCP .....	19
20654 RICH PRODUCTS CORP .....	159	70028 DC DEPT CORR/LORTON REFOR .....	28
20668 RIVERTON CORP .....	275	70030 PENTAGON UTILITIES PLANT .....	252
20673 PREMDOR VA .....	218	70033 ATLANTIC RESEARCH CORP .....	107
20676 MUNDY,C.S.QUARRIES .....	57	70038 RIVER PLACE .....	174
20679 HANDLEY,JOHN HIGH SCHOOL .....	276	70040 ATLAS MACHINE & IRON WORK .....	242
20687 SHENANDOAH UNIVERSITY .....	267	70045 SOUTHERN TOWERS APTS .....	68
20689 RANDOLPH MACON ACADEMY .....	123	70070 LOUDOUN HIGH SCH .....	67
20697 UNIMIN CORPORATION .....	136	70071 BANNEKER ELEM SCH .....	122
20699 C.E.D.ENTERPRISES,INC .....	256	70075 SHANNON & LUCK CO .....	98
20726 WARREN COUNTY HIGH SCHOOL .....	227	70087 EXXON COMPANY,USA .....	220
20764 MANVILLE ROOFING SYSTEMS .....	191	70097 SHANNON & LUCHS CO .....	40
20784 ROCKINGHAM COOP.FARM BURE .....	254	70106 CLEMENS PETRO CORP .....	202
20798 CIVES STEEL CO .....	178	70107 VIRGINIA GARDENS APTS .....	177
20804 GENERAL ELECTRIC CO .....	146	70120 SEVEN CORNERS SHOPPING CT .....	39
20819 SHEN-VALLEY TIRE .....	264	70124 VA.CONCRETE CO.INC. ....	260
20835 AMERICAN WOODMARK CORP .....	119	70125 VA.CONCRETE CO.INC. ....	230
20900 FREY,W.S.,INC .....	24	70127 VA.CONCRETE CO.INC. ....	93
20944 STOWE-WOODWARD CO .....	226	70133 VA.CONCRETE CO.INC. ....	92
20949 HOLTZMAN OIL CORP .....	241	70134 VA.CONCRETE CO.INC. ....	259
20950 CARPER'S WD. CREATIONS .....	158	70136 VIRGINIA CONCRETE CO .....	48
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VA DEQ - LYNCHBURG REGION * OPERATING PERMIT APPLICABILITY LIST			
TOTAL NUMBER OF SOURCES = 270			
REG NO SOURCE .....	ORDER		
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## VIRGINIA CODE COMMISSION

### NOTICE TO STATE AGENCIES

**Mailing Address:** Our mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: 371-0169.

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- NOTICE of INTENDED REGULATORY ACTION - RR01
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- PROPOSED (Transmittal Sheet) - RR03
- FINAL (Transmittal Sheet) - RR04
- EMERGENCY (Transmittal Sheet) - RR05
- NOTICE of MEETING - RR06
- AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
- DEPARTMENT of PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

**ERRATA**

**BOARD OF NURSING HOME ADMINISTRATORS**

Title of Regulations: VR 500-01-2:1. Regulations of the Board of Nursing Home Administrators.

Publication: 10:8 V.A.R. 2043-2057 January 10, 1994.

Correction to Proposed Regulation:

Page 2052, § 6.9, subdivision 5, line 1, change "applications" to "application"

Page 2052, § 6.13, line 2, change "§ 6.12" to "§ 6.14"

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# CALENDAR OF EVENTS

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## Symbols Key

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

### NOTICE

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

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

### VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD FOR ACCOUNTANCY

#### Continuing Professional Education Committee

**March 25, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

A meeting to review the Continuing Professional Education Program and associated regulations.

**Contact:** Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

#### Regulatory Review Committee

**April 5, 1994 - 9:30 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

A meeting to:

1. Review fee adjustment options
2. Modify CPE requirements
3. Review reporting requirements for criminal convictions and findings in civil proceedings
4. Change § 5.3 of the regulations by changing "or" to "and"
5. Consider new regulation-license holder to certificate status conversion to license holder

5. Review agreement for endorsement with Canadian provinces
6. Review registration of all CPA businesses
7. Review licensure of out-of-state CPAs doing business in the Commonwealth
8. Review other amendments
9. Consider change in education hours

**Contact:** Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Virginia Marine Products Board

**March 8, 1994 - 5:30 p.m. – Open Meeting**  
Kiln Creek Golf and Country Club, 1003 Brick Kiln Boulevard, Newport News, Virginia. ☒

A meeting to receive reports from the Executive Director of the Virginia Marine Products Board on: finance, marketing, past and future program planning, publicity/public relation, and old/new business.

Any person who needs any accommodation in order to participate at the meeting should contact Shirley Estes at least 10 days before the meeting date so that suitable arrangements can be made. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes.

**Contact:** Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Boulevard, Suite B, Newport News, VA 23602, telephone (804) 874-3474.

#### Virginia Peanut Board

**† March 23, 1994 - 10 a.m. – Open Meeting**  
Tidewater Agricultural Research and Extension Center,  
Suffolk, Virginia. ☒

A meeting to review peanut research projects for possible funding in 1994. Any person who needs any accommodation in order to participate at the Peanut Board meeting should contact the program director identified in this notice at least four days before the Peanut Board meeting date, so that suitable arrangements can be made for any appropriate accommodation. The board will entertain public comment at the conclusion of all other business for

# Calendar of Events

period not to exceed 30 minutes.

**Contact:** Russell C. Schools, Program Director, P.O. Box 356, Capron, VA 23829, telephone (804) 658-4573.

## Pesticide Control Board

**March 10, 1994 - 10 a.m. – Open Meeting**  
Department of Agriculture and Consumer Services, Washington Building, Board Room No. 204, 1100 Bank Street, Richmond, Virginia.

The board will review public comment received on the board's proposed Public Participation Guidelines. The board may adopt the final regulations. The public comment period ended on January 31, 1994. No public comment will be accepted at this meeting; however, the meeting is open to the public. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, VA 23209, telephone (804) 371-6558.

† **April 14, 1994 - 10 a.m. – Open Meeting**  
† **April 15, 1994 - 9 a.m. – Open Meeting**  
Department of Agriculture and Consumer Services, 1100 Bank Street, Richmond, Virginia. ☒

10 a.m., April 14, 1994 - Pesticide Control Board committee meetings

9 a.m., April 15, 1994 - A meeting to conduct general business.

Portions of the meeting may be held in closed session, pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the Pesticide Control Board's agenda at 9 a.m., April 15, 1994. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at (804) 371-6558, at least 10 days before the meeting, so that suitable arrangements can be made for any appropriate accommodation.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Department of Agriculture and Consumer Services, P.O. Box 1163, 1100 Bank St., Room 401, Richmond, VA 23209, telephone (804) 371-6558.

\* \* \* \* \*

† **April 14, 1994 - 7 p.m. – Public Hearing**  
Department of Agriculture and Consumer Affairs, 1100 Bank Street, Room 204, Richmond, Virginia.

**May 9, 1994 –** Written comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to amend regulations entitled: **VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under the Virginia Pesticide Control Act.** The proposed amendments (i) establish a single pesticide product registration fee and increase the pesticide product registration fee to \$175; (ii) establish a deadline for registering pesticide projects each year and allow for the assessment of a late fee for pesticide products registered after the deadline; (iii) eliminate the conflict between § 3.1-249.52 of the Code of Virginia, which requires renewal and does not differentiate between pesticides classified for restricted use and other pesticides and §§ 2.2 and 2.3, which allow a commercial applicator and registered technician to avoid a late fee for failure to renew by submitting an affidavit certifying that he has not applied pesticides classified for restricted use subsequent to the expiration of his certificate; (iv) eliminate the conflict between § 3.1-249.52 C of the Code of Virginia, which provides the Pesticide Control Board authority to require reexamination of a registered technician not reinstruction as currently required in § 2.3 when the registered technician fails to renew his license within 60 days of the expiration date and establish a reexamination fee of \$15; (v) delete definitions for "commissioner," "department" and "registered technician," and (vi) add definitions for "brand" and "grade."

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

**Contact:** Marvin A. Lawson, Ph.D., Program Manager, Office of Pesticide Management, Department of Agriculture and Consumer Services, P.O. Box 1163, 1100 Bank St., Room 401, Richmond, VA 23209, telephone (804) 371-6558.

## Virginia Sweet Potato Board

† **March 14, 1994 - 7:30 p.m. – Open Meeting**  
Eastern Shore Agriculture Experiment Station, Research Drive, Painter, Virginia.

A meeting to discuss promotion, education and research programs. Any person who needs any accommodation in order to participate at the meeting should contact J. William Mapp at least five days before the meeting so that suitable arrangements can be made for any appropriate accommodation. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes.

**Contact:** J. William Mapp, Program Director, P.O. Box 26, Onley, VA 23418, telephone (804) 787-5867.

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## VIRGINIA AGRICULTURAL COUNCIL

March 28, 1994 - 8:30 a.m. - Open Meeting

March 29, 1994 - 8:30 a.m. - Open Meeting

Sheraton Inn, 2350 Seminole Trail, Charlottesville, Virginia.

☒ (Interpreter for the deaf provided upon request)

A meeting to hear and act upon project proposals for financial assistance through the Virginia Agricultural Council. The council will entertain public comment at the close of all other business for a period not to exceed 30 minutes. Any person who needs accommodation in order to participate during the meeting should contact the Assistant Secretary to the Virginia Agricultural Council at least 10 days before the meeting date so that suitable arrangements can be made for appropriate accommodation.

Contact: Thomas R. Yates, Assistant Secretary, Virginia Agricultural Council, 1100 Bank Street, Suite 203, Richmond, VA 23219, telephone (804) 786-6060.

## AIR POLLUTION CONTROL BOARD

† March 14, 1994 - 9 a.m. - Open Meeting

Department of Environmental Quality, 4900 Cox Road, Glen Allen, Virginia. ☒

A regular meeting.

Contact: Doneva A. Dalton, Hearings Reporter, Department of Environmental Quality, P.O. Box 10009, 629 E. Main St., Richmond, VA 23240, telephone (804) 762-4379.

## ALCOHOLIC BEVERAGE CONTROL BOARD

March 7, 1994 - 9:30 a.m. - Open Meeting

March 21, 1994 - 9:30 a.m. - Open Meeting

April 4, 1994 - 9:30 a.m. - Open Meeting

April 18, 1994 - 9:30 a.m. - Open Meeting

Alcoholic Beverage Control Board, 2901 Hermitage Road, Richmond, Virginia. ☒

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

Contact: Robert N. Swinson, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Road, Richmond, VA 23261, telephone (804) 367-0616.

## BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

March 10, 1994 - 9 a.m. - Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from December 2, 1993, meeting; (ii) review correspondence; and (iii) review enforcement files.

Contact: Willie Fobbs, III, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

## Board for Land Surveyors

March 9, 1994 - 9 a.m. - Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from January 18, 1994, meeting; (ii) review applications; (iii) review correspondence; and (iv) review enforcement files.

Contact: Willie Fobbs, III, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

## ASAP POLICY BOARD - VALLEY

March 14, 1994 - 8:30 a.m. - Open Meeting

Augusta County School Board Office, Fishersville, Virginia. ☒

A regular meeting of the local policy board which conducts business pertaining to the following:

1. Court referrals
2. Financial report
3. Director's report
4. Statistical reports

Contact: Rhoda G. York, Executive Director, Holiday Court, Suite B, Staunton, VA 24401, telephone (703) 886-5616 or (703) 943-4405.

## AUCTIONEERS BOARD

March 15, 1994 - 9 a.m. - Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct regular board business and other matters which may require board action.

Contact: Geralde W. Morgan, Senior Administrator, Department for Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8534.

## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

March 7, 1994 - 9:30 a.m. - Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
4th Floor, Conference Room 3, Richmond, Virginia. ☎

A regularly scheduled board meeting.

**Contact:** Meredyth P. Partridge, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

\* \* \* \* \*

March 28, 1994 - 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 Board of Audiology and Speech-Language Pathology intends to amend regulations entitled: **VR 155-01-2:1. Regulations of the Board of Audiology and Speech-Language Pathology.** The purpose of the proposed amendments is to delete expired requirements and incorporate legislation effective July 1, 1992.

Statutory Authority: §§ 54.1-2400 and 54.1-2600 et seq. of the Code of Virginia.

**Contact:** Meredyth P. Partridge, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9111.

## BOARD FOR BRANCH PILOTS

March 24, 1994 - 9:30 a.m. - Public Hearing  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia.

March 24, 1994 - 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 Board for Branch Pilots intends to amend regulations entitled: **VR 535-01-01. Board for Branch Pilots Rules and Regulations.** The purpose of the proposed amendments is to adjust application and renewal fees and establish Assisted Radar Plotting Aids (ARPA) training for full and limited licensed branch pilots in Virginia.

Statutory Authority: §§ 54.1-902 and 54.1-113 of the Code of Virginia.

**Contact:** Willie Fobbs, III, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804)

367-8514.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

### Central Area Review Committee

March 17, 1994 - 10 a.m. - Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the Central Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting. However, written comments are welcome.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

### Northern Area Review Committee

March 17, 1994 - 2 p.m. - Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting. However, written comments are welcome.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

### Southern Area Review Committee

March 23, 1994 - 1 p.m. - Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting. However, written comments are welcome.



# Calendar of Events

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**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

## CHILD DAY-CARE COUNCIL

† **March 10, 1994 - 9:30 a.m.** – Open Meeting  
Theater Row Building, 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss issues, concerns and programs that impact child day centers, camps, school age programs and preschool nursery schools. The public comment period will be 10 a.m. Please call ahead of time for possible changes in meeting time.

**Contact:** Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, Theater Row Bldg., 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

## COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS

**March 7, 1994 - 10 a.m.** – Public Hearing  
Fairfax City Hall, 10455 Armstrong Street, Room 305, Fairfax, Virginia. ☎ (Interpreter for the deaf provided upon request)

**March 10, 1994 - 2 p.m.** – Public Hearing  
Richmond Marriott Hotel, 500 East Broad Street, Salon 5, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A public hearing to solicit comment on planning for the next 3-Year Child Care and Development Block Grant Plan. Public comments will be received.

**Contact:** Mary Ellen Verdu, Director, Virginia Council on Child Day Care and Early Childhood Programs, Washington Building, 1100 Bank Street, Suite 1116, Richmond, VA 23219, telephone (804) 371-8603.

## INTERDEPARTMENTAL REGULATION OF CHILDREN'S RESIDENTIAL FACILITIES

### Coordinating Committee

**March 18, 1994 - 8:30 a.m.** – Open Meeting  
Office of Coordinator, Interdepartmental Regulation, 730 East Broad Street, Richmond, Virginia. ☎

A regularly scheduled meeting to consider such administrative and policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

**Contact:** John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Regulation, 730 E. Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1960.

## STATE BOARD FOR COMMUNITY COLLEGES

† **March 16, 1994 - 1 p.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

State board committee meetings.

† **March 17, 1994 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regularly scheduled meeting.

**Contact:** Joy S. Graham, Assistant Chancellor of Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

## DEPARTMENT OF CONSERVATION AND RECREATION

### Falls of the James Scenic River Advisory Board

**March 18, 1994 - Noon** – Open Meeting  
City Hall, Planning Commission Conference Room, Fifth Floor, Richmond, Virginia.

A review of river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor Street, Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

## BOARD FOR CONTRACTORS

**March 14, 1994** – 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 Board for Contractors intends to **repeal** regulations entitled: **VR 220-01-00. Public Participation Guidelines** and **adopt** regulations entitled: **VR 220-01-00:01. Public Participation Guidelines**. The proposed guidelines will set procedures for the Board for Contractors to follow to inform the public and incorporate public participation when promulgating regulations.

Statutory Authority: §§ 9-6.14:7.1, 54.1-201, and 54.1-1102 of the Code of Virginia.

**Contact:** Florence R. Brassier, Assistant Director  
Department of Professional and Occupational Regulation

# Calendar of Events

3600 W. Broad Street, Richmond, VA 23230-4917, telephone (804) 367-2785.

## Recovery Fund Committee

**March 23, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 W. Broad Street, Richmond, Virginia. ☐

A meeting to consider claims filed against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in Executive Session.

**Contact:** Holly Erickson, Assistant Administrator, Recovery Fund, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23219, telephone (804) 367-8561.

## BOARD OF CORRECTIONS

† **March 16, 1994 - 10 a.m.** – Open Meeting  
Board of Corrections Board Room, 6900 Atmore Drive,  
Richmond, Virginia. ☐

A meeting to discuss matters as may be presented to the Board of Corrections.

**Contact:** Vivian Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

## Liaison Committee

† **March 17, 1994 - 9:30 a.m.** – Open Meeting  
Board of Corrections Board Room, 6900 Atmore Drive,  
Richmond, Virginia. ☐

A meeting to discuss criminal justice matters.

**Contact:** Vivian Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

## BOARD FOR COSMETOLOGY

**March 7, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Karen W. O'Neal, Assistant Director, Board for Cosmetology, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2039.

## CRIMINAL JUSTICE SERVICES BOARD

**April 6, 1994 - 9 a.m.** – Public Hearing  
General Assembly Building, 910 Capitol Street, Richmond,

Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: **VR 240-03-2. Regulations Relating to Private Security Services.** This regulation sets forth and establishes the private security services regulatory program for the Commonwealth of Virginia.

Statutory Authority: § 9-182 of the Code of Virginia.

**Contact:** Paula Scott Dehetre, Administrative Assistant, Department of Criminal Justice Services, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 786-4000.

## BOARD OF DENTISTRY

**March 26, 1994** – 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 Board of Dentistry intends to amend regulations entitled: **VR 255-01-1. Virginia Board of Dentistry Regulations.** The proposed amendments set forth requirements for continuing education for dentists and dental hygienists, allow licensure by endorsement for dentists, allow specialists to advertise in a board-approved manner, provide for an administrative procedure for reinstatement of license, establish administrative fees for licensure by credentials and licensure reinstatement to cover administrative costs, and amend regulations for clarity and simplicity.

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

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**March 26, 1994** – 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 Board of Dentistry intends to adopt regulations entitled: **VR 255-01-2. Public Participation Guidelines.** The proposed regulations replace emergency regulations currently in effect which provide guidelines for the involvement of the public in the promulgation of regulations for the board.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

**Contact:** Marcia J. Miller, Executive Director, Board of

# Calendar of Events

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Dentistry, 6606 W. Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9906.

## LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD

April 7, 1994 - 5:30 p.m. - Open Meeting  
May 5, 1994 - 5:30 p.m. - Open Meeting  
Chesterfield County Administration Building, 10001  
Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund  
Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Coordinator, Emergency  
Services, Chesterfield Fire Department, P. O. Box 40,  
Chesterfield, VA 23832, telephone (804) 748-1236.

## LOCAL EMERGENCY PLANNING COMMITTEE - CITIES OF HAMPTON, NEWPORT NEWS, WILLIAMSBURG AND POQUOSON AND THE COUNTY OF YORK

March 7, 1994 - 9:30 a.m. - Public Hearing  
Hampton Central Library, 4207 Victoria Boulevard, Room  
A, Hampton, Virginia. ☒

A public hearing on the adoption of an Emergency  
Response Plan. The plan was prepared to satisfy the  
requirements of § 303(c) of Title III of the Superfund  
Amendments and Reauthorization Act of 1986 and  
describes the methods and procedures to be followed  
in the event of a release or spill of extremely  
hazardous substances.

Copies of the plan are available for review in the  
offices of the Hampton Roads Planning District  
Commission, Harbour Centre, Suite 502, 2 Eaton Street,  
Hampton, VA 23669, during normal business hours.

Contact: Henry M. Cochran, Deputy Executive Director,  
Hampton Roads Planning District Commission, 2 Eaton  
Street, Suite 502, Hampton, VA 23669, telephone (804)  
728-2067.

## LOCAL EMERGENCY PLANNING COMMITTEE - HENRICO

April 20, 1994 - 7 p.m. - Open Meeting  
Henrico County Public Safety Building, Division of Fire,  
3rd Floor, Parham and Hungary Spring Roads, Richmond,  
Virginia. ☒

A meeting to satisfy requirements of the Superfund  
Amendment and Reauthorization Act of 1986.

Contact: W. Timothy Liles, Assistant Emergency Services  
Coordinator, Division of Fire, P. O. Box 27032, Richmond,  
VA 23273, telephone (804) 672-4906.

## LOCAL EMERGENCY PLANNING COMMITTEE - PORTSMOUTH

† March 9, 1994 - 9 a.m. - Open Meeting  
St. Julien's Annex, Victory Boulevard at Magazine Road,  
Building 307, Portsmouth, Virginia.

A regular meeting.

Contact: Kimberly Artis, Secretary, Portsmouth Local  
Emergency Planning Committee, P.O. Box 820, Portsmouth,  
VA 23705-0820, telephone (804) 393-8551.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

March 9, 1994 - 6:30 p.m. - Public Hearing  
Henry County Administration Building, Board Room, Kings  
Mountain Road, Martinsville, Virginia. ☒

A public hearing to consider an application from  
Dutailier Virginia, Inc. to modify a wood furniture  
finishing facility at 761 Stultz Road in Henry County,  
Virginia. An informational briefing will be conducted  
before the hearing, starting at 6:30 p.m. The public  
hearing will begin at 7 p.m.

Contact: Larry Leonard, Environmental Engineer Senior,  
Department of Environmental Quality, Lynchburg Air  
Office, 7701-03 Timberlake Road, Lynchburg, VA 24502,  
telephone (804) 582-5120.

## Technical Advisory Committee for the Development of Regulations

March 15, 1994 - 10 a.m. - Open Meeting  
Department of Environmental Quality, Training Room,  
Innsbrook Corporate Center, 4900 Cox Road, Glen Allen,  
Virginia.

A continuation meeting on the Management of Coal  
Combustion By-Products. Other tentatively scheduled  
meetings are March 29, April 5 and April 19, 1994.

Contact should be made prior to the meeting date so  
as to be informed of any changes in time of meeting,  
location or meeting cancellation.

The meeting scheduled for February 15, 1994, was  
cancelled.

Contact: Mike Murphy, Department of Environmental  
Quality, P. O. Box 10009, Richmond, VA 23240, telephone  
(804) 762-4003.

## Waste Tire End User Reimbursement Advisory Committee

March 8, 1994 - 10 a.m. - Open Meeting  
Monroe Building, Conference Room C, 101 North 14th  
Street, Richmond, Virginia. ☒

# Calendar of Events

A meeting to assist DEQ in developing regulations for reimbursing users of waste tire material, pursuant to §§ 10.1-1422.2 and 10.1-1422.3 of the Code of Virginia.

**Contact:** Allan Lassiter, Waste Tire Program Manager, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 762-4215.

## Work Group on Detection/Quantitation Levels

**May 4, 1994 - 1:30 p.m. – Open Meeting**  
Department of Environmental Quality, Lab Training Room, Room 111, 4949 Cox Road, Glen Allen, Virginia.

The department has established a work group on detection/quantitation levels for pollutants in the regulatory and enforcement programs. The work group will advise the Director of the Department of Environmental Quality. Other meetings of the work group have been scheduled at the same time and location for May 18, June 1, June 15, June 29, July 13, July 27, August 10 and August 24. However, these dates are not firm. Persons interested in the meetings of this work group should confirm the date with the contact person below.

**Contact:** Alan J. Anthony, Chairman, Department of Environmental Quality, 4900 Cox Road, Glen Allen, VA 23060, telephone (804) 527-5070.

## VIRGINIA MUSEUM OF FINE ARTS

### Board of Trustees

**March 17, 1994 - Noon – Open Meeting**  
Virginia Museum of Fine Arts Auditorium, 2800 Grove Avenue, Richmond, Virginia. ☒

A bi-monthly meeting of the full board to receive reports from the president and committees and from the director and staff, and to consider art acquisitions and budget review.

**Contact:** Emily C. Robertson, Secretary of the Museum, 2800 Grove Avenue, Richmond, VA 23221-2466, telephone (804) 367-0553.

### Collections Committee

**March 15, 1994 - 2 p.m. – Open Meeting**  
Virginia Museum of Fine Arts (Location to be determined) ☒

A meeting to consider gifts, purchases, and loans of art works.

**Contact:** Emily C. Robertson, Secretary of the Museum, 2800 Grove Avenue, Richmond, VA 23221-2466, telephone (804) 367-0553.

## Finance Committee

**March 17, 1994 - 11 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Conference Room, 2800 Grove Avenue, Richmond, Virginia. ☒

A regular meeting to review budgets and food service operations.

**Contact:** Emily C. Robertson, Secretary of the Museum, 2800 Grove Avenue, Richmond, VA 23221-2466, telephone (804) 367-0553.

## Nominating Committee

**March 15, 1994 - Noon – Open Meeting**  
Virginia Museum of Fine Arts, Conference Room, 2800 Grove Avenue, Richmond, Virginia. ☒

A meeting to consider candidates for the 1994-1995 Board of Trustees; personnel matters will be discussed in closed session.

**Contact:** Emily C. Robertson, Secretary of the Museum, 2800 Grove Avenue, Richmond, VA 23221-2466, telephone (804) 367-0553.

## DEPARTMENT OF FORESTRY

**March 14, 1994 –** Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Virginia that the Department of Forestry intends to **repeal** regulations entitled: **VR 312-01-1. Public Participation Guidelines** and **adopt** regulations entitled: **VR 312-01-1:1. Public Participation Guidelines**. Section 9-6.14:7.1 of the Code of Virginia requires each agency to develop, adopt and utilize Public Participation Guidelines for soliciting the input of interested persons in the formation and development of its regulations. Such regulations not only shall be utilized prior to formation and drafting of the proposed regulation, but also shall be utilized during the formation, promulgation and final adoption of all regulations. The purpose of the proposed action is to adopt Public Participation Guidelines which ensure that interested persons are able to comment on regulatory actions in a meaningful fashion during all phases of the regulatory process.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-1101 of the Code of Virginia.

**Contact:** Ron Jenkins, Department of Forestry, P. O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555.

# Calendar of Events

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## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**March 9, 1994 - 9:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. ☒

A regularly scheduled meeting.

**Contact:** Meredyth P. Partridge, Executive Director,  
Department of Health Professions, 6606 W. Broad Street,  
Richmond, VA 23230, telephone (804) 662-9907 or (804)  
662-7197/TDD ☎

## BOARD OF GAME AND INLAND FISHERIES

**March 18, 1994 - 9:30 a.m. – Public Hearing**  
Department of Game and Inland Fisheries, 4010 West  
Broad Street, Richmond, Virginia.

**March 28, 1994 –** Written comments may be made until 5  
p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Board of Game and  
Inland Fisheries intends to adopt regulations entitled:  
**VR 325-01-1. Definitions and Miscellaneous.** The  
purpose of the proposed amendments is to establish a  
fee structure for permits required by the Code of  
Virginia, and in accordance with Chapter 623 of the  
1993 Acts of Assembly. The public hearing is being  
held at a facility believed to be accessible to persons  
with disabilities. Any person with questions on the  
accessibility of the facility should contact Ms. Karen  
Tuck, Administrative Services Division, Department of  
Game and Inland Fisheries, 4010 W. Broad Street,  
Richmond, VA 23230, telephone (804) 367-1000  
(V/TDD). Persons needing interpreter services for the  
deaf must notify Ms. Tuck no later than Monday,  
March 7, 1994. The board is seeking written comments  
from interested persons on the proposed regulation  
and on the costs and benefits of the guidelines.

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of  
the Code of Virginia.

**Contact:** Mark D. Monson, Chief, Administrative Services,  
4010 W. Broad Street, P. O. Box 11104, Richmond, VA  
23230, telephone (804) 367-1000/TDD ☎

## GEORGE MASON UNIVERSITY

### Board of Visitors

† **March 23, 1994 - 4 p.m. – Open Meeting**  
George Mason University, Prince William Institute, 7946  
Donagan Drive, Manassas, Virginia.

A regular meeting to hear reports of the standing  
committees of the board and to act on those

recommendations presented by the standing  
committees. An agenda will be available seven days  
prior to the board meeting for those individuals or  
organizations who request it. The Student Affairs  
Committee will meet at 6:30 p.m. on March 22, 1994.  
Standing committees will meet during the day on  
March 23, 1994, beginning at 9 a.m.

**Contact:** Ann Wingblade, Administrative Assistant, Office of  
the President, George Mason University, Fairfax, VA  
22030-4444, telephone (703) 993-8704.

## GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† **March 21, 1994 - 10:30 a.m. – Open Meeting**  
The Embassy Suites Hotel, 2925 Emerywood Parkway,  
Richmond, Virginia. ☒ (Interpreter for the deaf provided  
upon request)

A general meeting.

**Contact:** Abria M. Singleton, Executive Secretary, 4615 W.  
Broad St., 3rd Floor, Richmond, VA 23230, telephone (804)  
367-9816, toll-free 1-800-552-7020 or (804) 367-6283/TDD ☎

## HAZARDOUS MATERIALS TRAINING COMMITTEE

† **March 15, 1994 - 10 a.m. – Open Meeting**  
Department of Emergency Services Training Center, 308  
Turner Road, Richmond, Virginia.

A meeting to discuss curriculum course development  
and review existing hazardous materials courses.  
Individuals with a disability, as defined in the  
Americans with Disabilities Act of 1990, desiring to  
attend this meeting should contact the Virginia  
Department of Emergency Services 10 days prior to  
the event so as to ensure appropriate accommodations  
are provided.

**Contact:** George B. Gotschalk, Jr., Department of Criminal  
Justice Services, 805 E. Broad St., Richmond, VA 23219,  
telephone (804) 786-8001.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

**April 8, 1994 –** Written comments may be submitted  
through this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the State Board of Health  
intends to amend regulations entitled: **VR 355-01-100.  
Public Participation Guidelines.** These proposed  
amendments are identical to those contained within  
the emergency Public Participation Guidelines  
effective July 1, 1993, and promulgated to maintain  
the board's compliance with revisions to th

# Calendar of Events

Administrative Process Act effective on that same day. These revised guidelines clarify the actions to be taken by the staff of the Department of Health to ensure participation by the interested public in the process of regulation development as well as during the comment period that occurs after draft regulations are completed and published for review. The proposed guidelines also identify how the public may initiate consideration of regulations for development or review.

Statutory Authority: §§ 9-6.14:7.1 and 32.1-12 of the Code of Virginia.

**Contact:** Susan R. Rowland, Assistant to the Commissioner, 1500 E. Main Street, Suite 214, Richmond, VA 23219, telephone (804) 786-3564.

\* \* \* \* \*

† **March 30, 1994 - 10 a.m.** – Public Hearing  
Main Street Station, 1500 East Main Street, Suite 301, Richmond, Virginia.

† **May 6, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia, that the State Board of Health intends to amend regulations entitled: **VR 355-30-109. Virginia State Medical Facilities Plan: Diagnostic Imaging Services.** This amendment revises a part of the Diagnostic Imaging Services of the Virginia State Medical Facilities Plan (SMFP) which provides criteria and standards for the approval of certificate of public need projects involving single photon emission computed tomography (SPECT) services. The purpose of this amendment is to allow for an expedited review of projects which involve the replacement of non-SPECT nuclear medicine imaging equipment with equipment which is capable of SPECT. This amendment to the SMFP is being proposed in conjunction with recently proposed amendments to the COPN Regulations (VR 355-30-000) which would allow such projects to be considered in accordance with the 45-day expedited review process rather than the standard 120-day batched review process.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

**Contact:** Wendy V. Brown, Project Review Manager, Office of Resources Development, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

\* \* \* \* \*

† **April 25, 1994 - 1 p.m.** – Public Hearing  
Fairfax County Government Center, 1200 Government Center Parkway, Conference Room, Fairfax, Virginia.

† **April 27, 1994 - 1 p.m.** – Public Hearing  
Roanoke County Administration Center, 5204 Benard Drive, 2nd Floor Meeting Room, Roanoke, Virginia.

† **April 28, 1994 - 1 p.m.** – Public Hearing  
Hampton City Hall, 22 Lincoln Avenue, Council Chambers, 8th Floor, Hampton, Virginia.

† **April 29, 1994 - 1 p.m.** – Public Hearing  
Albemarle County Office Building, 401 McIntire Road, 2nd Floor, Room 7, Charlottesville, Virginia.

† **May 6, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **VR 355-35-700. Swimming Pool Regulations Governing the Posting of Water Quality Results.** The proposed regulations require the owner of a public swimming pool to test and post for public viewing the water quality test results for disinfection residuals, pH, and spa water temperatures.

Statutory Authority: §§ 32.1-12 and 32.1-248.1 of the Code of Virginia.

**Contact:** John E. Benko, M.P.H., Director, Division of Food and Environmental Services, Office of Environmental Health Services, Suite 115, P.O. Box 2448, Richmond, VA 23219, telephone (804) 786-3559.

\* \* \* \* \*

**March 8, 1994 - 9 a.m.** – Public Hearing  
Department of Health, Main Street Station, Community Room, 1500 East Main Street, Richmond, Virginia.

**April 25, 1994** – 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 State Board of Health intends to amend regulations entitled: **VR 355-40-400. Regulations Governing the Virginia Medical Scholarship Program.** The regulations set forth eligibility, criteria, award process, terms, conditions, and circumstances under which Virginia medical scholarships will be awarded.

Statutory Authority: §§ 32.1-12, 32.1-122.5, 32.1-122.6 and 32.1-122.6:01 of the Code of Virginia.

**Contact:** Eula Moore, Director, Office of Primary Care Development, Department of Health, P. O. Box 2448, Richmond, VA 23218, telephone (804) 786-4891.

\* \* \* \* \*

**March 8, 1994 - 9 a.m.** – Public Hearing

# Calendar of Events

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Department of Health, 1500 East Main Street,  
Epidemiology Conference Room 121, Richmond, Virginia.

**April 25, 1994** – 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 State Board of Health  
intends to adopt regulations entitled: **VR 355-40-700.  
Rules and Regulations Governing the Virginia Nurse  
Practitioner/Nurse Midwife Scholarship Program.**  
The regulations provide an incentive to registered  
nurses in Virginia to become nurse practitioners or  
nurse midwives and subsequently provide services in  
medically underserved areas.

Statutory Authority: §§ 32.1-12, 32.1-122.5 and 32.1-122.6:02  
of the Code of Virginia.

**Contact:** Karen Connelly, Director of Public Health  
Nursing, Department of Health, P. O. Box 2448, Richmond,  
VA 23218, telephone (804) 371-4090 or FAX (804) 371-2911.

## Commissioner's Waterworks Advisory Committee

† **March 17, 1994 - 10 a.m.** – Open Meeting

Department of Health, Culpeper Field Office, 400 South  
Main Street, 2nd Floor, Culpeper, VA 22701-3118.

A general business meeting.

**Contact:** Thomas B. Gray, P.E., Special Projects Manager,  
1500 E. Main St., Room 109, Richmond, VA 23219,  
telephone (804) 786-5566.

## BOARD OF HEALTH PROFESSIONS

**March 13, 1994** – 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 Board of Health  
Professions intends to adopt regulations entitled: **VR  
365-01-1:1. Public Participation Guidelines.** These  
regulations replace emergency regulations currently in  
effect which provide guidelines for the involvement of  
the public in the promulgation of regulations for the  
board.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code  
of Virginia.

**Contact:** Richard D. Morrison, Ph.D., Deputy Director for  
Research, Department of Health Professions, 6606 W.  
Broad Street, Richmond, VA 23230, telephone (804)  
662-9904.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**March 8, 1994 - 9:30 a.m.** – Open Meeting  
James Monroe Building, 101 N. 14th Street, 9th Floor,  
Richmond, Virginia. ☒

† **April 12, 1994 - 9 a.m.** – Open Meeting  
James Madison University, Harrisonburg, Virginia.

† **May 10, 1994 - 9:30 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 9th Floor,  
Richmond, Virginia. ☒

† **June 14, 1994 - 9 a.m.** – Open Meeting  
Radford University, Radford, Virginia.

A general business meeting. For more information and  
a time confirmation, contact the council.

**Contact:** Anne Pratt, Associate Director, 101 N. 14th Street,  
9th Floor, Richmond, VA 23219, telephone (804) 225-2632  
or (804) 371-8017/TDD ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**April 5, 1994 - 9 a.m.** – Open Meeting

Hopewell Community Center, Second and City Point Road,  
Hopewell, Virginia. ☒ (Interpreter for the deaf provided  
upon request)

Local Emergency Preparedness Committee Meeting on  
emergency preparedness as required by SARA Title  
III.

**Contact:** Robert Brown, Emergency Service Coordinator,  
300 North Main Street, Hopewell, VA 23860, telephone  
(804) 541-2298.

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

### Amusement Device Technical Advisory Committee

† **March 16, 1994 - 10 a.m.** – Open Meeting  
The Jackson Center, 501 North 2nd Street, 2nd Floor  
Conference Room, Richmond, Virginia. ☒

A meeting to review and discuss regulations pertaining  
to the construction, maintenance, operation and  
inspection of amusement devices adopted by the Board  
of Housing and Community Development.

**Contact:** Jack A. Proctor, CPCA, Deputy Director,  
Department of Housing and Community Development, The  
Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321,  
telephone (804) 371-7150 or (804) 371-7089/TDD ☎

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**March 7, 1994** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-01-0001. Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority.**

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

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**March 7, 1994** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.**

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

† **March 14, 1994 - 1 p.m.** – Open Meeting  
The Jefferson Hotel, Franklin and Adams Streets, Richmond, Virginia.

† **March 15, 1994 - 8:30 a.m.** – Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☒

A regular meeting of the Board of Commissioners 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; (iv) consider and, if appropriate, approved proposed amendments to the Rules and Regulations for General Provisions for Programs of the Virginia Housing Development Authority and for Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. 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:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

## COUNCIL ON INFORMATION MANAGEMENT

**March 18, 1994 - 9 a.m.** – Open Meeting  
Council on Information Management, 1100 Bank Street, Suite 901, Richmond, Virginia. ☒

A regular bi-monthly meeting.

**Contact:** Linda Hening, Administrative Staff Specialist, Council on Information Management, 1100 Bank Street, Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

## Local Government Advisory Committee

† **March 10, 1994 - 1 p.m.** – Open Meeting  
1100 Bank Street, 9th Floor, Richmond, Virginia. ☒

A regular monthly meeting.

**Contact:** Jerry Simonoff, Information Technology Manager, Council on Information Management, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-7711 or (804) 225-3624/TDD ☎

## DEPARTMENT OF LABOR AND INDUSTRY

**March 8, 1994 - 7 p.m.** – Open Meeting  
VPI Eastern Shore Agricultural Experiment Station, 33446 Research Drive, Painter, Virginia. ☒ (Interpreter for the deaf provided upon request)

An open meeting to provide information and answer questions concerning the proposed Regulation Governing the Employment of Minors on Farms, in Gardens and in Orchards, VR 425-01-81:1. This regulation will protect the health, safety and welfare of minors employed in agricultural occupations. This will be accomplished by prohibiting minors under 16 years of age from being employed in certain clearly identified hazardous occupations.

**Contact:** John J. Crisanti, Director, Enforcement Policy, Department of Labor and Industry, Powers-Taylor Building, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 786-2384 or (804) 786-2376/TDD ☎

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**April 4, 1994 - 7 p.m.** – Public Hearing  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.



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**April 22, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to **repeal** regulations entitled: **VR 425-01-81. Regulation Governing the Employment of Minors on Farms, in Gardens and In Orchards** and **adopt** regulations entitled: **VR 425-01-81:1. Regulation Governing the Employment of Minors on Farms, in Gardens and in Orchards**. The regulation prohibits the employment of minors under 16 years of age in specified hazardous occupations on farms, in gardens and in orchards. The prohibited occupations include operating a tractor of over 20 PTO horsepower; operating or assisting to operate other heavy equipment such as pickers, combines, mowers, harvesters, bailers, grinders, augers, and tillers; operating or assisting to operate earthmoving equipment, fork-lifts, potato combines, and chain saws; working in enclosed areas occupied by dangerous animals; working from ladders; driving certain vehicles; working inside enclosed areas containing dangerous atmospheres; handling poisonous chemicals; handling blasting agents; and handling anhydrous ammonia.

The regulation exempts children below the age of 16 employed by their parents on their own farms, student learners, students in federal extension service and 4-H tractor and machine operation training programs, and students in vocational agricultural training programs. Agricultural employers are required to maintain basic records on minor employees.

The proposed regulation is drafted to be substantively identical to parallel federal child labor regulations insofar as practicable. It is not identical for the following reasons.

In certain cases regarding hazardous occupations, the Code of Virginia is more stringent than the parallel federal regulation. In these matters the department has no discretion and must comply with Virginia statutory law.

The federal child labor regulations have not been revised for many years. Certain training programs required by federal regulations no longer exist. This proposed regulation would permit the use of equivalent currently available training programs.

Since this proposed regulation will replace the Regulation Governing the Employment of Minors on Farms, in Gardens and in Orchards (VR 425-01-81, effective July 1, 1992), the current regulation is being repealed. The agency filed an emergency regulation on June 30, 1993, which is effective through June 29, 1994.

Statutory Authority: §§ 40.1-6(3) and 40.1-100(A)(9) of the

Code of Virginia.

**Contact:** John J. Crisanti, Director, Enforcement Policy, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 786-2384.

## Virginia Apprenticeship Council

**March 10, 1994 - 10 a.m.** – Open Meeting  
Richmond Technical Center, Room 201, 2020 Westwood Avenue, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting of the council. The tentative agenda is: (i) the adoption of the council's Public Participation Guidelines; (ii) reports on related instruction; and (iii) report on school-to-work transition.

**Contact:** Robert S. Baumgardner, Director, Apprenticeship Division, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 786-2381 or (804) 786-2376/TDD ☒

## Virginia Safety and Health Codes Board

**April 22, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Safety and Health Codes Board intends to **repeal** regulations entitled: **VR 425-02-11. VOSH Administrative Regulations Manual**. The VOSH Administrative Regulations Manual provides an operational framework of rules and procedures for the administration of the Virginia Occupational Safety and Health Program. Some amendments have been made to the regulation since its initial adoption in 1986. A complete revision of the regulation which will simplify and clarify the language of the administrative manual is being proposed as a new regulation. This regulation will no longer be necessary and is being repealed.

Statutory Authority: §§ 40.1-6 and 40.1-22 of the Code of Virginia.

**Contact:** John J. Crisanti, Director, Enforcement Policy, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 786-2384.

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**March 11, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Safety and Health Codes Board intends to **adopt** regulations entitled: **VR 425-02-95. Administrative Regulation for the Virginia Occupational Safety and Health Codes Program**. This

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proposed regulation is the first complete revision of the Administrative Regulation Manual adopted in 1986. It contains substantive changes primarily in the areas of additional definition of terms, clarification of the 48-hour accident reporting requirements of employers, the agency's response to requests for information by subpoena, and the VOSH program response to federal judicial action, such as vacation of § 1910.1000 permissible exposure limits (PEL).

This revision will also simplify the regulation by omitting requirements already stipulated in Title 40.1 of the Code of Virginia in those cases where no further regulatory language is necessary to carry out that mandate.

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

**Contact:** John J. Cristanti, Director, Enforcement Policy, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2384.

## Migrant and Seasonal Farmworkers Board

† **March 16, 1994 - 10 a.m.** – Open Meeting  
The George Washington Inn and Conference Center, 500 Merrimac Trail, Williamsburg, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting of the board held in conjunction with the U.S. Department of Labor, Region III Annual Agricultural Conference.

**Contact:** Marilyn Mandel, Director, Office of Planning and Policy Analysis, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2385 or (804) 786-2376/TDD ☎

## DEPARTMENT OF LABOR AND INDUSTRY; SAFETY AND HEALTH CODES BOARD; APPRENTICESHIP COUNCIL

**April 22, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Safety Health Codes Board; Apprenticeship Council intends to repeal regulations entitled: **VR 425-01-68. Public Participation Guidelines.** Public Participation Guidelines were adopted by the Department of Labor and Industry, the Safety and Health Codes Board, and the Apprenticeship Council on September 19, 1984. Emergency Public Participation Guidelines which included the additional provisions required by legislation enacted by the 1993 General Assembly were adopted by the department, board and council prior to July, 1993 and are in effect until June 19, 1994. New guidelines for the department, the Safety and Health Codes Board and the Apprenticeship Council are being

promulgated. Therefore, when the new guidelines are adopted, this regulation will no longer be necessary and is being repealed.

Statutory Authority: §§ 9-6.14:7.1 and 40.1-6 of the Code of Virginia.

**Contact:** Bonnie H. Robinson, Regulatory Coordinator, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

## LIBRARY BOARD

**March 14, 1994 - 10:30 a.m.** – Open Meeting  
† **May 9, 1994 - 10:30 a.m.** – Open Meeting  
Virginia State Library and Archives, 3rd Floor, Supreme Court Room, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Archives and Records Management Committee

**March 14, 1994 - 9 a.m.** – Open Meeting  
† **May 9, 1994 - 9 a.m.** – Open Meeting  
Virginia State Library and Archives, Office of the State Archivist, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to archives and records management.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Automation and Networking Committee

**March 14, 1994 - 9:45 a.m.** – Open Meeting  
† **May 9, 1994 - 9:45 a.m.** – Open Meeting  
Virginia State Library and Archives, 11th Street at Capitol Square, Room 4-24, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to automation and networking as they relate to the Virginia State Library Board.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## General Library Committee

**March 14, 1994 - 9 a.m.** – Open Meeting  
† **May 9, 1994 - 9 a.m.** – Open Meeting

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Virginia State Library and Archives, Office of the Director of the General Library Division, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to the General Library Division as they relate to the Virginia State Library Board.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Legislative and Finance Committee

**March 14, 1994 - 9:45 a.m.** – Open Meeting

† **May 9, 1994 - 9:45 a.m.** – Open Meeting

Virginia State Library and Archives, Conference Room B, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to legislative and financial matters as they relate to the Virginia State Library Board.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Public Library Development Committee

**March 14, 1994 - 9 a.m.** – Open Meeting

† **May 9, 1994 - 9 a.m.** – Open Meeting

Virginia State Library and Archives, 11th Street at Capitol Square, Room 4-24, Richmond, Virginia. ☒

A meeting to discuss the issues on the agenda for the Library Board to be held later that morning.

**Contact:** Tony Yankus, Director, Library Development, 11th Street at Capitol Square, Richmond, VA 23219-3491, telephone (804) 786-2320, toll-free 1-800-336-5266 or (804) 786-3618/TDD ☎

## COMMISSION ON LOCAL GOVERNMENT

**April 6, 1994 - 11 a.m.** – Open Meeting

**April 7, 1994 - 9 a.m.** – Open Meeting

Hillsville area; site to be determined

Oral presentation regarding the town of Hillsville's proposed annexation of 3.4 square miles of territory in Carroll County.

Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices at (804) 786-6508 or (804) 786-1860/TDD ☎

**Contact:** Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 805 E. Broad Street, Suite 702, Richmond, VA 23219, telephone (804) 786-6508

or (804) 786-1860/TDD ☎

**April 6, 1994 - 7 p.m.** – Public Hearing  
Hillsville area; site to be determined.

Public hearing regarding the town of Hillsville's proposed annexation of 3.4 square miles of territory in Carroll County.

Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices (804) 786-6508 or (804) 786-1860/TDD ☎

**Contact:** Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 805 E. Broad Street, Suite 701, Richmond, VA 23219, telephone (804) 786-6508, or (804) 786-1860/TDD ☎

## STATE COUNCIL ON LOCAL DEBT

**March 16, 1994 - 11 a.m.** – Open Meeting

**April 20, 1994 - 11 a.m.** – Open Meeting

James Monroe Building, 101 N. 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regularly scheduled meeting subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to the meeting date to ascertain whether or not the meeting is to be held as scheduled.

**Contact:** Gary Ometter, Debt Manager, Department of the Treasury, P. O. Box 1879, Richmond, VA 23215, telephone (804) 225-4928.

## STATE LOTTERY BOARD

† **March 21, 1994 - 10 a.m.** – Open Meeting

State Lottery Department, 2201 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular monthly meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. Two periods for public comment are scheduled.

**Contact:** Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-3106 or (804) 367-3000/TDD ☎

## MARINE RESOURCES COMMISSION

† **March 22, 1994 - 9:30 a.m.** – Open Meeting

2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒ (Interpreter for the deaf provided upon

request)

The commission will hear and decide marine environmental matters at 9:30 a.m.; permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits and licensing. Public comments are taken on resource matters, regulatory issues and items scheduled for public hearing. The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

**Contact:** Sandra S. Schmidt, Secretary to the Commission, P. O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-8088, toll free 1-800-541-4646 or (804) 247-2292/TDD ☎

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**April 8, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-3.1100. Amount, Duration, and Scope of Services; VR 460-02-3.1300. Standards Established and Methods Used to Assure High Quality of Care: Durable Medical Equipment.** The purpose of this proposal is to promulgate permanent regulations to supersede the existing emergency regulations, which clarify the requirements and the process for providing durable medical equipment and supplies.

Durable medical equipment, supplies, and appliances are only available under the home health benefit. Services are available as prescribed by the home health regulations at Title 42, Code of Federal Regulations, Part 440, in the recipient's home on a physician's order as part of a written plan of care that is periodically reviewed.

DMAS previously required that a recipient who received durable medical equipment or supplies also receive skilled nursing visits provided by a home health agency. The purposes for making the nursing service a prerequisite for the receipt of medical equipment and supplies were 1) to assess the recipient's needs in the actual environment in which he would be using the items, 2) to determine the

quantity of supplies needed to meet his current condition, 3) to assess the patient and/or caregiver's knowledge and appropriate utilization of the items, and 4) to assess the need for other services that may help to further reduce the risks associated with the limitations or conditions imposed by the recipient's current health status. Previously, DMAS never specified those services which will not be covered under home health services program.

In addition, a single skilled nursing follow-up visit was required after the recipient received the prescribed equipment or supplies to determine that it met the recipient's needs, that it was suitable for use in the home, and the recipient or caregiver was knowledgeable and comfortable in using the equipment.

Recently, HCFA has informed the department that it may no longer require nursing visits for the provision of durable medical equipment, supplies, and appliances. Consequently, this amendment allows for the provision of medically necessary supplies, equipment, and appliances for Medicaid recipients who meet home health criteria. Consistent with HCFA's directive that no type of prerequisite condition that predicates the receipt of one home health service on the receipt of another such service may be imposed, DMAS removed the requirement that the recipient who receives medical equipment and supplies also receive skilled nursing visits with an emergency regulation which was effective September 1, 1993.

Because physicians will no longer be required to order equipment and supplies through the home health plan of treatment, DMAS is seeking to replace the currently used plan of treatment with the certificate of medical necessity for those recipients who require durable medical equipment and supplies. The physician will be required to complete a written certificate of medical necessity (CMN) for all medical equipment and supplies. Therefore, the CMN will serve as the physician's authorization for equipment and supplies in lieu of the home health plan of treatment.

In addition to these changes, the population for which nutritional supplements will be covered is expanded under home health services. Coverage of oral administration does not include the provision of routine infant formulae.

These proposed regulations will supersede emergency regulations issued in June 1993. In FY 92, there were 10,795 total unduplicated recipients who received durable medical equipment and supplies. The total expenditures for durable medical equipment and supplies were \$10,613,116 in FY 92.

The revisions to the durable medical supplies and equipment program are effecting no new reimbursement methodology changes nor are they

# Calendar of Events

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expected to result in an increase in service utilization. Therefore, there is no fiscal impact attached to either these changes or the incorporation by reference change regarding long-term care provider manuals.

For the changes to the provision of nutritional supplements, it is anticipated that additional FY 94 expenditures will be approximately \$200,000 to cover the cost of covering nutritional supplements for individuals who are able to take the supplement without special intubation. This change in coverage applies only to those individuals receiving nutritional supplements under the home health program. The cost of providing nutritional supplements for nursing facility residents is included in the cost report.

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

Written comments may be submitted through April 8, 1994, to Mary Chiles, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

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**March 25, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: **VR 460-01-86. Hospital Credit Balance Reporting.** The purpose of this proposal is to promulgate regulations which ensure that hospitals refund Medicaid overpayments in a timely fashion. Untimely review and refunding of Medicaid overpayments result in Medicaid program funds being unavailable for payment of services.

Title XIX of the Social Security Act, § 1902(a)(25), provides that states take all reasonable measures to ascertain the legal liability of third parties to pay for care and services available to recipients of Medicaid. Medicaid is by law the payor of last resort.

In December 1992, the Office of the Inspector General (IG) of the U.S. Department of Health and Human Services issued a report entitled "Medicaid Accounts Receivables with Credit Balances at Hospitals Participating in the Medicaid Program Administered by the Virginia Department of Medical Assistance Services." As a result of a review of a sample number of hospitals participating in the Virginia Medicaid program, hospitals were determined to be receiving and retaining Medicaid overpayments contrary to federal law and regulations.

Failure to enact this regulation will result in Medicaid overpayments not being refunded to this agency either in a timely manner or at all.

The primary advantage to the public of the adoption of this regulation is that public funds appropriated for the coverage of medical care services for the indigent and poor will be more quickly returned to DMAS for appropriate expenditure.

The primary disadvantage to the hospital providers, which receive Medicaid funds in payment for services rendered, is that they will be required to more diligently monitor their credit balance accounts and more quickly return funds to DMAS. These providers will no longer have the short term use of these public funds. Since these same providers are being required by the Medicare Program to perform the same function, Medicaid's requirements are expected to be minimally additional to Medicare's.

All hospitals, which number approximately 150, will be affected by this proposed regulation. There will be no additional costs to this provider group's operations because reviewing accounts for credit balances is part of routine bookkeeping practice. There will be no additional costs to DMAS to administer this regulation because these funds would have eventually been recovered through the cost settlement or third party liability processes. This regulation will merely speed up the funds recovery process.

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

Written comments may be submitted through March 25, 1994, to Jesse Garland, Director, Fiscal Division, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad Street, Richmond, VA 23219, telephone (804) 371-8850.

\* \* \* \* \*

**March 25, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-3.1100. Amount, Duration, and Scope of Services; VR 460-02-3.1500. Standards for the Coverage of Organ Transplant Services.** The purpose of the proposed amendments is to expand coverage of transplantation for children, under age 21 only, to liver, heart, and bone marrow (both autologous and allogeneic) transplantation. Coverage of transplantation is continued for cornea and kidney. The proposal is identical to the emergency regulation currently in effect.

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

Written comments may be submitted through March 25, 1994, to Betty Cochran, Department of Medical Assistance Services, 600 E. Broad Street, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

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**March 11, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-3.1102, 460-02-3.1300. Case Management Services; Utilization Review of Case Management for Recipients of Auxiliary Grants.** During the 1993 session, the General Assembly passed significant legislation governing the Auxiliary Grant Program and licensure of homes for adults. This new legislation required that all recipients of auxiliary grants must be evaluated using the state designated uniform assessment instrument to determine their need for residential care as a condition of eligibility for an auxiliary grant. The law provides that no public agency shall incur a financial obligation if the individual is determined ineligible for an auxiliary grant. This requirement is to become effective on June 1, 1994.

During the same session, the General Assembly also revised the law governing licensing of homes for adults. These residential facilities will be called adult care residences and will be licensed to provide either residential living or assisted living.

In preparation for implementation of these new requirements, a new system of reimbursement for adult care residences was developed. This new reimbursement method will provide for payments for residential and assisted living for individuals who are in financial need. Residents of licensed adult care residences who meet the financial eligibility requirements for the Auxiliary Grant Program and who require at least a residential level of care based on an assessment by a case manager shall be eligible to receive an auxiliary grant. Individuals who are eligible for auxiliary grants may also receive a payment for assisted living from the DMAS if their needs are determined, according to an assessment, to meet the level of care criteria for assisted living which are being promulgated by the DMAS in separate regulations.

Assessments and case management for auxiliary grant and assisted living will be provided by case managers

employed by human service agencies in accordance with the Code of Virginia. The case managers will be responsible for assessing the applicant's or recipient's need for care using a uniform assessment instrument as required by regulations of the Department of Social Services. In addition to assessment, the case manager will be responsible for locating, coordinating and monitoring the services needed by auxiliary grant recipients residing in licensed adult care residences. The case manager will notify the eligibility worker in the local department of social services of the results of the assessment and will notify the DMAS if the applicant or recipient meets the criteria for assisted living. In addition, the case manager will notify the DMAS if changes occur in the condition of the client that affect his continued level of care.

These regulations describe the qualifications of case managers and case management agencies. Adopting these regulations will permit the Commonwealth to carry out the requirement of the law that recipients of auxiliary grants receive an assessment to determine their need and appropriate placement assuring that each individual will be placed in an adult care residence able to meet his needs and will monitor any changes in his condition which may indicate a need for a more appropriate placement as his condition changes. In addition, Medicaid coverage of case management for this group will permit federal financial participation in the cost of administering the case management requirement.

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

Written comments may be submitted through March 11, 1994, to Ann Cook, Department of Medical Assistance Services, Policy Division, 600 E. Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

## Drug Utilization Review Board

**March 31, 1994 - 3 p.m.** – Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A regular meeting. Routine business will be conducted.

**Contact:** Carol B. Pugh, Pharm.D., DUR Program Consultant, Quality Care Assurance Division, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-3820.

# Calendar of Events

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## BOARD OF MEDICINE

### Informal Conference Committee

**March 9, 1994 - 9 a.m.** – Open Meeting  
Sheraton Inn, Route 3 and I-95, Fredericksburg, Virginia. ☒

**March 16, 1994 - 10:30 a.m.** – Open Meeting  
Sheraton Inn, Roanoke Airport, 2727 Ferndale Drive,  
Roanoke, Virginia.

**April 7, 1994 - 9 a.m.** – Open Meeting  
Sheraton Resort and Conference Center, Route 3 and I-95,  
Fredericksburg, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Discipline, Department of Health Professions, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-9943/TDD ☎

### Credentials Committee

† **April 16, 1994 - 8:15 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. ☒

The committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and to discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197.

### Executive Committee

† **April 15, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Rooms 2 and 3, Richmond, Virginia. ☒

The committee will meet in open and closed session to review cases of files requiring administrative action; review legislation enacted by the 1994 General Assembly; review proposed regulations which may need administrative action; adopt amendments for approval of promulgation, specifically VR 465-03-01 and VR 465-06-01, and act upon certain issues as presented. The chairman will entertain public comments on agenda items for 10 minutes following the adoption of the agenda.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

### Advisory Board on Occupational Therapy

NOTE: CHANGE IN MEETING DATE

† **March 25, 1994 - 10 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A meeting to review regulations relating to foreign educated therapists, i.e., the TOFLE and TSE exams and to review any other issues which may come before the advisory board. The chairperson will entertain public comments during the first 15 minutes of the meeting.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Department of Health Professions, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

### Advisory Board on Physical Therapy

**March 16, 1994 - 10 a.m.** – Public Hearing  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 2, Richmond, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A public hearing on physical therapy regulations will be held for public comment and regulatory review. The building is accessible to the disabled.

† **April 8, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 1, Richmond, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A meeting to review and respond to public comments regarding the regulatory review of VR 465-03-01 to develop or delete those regulations which may present a burden to the licensee or the public. The advisory board will also entertain the issue of Test History Verification and reports.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Department of Health Professions, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

### 16TH ANNUAL SYMPOSIUM ON MENTAL HEALTH AND THE LAW

**March 31, 1994 - 9 a.m.** – Open Meeting  
**April 1, 1994 - 9 a.m.** – Open Meeting  
Richmond Hyatt Hotel, Richmond, Virginia. ☒

# Calendar of Events

Symposium on mental health law issues.

**Contact:** Bettie T. Amiss, Administrator, Institute of Law, Psychiatry and Public Policy, Blue Ridge Hospital, Box 100, Charlottesville, VA 22908, telephone (804) 924-5435.

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **March 23, 1994 - 10 a.m.** – Public Hearing  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the Virginia Substance Abuse Prevention and Treatment Block Grant application for federal fiscal year 1994. Copies of this application are available for review at the Office of the Director of Planning and Policy, James Madison Building, 8th Floor, Richmond, Virginia, and at each community services board office. Comments may be made at the hearing or in writing by no later than March 23, 1994, to the Office of the Commissioner, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, Virginia. Persons wishing to make a presentation may contact Sterling Deal at (804) 786-3906. Copies of oral statements should be filed at the time of the hearing.

**Contact:** Sterling Deal, SA Planner, Box 1797, Richmond, Virginia, telephone (804) 786-3906 or (804) 371-8977/TDD ☎

## State Human Rights Committee

† **March 11, 1994 - 9 a.m.** – Open Meeting  
Central Virginia Training Center, Route 210 East, Lynchburg, Virginia. ☒

A meeting to discuss any and all Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Human Rights statewide issues, facility (15) human rights issues.

**Contact:** Elsie D. Little, Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Human Rights, 109 Governor St., P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988 or (804) 371-8977/TDD ☎

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **March 23, 1994 - 10 a.m.** – Open Meeting  
Middle Peninsula-Northern Neck Community Services Board, Saluda, Virginia. ☒

A regular monthly meeting. Agenda to be published on

March 16, 1994. Agenda can be obtained by calling Jane Helfrich.

Tuesday: Informal Session - 8 p.m.  
Wednesday: Committee Meetings - 9 a.m.  
Regular Session - 10 a.m.  
See agenda for location.

**Contact:** Jane V. Helfrich, Board Administrator, State Mental Health, Mental Retardation and Substance Abuse Services Board, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

## VIRGINIA MENTAL HEALTH PLANNING COUNCIL

**March 30, 1994 - 10 a.m.** – Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The council meets at least four times per year. Its mission is to advocate for a consumer and family oriented, integrated and community-based system of mental health care of the highest quality. The council continuously monitors and evaluates the implementation of the state's mental health plan.

**Contact:** Jeanette DuVal, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 371-0359 or (804) 371-8977/TDD ☎

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Board of Examiners

† **April 5, 1994 - 1 p.m.** – Public Hearing  
Division of Mines, U.S. Route 23 South, Big Stone Gap, Virginia.

† **April 5, 1994 - 1 p.m.** – Public Hearing  
Division of Administration, 9th Street Office Building, 202 North 9th Street, 8th Floor, Richmond, Virginia.

† **May 6, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy's Board of Examiners intends to adopt regulations entitled: **VR 480-04-2. Board of Examiners Certification Regulations.** The purpose of the proposed regulation is to set forth requirements for certification of persons performing specialized tasks in mining.

Statutory Authority: § 45.1-12 of the Code of Virginia.

**Contact:** Harry Childress, Chief, Division of Mines, P.O.



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Drawer 900, Big Stone Gap, VA 24219, telephone (703) 523-8100.

## DEPARTMENT OF MOTOR VEHICLES

**April 22, 1994 - 9 a.m. – Public Hearing**  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.

**April 22, 1994 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to amend regulations entitled: **VR 485-10-9101. Public Participation Guidelines for Regulation Development and Promulgation.** The proposed amendments revise the existing regulations in accordance with the legislative changes made to the Administrative Process Act in 1993.

Statutory Authority: §§ 9-6.14:7.1 and 46.2-203 of the Code of Virginia.

**Contact:** Marc Copeland, Legislative Analyst, Department of Motor Vehicles, P. O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-1875.

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**April 11, 1994 –** 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 Motor Vehicles intends to adopt regulations entitled: **VR 485-50-9302. Regulations Governing Requirements for Proof of Residency to Obtain a Virginia Driver's License or Photo Identification Card.** The regulation establishes the process and the documentation that will be required by the Department of Motor Vehicles for proof of residency in Virginia.

Statutory Authority: §§ 46.2-203, 46.2-323, 46.2-345, and 46.2-348 of the Code of Virginia.

Written comments may be submitted until April 11, 1994, to Simon J. Stapleton, Department of Motor Vehicles, Room 319, P. O. Box 27412, Richmond, VA 23269-0001.

**Contact:** Clarence H. Bradbury, Policy Analyst, Department of Motor Vehicles, Room 314, P. O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-0408.

## STATE NETWORKING USERS ADVISORY BOARD

† **March 28, 1994 - 1 p.m. – Open Meeting**  
Piedmont Virginia Community College, Seminar Room 260, Route 6, Charlottesville, Virginia. ☎

A meeting to discuss administrative matters of the board.

**Contact:** Judith Lowry, Secretary, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219-3491, telephone (804) 786-2321, toll-free 1-800-336-5266 or (804) 786-3618/TDD ☎

## BOARD OF NURSING

**March 22, 1994 - 8:30 a.m. – Open Meeting**  
**March 23, 1994 - 8:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting to consider matters relating to nursing education programs, discipline of licensees, licensure by examination and other matters under the jurisdiction of the board.

Public comment will be received during an open forum session beginning at 11 a.m. on Tuesday, March 22, 1994. At 3 p.m. on March 22, 1994, the board will consider proposed amendments to regulations related to changes in the administration of licensing examinations and to those regulations related to education program approval to ensure compliance with changes in the Administrative Process Act.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Department of Health Professions, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

**March 24, 1994 - 8:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A panel of the Board of Nursing will conduct formal hearings. If the agenda is not filled with formal hearings, two special conference committees will conduct informal conferences as time permits. Public comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

## Special Conference Committee

**March 21, 1994 - 9 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences in the morning. A panel of the Board of Nursing will conduct

# Calendar of Events

formal hearings in the afternoon. Public comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

## BOARD OF NURSING HOME ADMINISTRATORS

**March 28, 1994** – 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 Board of Nursing Home Administrators intends to amend regulations entitled: **VR 500-01-2:1. Regulations of the Board of Nursing Home Administrators.** The purpose of the proposed amendments is to revise continuing education requirements of the board, to establish as permanent fee increases in emergency regulations, and to delete public participation guidelines.

Statutory Authority: §§ 54.1-2400 and 54.1-3100 of the Code of Virginia.

**Contact:** Meredyth P. Partridge, Executive Director, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111.

## BOARD FOR OPTICIANS

**April 15, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct regular board business and any other matters which may require board action.

**Contact:** Geralde W. Morgan, Senior Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8534.

## BOARD OF OPTOMETRY

† **March 16, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Informal conference committee meetings. Brief public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone

(804) 662-9910 or (804) 662-7197/TDD ☎

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**March 16, 1994 - 8:30 a.m.** – Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

**April 22, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Optometry intends to adopt regulations entitled: **VR 510-01-2. Public Participation Guidelines.** These regulations will replace emergency regulations currently in effect which provide guidelines for the involvement of the public in the promulgation of regulations for the board.

Statutory Authority: §§ 9-6.14:7.1, 54.1-2400 and 54.1-3200 et seq. of the Code of Virginia.

Written comments may be submitted through April 22, 1994, to Carol Stamey, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230-1717.

**Contact:** Elizabeth A. Carter, Executive Director, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910.

## BOARD OF PHARMACY

† **March 9, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

† **March 15, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.

Informal conferences.

**Contact:** Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

## POLYGRAPH EXAMINERS ADVISORY BOARD

**March 22, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to administer the polygraph examiners licensing examination to eligible polygraph examiner interns and to consider other matters which may require board action.

**Contact:** Geralde W. Morgan, Senior Administrator,

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Department of Professional and Occupational Regulation,  
3600 W. Broad Street, Richmond, VA 23230-4917, telephone  
(804) 367-8534.

## BOARD OF PROFESSIONAL COUNSELORS

**April 11, 1994** – 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 Board of Professional Counselors intends to **repeal** regulations entitled: **VR 560-01-01. Public Participation Guidelines** and **adopt** regulations entitled: **VR 560-01-01:1. Public Participation Guidelines**. These regulations replace emergency regulations currently in effect which provide guidelines for the involvement of the public in the promulgation of regulations for the board.

Statutory Authority: §§ 9-6.14:7.1, 54.1-2400 and 54.1-3500 of the Code of Virginia.

**Contact:** Evelyn B. Brown, Board of Professional Counselors, 6606 West Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9912.

## BOARD OF PSYCHOLOGY

**March 15, 1994 - 11 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
Conference Room 1, Richmond, Virginia. ☒

A meeting to conduct general board business. Public comment will be received.

**Contact:** Evelyn Brown, Executive Director or Jane Ballard, Administrative Assistant, Board of Psychology, 6606 W. Broad St. Richmond, VA 23230-01717, telephone (804) 662-9913.

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**April 11, 1994** – 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 Board of Psychology intends to **repeal** regulations entitled: **VR 565-01-1. Public Participation Guidelines**. and **adopt** regulations entitled: **VR 565-01-1:1. Public Participation Guidelines**. These regulations replace emergency regulations currently in effect which provide guidelines for the involvement of the public in the promulgation of regulations for the board.

Statutory Authority: §§ 9-6.14:7.1, 54.1-2400 and 54.1-3600 of the Code of Virginia.

**Contact:** Evelyn B. Brown, Executive Director, Board of

Psychology, 6606 West Broad Street, Richmond, VA 23230, telephone (804) 662-9912.

## Credentials Committee

**March 15, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
Conference Room 1, Richmond, Virginia. ☒

A meeting to conduct an informal fact finding in accordance with §§ 54.1-2400(1), 54.1-2400(7) and 9-6.14:7.1 of the Code of Virginia; and VR 565-01-2 (1993), § 2.2 A 2a (3)(b) to determine the eligibility of an applicant for graduate coursework acceptance. No public comment will be received.

**Contact:** Evelyn Brown, Executive Director or Jane Ballard, Administrative Assistant, Board of Psychology, 6606 W. Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9913.

## RAPPAHANNOCK-RAPIDAN DIVISION OF COURT SERVICES EXECUTIVE BOARD

† **March 21, 1994 - 5:30 p.m.** – Open Meeting  
1300 Sunset Lane, Suite 3110, Culpeper, Virginia.

A quarterly business meeting of the District Nine Virginia Alcohol Safety Action Program. Items for review include 94-95 budget proposal, program deficit, program activities, personnel and new legislation.

**Contact:** R. Dean Irvine, Director, 1300 Sunset Lane, Suite 3110, Culpeper, VA 22701, telephone (703) 829-7379.

## REFORESTATION OF TIMBERLANDS BOARD

† **March 16, 1994 - 10 a.m.** – Open Meeting  
Garland Gray Forestry Center, 19127 Sandy Hill Road,  
Courtland, Virginia. ☒

A meeting to conduct general business and to review accomplishments.

**Contact:** Phil T. Grimm, Assistant Chief, Forest Management, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555.

## VIRGINIA RESOURCES AUTHORITY

**March 8, 1994 - 9:30 a.m.** – Open Meeting  
The Mutual Building, 909 East Main Street, Board Room,  
Suite 607, Richmond, Virginia.

A meeting to (i) approve minutes of the meeting of February 8, 1994; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as it 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. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, 909 East Main Street, Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

April 12, 1994 - 9:30 a.m. - Open Meeting  
The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

A meeting to (i) approve minutes of the meeting of March 8, 1994; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as it 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. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, 909 East Main Street, Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

May 10, 1994 - 9:30 a.m. - Open Meeting  
The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

A meeting to (i) approve minutes of the meeting of April 12, 1994; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as it 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. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, 909 East Main Street, Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

**SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD**

March 9, 1994 - 10 a.m. - Open Meeting  
Henrico County Eastern Government Center, Community Room, 3820 Nine Mile Road, Richmond, Virginia. ☒

A meeting to hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia; and VR 355-34-02.

Contact: Constance G. Talbert, Secretary to the Board, 1500 E. Main Street, Suite 117, P. O. Box 2448, Richmond, VA 23218, telephone (804) 786-1750.

**DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)**

NOTE: EXTENSION OF WRITTEN COMMENT PERIOD  
April 6, 1994 - 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 State Board of Social Services intends to adopt regulations entitled: **VR 615-43-4. Adoptee Application for Disclosure of Identifying Information on Birth Family in a Closed Adoption Record.** This regulation establishes policy relative to the search and disclosure process when an adult adopted in Virginia applies to the Virginia Department of Social Services to obtain identifying information on his birth family pursuant to § 63.1-236 of the Code of Virginia. The State Board of Social Services will consider public comments at its regularly scheduled meeting.

Statutory Authority: §§ 63.1-25, 63.1-236, and 63.1-236.1 of the Code of Virginia.

Written comments may be submitted until April 6, 1994, to Sandra Sanroma, Department of Social Services, 2nd Floor, 730 E. Broad Street, Richmond, VA 23219-1849.

Contact: Margaret J. Friedenbergl, Legislative Analyst, Department of Social Services, 730 E. Broad Street, 8th Floor, Richmond, VA 23219-1849, telephone (804) 692-1821.

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† April 22, 1994 - 10 a.m. - Public Hearing  
Department of Social Services, 730 East Broad Street, 7th Floor Conference Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **VR 615-08-1. Virginia Energy Assistance Program.** The amendments propose several changes to the Energy Assistance Program. In fuel assistance, households receiving utility subsidies who must pay some heating expenses out-of-pocket will have their benefits reduced by the amount of the subsidy. Assistance to provide primary fuel and to purchase space heaters for temporary use will no longer be provided through crisis assistance. The cooling assistance component would be eliminated.

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

Written comments may be submitted until May 6, 1994, to Charlene H. Chapman, Program Manager, Energy and Emergency Assistance, 730 East Broad Street, 7th Floor, Richmond, Virginia.

Contact: Peggy Friedenbergl, Legislative Analyst, Department of Social Services, 730 E. Broad St.,

# Calendar of Events

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Richmond, VA 23219, telephone (804) 692-1820.

## BOARD FOR PROFESSIONAL SOIL SCIENTISTS

### April 12, 1994 - 10 a.m. - Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

A general business meeting.

**Contact:** David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## DEPARTMENT OF TAXATION

### March 14, 1994 - 10 a.m. - Public Hearing

General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994** - 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 Taxation intends to amend regulations entitled: **VR 630-0-1. Guidelines for Public Participation in Regulation Development and Promulgation.** This regulation has been revised as follows:

1. The regulation governs the development of regulations which are not exempt from the public participation provisions of the Administrative Processes Act.
2. The amendments to the regulation provide:
  - a. The general policy for regulation revision, and conditions for petitioning the Department of Taxation (the "department") for revision of a particular regulation.
  - b. Procedures by which the department develops a list of interested parties for participation in the regulation development process.
  - c. Procedures by which the department will notify interested parties.
  - d. Procedures by which the department will involve interested parties, including ad hoc working groups, preparation of working drafts, submission of the proposed regulation, public hearings, response to comments on proposed regulations, and procedures for publication and adoption of final regulations.
3. The regulation was initially adopted on September

18, 1984, and became effective on October 25, 1984. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.

4. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: §§ 9-6.14:7.1 and 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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### March 14, 1994 - 10 a.m. - Public Hearing

General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994** - 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 Taxation intends to amend regulations entitled: **VR 630-3-302. Corporate Income Tax: Definitions.** This regulation has been revised as follows:

1. The definitions of "compensation" and "sales" have been moved to VR 630-3-413 and VR 630-3-414, respectively. Amendments to these definitions have been made in the respective regulations.
2. The definitions of "income from Virginia sources" and "foreign source income" have been moved to regulations VR 630-3-302.1 and VR 630-3-302.2, respectively. These are new regulations, and have significantly amended the definitions previously contained in this regulation.
3. The definition of "corporation" has been amended to include any publicly traded partnership that is taxed as a corporation for federal purposes.
4. Duplicate language was removed from the definition of "affiliated." The language was more appropriate in the regulations issued under § 58.1-442 of the Code of Virginia.
5. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department

## Calendar of Events

of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m.** – Public Hearing  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994** – 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 Taxation intends to adopt regulations entitled: **VR 630-3-302.2. Foreign Source Income.** This regulation has been revised as follows:

1. The definition of foreign source income, which was previously defined in VR 630-3-302, has been replaced by this new (and separate) regulation. The original definition has been expanded, and comprehensive examples added for clarity.
2. The regulation contains guidance for determining the source of income. In situations where the federal sourcing rules are not incorporated by reference, detailed sourcing rules are provided.
3. The regulation provides that the apportionment factors must exclude items of income which qualify for the subtraction.
4. The regulation incorporates previously published policy that:
  - a. Provides guidance as to the types of income that qualify for the subtraction. Income of a type not specifically provided does qualify regardless of its source.
  - b. Provides a definition of the term "technical fees" for purposes of the subtraction. Numerous examples have been provided to assist taxpayers in determining what constitutes a "technical fee" which qualifies for the subtraction.
  - c. Provides examples of how expenses are apportioned to, and netted against, the income which qualifies for the subtraction. The subtraction must be determined net of related expenses determined in accordance with federal sourcing rules.
  - d. Reinforces the utilization of federal Form 1118 as a starting point for the computation.
5. The regulation provides guidance with respect to income arising from the sale of software. The regulation breaks this type of income into license fees, programming services, and wholesale and retail activity. The eligibility of each type of income is

separately addressed.

6. The regulation provides detailed rules for sourcing income from the sale of an intangible property. The sale of software is distinguished from the sale of intangibles.

7. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m.** – Public Hearing  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994** – 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 Taxation intends to amend regulations entitled: **VR 630-3-311. Corporate Income Tax: Report of Change of Federal Taxable Income.** This regulation has been revised to clarify existing department policy with respect to (i) amended tax returns filed due to a change in federal taxable income, and (ii) when extensions are available for amended income tax returns which are filed due to a change in federal taxable income.

In particular, this regulation clarifies the department's position with respect to amended returns. In filing an amended return due to a change in federal taxable income, a corporation is required to either concede the accuracy of an I.R.S. final determination, or explain why the determination is erroneous. If a corporation pays any additional tax resulting from a final determination without filing an amended return, and the department has sufficient information available with which to verify the tax computation, the department may waive the amended return requirement.

Corporations in general are required to file an amended return within 90 days from a final determination date. Under this regulation, corporations are permitted to apply for a six-month extension of the required filing, after meeting the applicable requirements.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** Alvin H. Carpenter, III, Tax Policy Analyst,

# Calendar of Events

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Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0963.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-312. Corporate Income Tax: Limitations on Assessments.** The existing regulation provides a three-year limitation on the department for assessing taxes from the date such taxes were due. The three-year limitation is not applicable in situations where (i) no return was filed, (ii) a false or fraudulent return was filed, or (iii) a change in federal taxable income was not reported.

The existing regulation also permits the department to assess additional tax within one year of the date a report of change in federal taxable income was filed.

The term "erroneous refund" is defined under the existing regulation, and recovery times are provided for the department. The department is permitted (i) two years to recover an erroneous refund if it was originally made due to an error on the part of the department, and (ii) five years to recover if the refund was made because of fraud or misrepresentation on the part of a taxpayer.

The changes made to the existing regulation are made in order to clarify the regulation. There are no substantive changes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** Alvin H. Carpenter, III, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0963.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-323. Corporate Income Tax: Excess Cost Recovery - Taxable Years Beginning before January**

**1, 1988.** This regulation has been revised as follows:

1. The regulation applies to the ACRS additions and subtractions required in taxable years beginning before January 1, 1988.

2. The provisions of this section were repealed for taxable years beginning on or after January 1, 1988. ACRS additions which had not been previously recovered are allowed as subtractions in determining Virginia taxable income pursuant to § 58.1-323.1 of the Code of Virginia and VR 630-3-323.1. This regulation provides guidance in determining the balance of ACRS subtractions that are allowed to be recovered pursuant to § 58.1-323.1 in post 1987 taxable years.

3. The regulation incorporates previously published policy that:

a. Makes it clear that Modified Accelerated Cost Recovery (MACRS) deductions were subject to the ACRS addition.

b. Makes it clear that deductions under the Alternative Depreciation System did not require an ACRS addition.

c. Makes it clear that the ACRS additions did not create a separate Virginia basis, that ACRS subtractions do not follow assets in the event of a sale, and that no lump sum recovery of ACRS subtractions is permitted in the event of a sale of the assets.

d. Makes it clear that REIT's are subject to the ACRS addition, but that no subtraction may be passed through to REIT shareholders.

4. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.

5. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1180, Richmond, VA 23282-1880, telephone (804) 367-0167.

\* \* \* \* \*

**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

# Calendar of Events

**March 14, 1994** – 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 Taxation intends to amend regulations entitled: **VR 630-3-323.1. Corporate Income Tax: Excess Cost Recovery.** This regulation has been revised as follows:

1. Section 58.1-323.1 of the Code of Virginia has been amended subsequent to its enactment to defer the timing of subtractions allowed to corporate taxpayers; the amendments to this regulation incorporate such legislative changes.

2. The amendments to the regulation also provide:

a. Where a net operating loss is carried back to a taxable year beginning after December 31, 1987, the post-1987 ACRS subtraction for such year shall be redetermined. Where, after such net operating loss carryback, a post-1987 ACRS carryback is created or increased, the revised amount may be carried to subsequent years.

b. Where a net operating loss carryback creates or increases the amount of a post-1987 ACRS carryover, the year(s) to which the revised ACRS carryover can be carried may be amended within the statute of limitations prescribed for filing the carryback claim arising from the net operating loss. Where the statute of limitations is otherwise closed for such carryover year, the amended return is limited solely to the changes arising from the changes to the post-1987 ACRS carryover.

c. Carryovers of unused subtractions are not determined at the entity level by conduit entities.

d. Unused post-1987 ACRS subtractions may be carried over until fully utilized.

e. Where a net operating loss incurred in a taxable year beginning before January 1, 1988, is deducted in a taxable year beginning on or after January 1, 1988, the net ACRS addition carried with the loss (as provided in VR 630-3-402.3 and VR 630-2-311.1) shall be eliminated. Also, post-1987 ACRS subtractions are not considered to be Virginia additions or subtractions that must be carried forward or back with a net operating loss for purposes of VR 630-3-402.3 or VR 630-2-311.1.

3. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1180, Richmond, VA 23282-1180,

telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m.** – Public Hearing  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994** – 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 Taxation intends to amend regulations entitled: **VR 630-3-400.1. Corporate Income Tax: Telecommunication Companies.** This regulation has been revised as follows:

1. New definitions have been added to the regulation, and duplicate language deleted.

2. Guidance on the taxation of telephone companies which are organized as mutual associations or cooperatives has been added to the regulation. Examples are provided.

3. Guidance is provided with respect to credits received from pass through entities.

4. Guidance in determining the minimum tax and minimum tax credit where an affiliated group of corporations files a consolidated or combined return which contains one or more telecommunications company is provided. A telecommunications company contained in a combined or consolidated return must use procedures contained in the regulation to determine the amount of the group's corporate income tax that such company is deemed to have paid for purposes of determining the minimum tax or credit allowed.

5. Detailed examples are provided for guidance in situations where more than one telecommunications company is included in a combined or consolidated return.

6. A telecommunications company may petition the State Corporation Commission for a review and recertification of the company's status or amount of gross receipts certified. Upon receipt of such redetermination, the telecommunications company must file an amended return in accordance with procedures contained therein. Any application for refund must be filed in accordance with the procedures contained in § 58.1-1823 of the Code of Virginia.

7. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.



# Calendar of Events

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Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1180, Richmond, VA 23282-1180, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-402. Corporate Income Tax: Determination of Virginia Taxable Income.** This regulation has been revised as follows:

1. The regulation originally provided guidance for additions, subtractions, and other adjustments required in determining Virginia taxable income. In order to increase utility and comprehension, the regulation has been divided into four separate regulations. VR 630-3-402.1 defines additions required in determining Virginia taxable income, VR 630-3-402.2 defines subtractions and adjustments allowed in determining Virginia taxable income, and VR 630-3-402.3 defines adjustments necessary to Virginia taxable income when net operating losses are present.

2. The amendments to the regulation provide:

- a. A definition of federal taxable income.
- b. References to the new regulations, and delete duplicate language.
- c. That a homeowner's association is subject to Virginia corporate income tax on its homeowner's association taxable income.
- d. That a political organization is subject to Virginia corporate income tax on its political organization taxable income.
- e. That a foreign corporation is subject to Virginia corporate income tax on its branch profits dividend equivalent, gross transportation income, and income for which an election has been made under § 897(i) of the Internal Revenue Code.
- f. That net operating loss adjustments are required by VR 630-3-442.1 and VR 630-3-442.2 for consolidated and combined returns, respectively.
- g. That the adjustments required in determining the federal alternative minimum tax do not apply in

determining Virginia taxable income.

h. That adjustments are required by VR 630-3-442.1 and VR 630-3-442.2 for consolidated and combined returns, respectively.

i. That federal taxable income as reported on the federal return generally will be relied upon for Virginia purposes. The department will usually not accept a difference from the federal return if such difference has an impact on federal tax liabilities.

j. That certain adjustments may be necessary to reconcile federal taxable income for Virginia purposes to federal taxable income as actually reported.

k. That affiliated corporations may be required to make special adjustments where federal and Virginia returns are filed on a different basis, or where a federal consolidated return contains corporations which are not subject to the Virginia corporate income tax.

l. That if a federal consolidated return is filed, but separate Virginia returns are filed, federal taxable income must be determined as if separate federal returns had been filed.

m. In determining federal taxable income as if separate federal returns had been filed, no effect is given for any deferral of gain, loss, income, or deduction which may have been permitted as a result of filing a federal consolidated return.

n. Unless otherwise provided, elections made on a federal consolidated return shall be considered to have been made by each separate company in determining its separate federal taxable income.

o. If an election was made under § 338(h) 10 of the Internal Revenue Code, the Virginia returns of any members of the selling group shall reflect the amount and character of income recognized in the federal consolidated return.

3. The regulation was initially adopted on September 14, 1984, but revised on February 1, 1987, with a retroactive effective date of January 1, 1985. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. 1880, Richmond, VA 23282-1180, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m.** – Public Hearing  
General Assembly Building, House Room C, 910 Capitol  
Street, Richmond, Virginia.

**March 14, 1994** – 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  
Taxation intends to adopt regulations entitled: **VR  
630-3-402.1. Corporate Income Tax: Additions in  
Determining Virginia Taxable Income.** This  
regulation has been revised as follows:

1. VR 630-3-402 originally provided guidance for  
additions, subtractions, and other adjustments required  
in determining Virginia taxable income. In order to  
increase utility and comprehension, the regulation has  
been divided into four separate regulations. VR  
630-3-402.1, a new regulation, defines additions  
required in determining Virginia taxable income. VR  
630-3-402.2, a new regulation, defines subtractions and  
adjustments allowed in determining Virginia taxable  
income. VR 630-3-402.3, a new regulation, defines  
adjustments necessary to Virginia taxable income when  
net operating losses are present. VR 630-3-402 now  
governs the determination of Virginia taxable income.

2. This new regulation provides:

a. That the additions to Virginia taxable income are  
only added to federal taxable income to the extent  
such items are excluded or deducted from federal  
taxable income.

b. Additions to Virginia taxable income are made  
net of any related expenses that were disallowed in  
determining federal taxable income.

c. If an item excluded or deducted from federal  
taxable income has been included in Virginia  
taxable income by operation of another section of  
the Code of Virginia, the item will not be added  
again pursuant to this regulation.

d. That interest on the obligations of any state other  
than Virginia, or on the obligations of a political  
subdivision of any other state, must be added to  
federal taxable income in determining Virginia  
taxable income. The addition to Virginia taxable  
income is net of expenses which were disallowed  
under § 265 of the Internal Revenue Code. The  
regulation provides that zero coupon bonds, or  
equivalent types of obligations, may produce interest  
income that must be added back to federal taxable  
income.

e. That interest or dividends on United States  
obligations that are exempt from federal income tax  
but not from state income tax must be added to  
federal taxable income in determining Virginia

taxable income. Such addition shall be net of any  
expenses which were disallowed under § 265 of the  
Internal Revenue Code.

f. That any Virginia corporate income tax imposed  
by § 58.1-400 of the Code of Virginia deducted in  
determining federal taxable income must be added  
back in determining Virginia taxable income.

g. Any net income taxes or other taxes, including  
franchise and excise taxes which are based on,  
measured by, or computed with reference to net  
income imposed by any other taxing jurisdiction  
deducted in determining federal taxable income  
must be added back in determining Virginia taxable  
income.

h. A tax satisfies the net income requirement if its  
base is computed by reducing gross receipts to  
permit the recovery of significant costs and  
attributable to such gross receipts. For this purpose,  
the environmental tax imposed pursuant to § 59A of  
the Internal Revenue Code is a tax based on net  
income that must be added back in determining  
Virginia taxable income.

i. A tax measured by capital stock, net worth,  
property or other measure unrelated to net income  
is not deemed to be a tax based on, measured by,  
or computed with reference to net income. In the  
event that a taxing authority imposes a tax on a  
basis other than net income, but such tax only  
applies to the extent it exceeds a tax based on net  
income, such tax shall be added back in  
determining Virginia taxable income to the extent  
the total tax is (or would have been) determined by  
net income.

j. The minimum tax on telecommunications  
companies imposed pursuant to § 58.1-400.1 of the  
Code of Virginia applies in any year that such tax  
exceeds the corporate income tax. If a corporation  
deducts the minimum tax in determining federal  
taxable income, such tax shall be added back in  
determining Virginia taxable income to the extent  
the corporate income tax would have been imposed  
for such year.

k. That unrelated business taxable income of a tax  
exempt organization must be added to federal  
taxable income in determining Virginia taxable  
income.

l. That any ESOP credit carryover that is deducted  
in computing federal taxable income under § 404(i)  
of the Internal Revenue Code shall be added to  
federal taxable income in determining Virginia  
taxable income.

m. That, to the extent not already included in  
federal taxable income, Virginia taxable income

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shall include the amount required to be included in income for purposes of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1180, Richmond, VA 23282-1180, telephone (804) 367-0167.

\* \* \* \* \*

**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to adopt regulations entitled: **VR 630-3-402.2. Corporate Income Tax: Subtractions and Adjustments in Determining Virginia Taxable Income.** This regulation has been revised as follows:

1. VR 630-3-402 originally provided guidance for additions, subtractions, and other adjustments required in determining Virginia taxable income. In order to increase utility and comprehension, the regulation has been divided into four separate regulations. VR 630-3-402.2, a new regulation, defines subtractions and adjustments allowed in determining Virginia taxable income. VR 630-3-402.1, a new regulation, defines additions required in determining Virginia taxable income. VR 630-3-402.3, a new regulation, defines adjustments necessary to Virginia taxable income when net operating losses are present. VR 630-3-402 now governs the determination of Virginia taxable income.

2. This new regulation provides:

a. That the subtractions from Virginia taxable income are only allowed to the extent such items are included in federal taxable income.

b. If an item has been excluded from Virginia taxable income by operation of another section of the Code of Virginia, the item will not be subtracted again pursuant to this regulation.

c. If an item of income qualifies for a subtraction or exclusion from Virginia taxable income pursuant to more than one section of the Code of Virginia, the taxpayer is limited to one subtraction for such item, but may utilize whichever subtraction is most beneficial to the taxpayer.

d. If an item does not qualify for a subtraction under this regulation, or under the Code of Virginia,

no subtraction is allowed.

e. That interest on the obligations of the United States, to the extent exempted from state taxation under federal laws, shall be subtracted from federal taxable income.

f. Guarantees by the United States of obligations of private individuals or corporations do not qualify for the subtraction.

g. Repurchase obligations usually will not qualify for the subtraction.

h. Interest paid on federal tax refunds, equipment purchase contracts, or other normal business transactions does not qualify for the subtraction.

i. The subtraction for U. S. interest must be determined net of any related expenses.

j. That interest on obligations of the Commonwealth of Virginia shall be subtracted to the extent included in federal taxable income. Such addition shall be net of any expenses which were disallowed under § 265 of the Internal Revenue Code.

k. That income realized by a pass-through entity will generally have the same character in the hands of the recipient as in the hands of the pass-through entity.

l. A subtraction is allowed for certain DISC dividends. Distributions which are excluded from the shareholder's income as made out of previously taxed income are eligible for the Virginia subtraction if 50% or more of the income of a DISC was assessable in Virginia for the preceding year, or the last year in which the DISC had income. The subtraction for DISC dividends must be reduced to the extent of any related expenses.

m. That if federal taxable income includes a refund or credit for overpayment of income taxes to Virginia or any other state, the amount of such refund or credit shall be subtracted from federal taxable income in determining Virginia taxable income. Generally, there are no offsetting expenses which reduce the subtraction.

n. That income included in federal taxable income pursuant to § 78 of the Internal Revenue Code shall be subtracted in determining Virginia taxable income. Because § 78 income is deemed to have been received, there are generally no expenses which reduce the subtraction. Because there is a separate subtraction for this type of income, it does not have to be included with foreign source income for purposes of determining the subtraction allowed for foreign source income.

o. That to the extent a deduction for wages was disallowed by § 280C (a) of the Internal Revenue Code in determining federal taxable income, a subtraction shall be allowed in determining Virginia taxable income. Because this subtraction relates to a deduction which is disallowed in computing federal taxable income, it does not have to be reduced by related expenses.

p. That the amount of Subpart F income required to be included in federal taxable income shall be subtracted in determining Virginia taxable income. Because such income is deemed to have been received, there are generally no expenses which reduce the Virginia subtraction. Because there is a separate subtraction for this type of income, it does not have to be included with foreign source income for purposes of determining the subtraction allowed for foreign source income.

q. That to the extent included in federal taxable income, there shall be a subtraction in determining Virginia taxable income equal to the amount of foreign source income as defined by § 58.1-302 of the Code of Virginia and VR 630-3-302.2. The subtraction allowed by this section shall not include any amount which is allowed as a subtraction as § 78 income, Subpart F income, or dividends received.

r. That for taxable years beginning on or after January 1, 1988, taxpayers may claim a subtraction in determining Virginia taxable income for the outstanding excess cost recovery as provided by § 58.1-323.1 of the Code of Virginia and VR 630-3-323.1.

s. That to the extent included in federal taxable income, there shall be a subtraction in determining Virginia taxable income for the amount of dividends received from a corporation when the corporation receiving the dividend owns 50% or more of the voting power of all classes of stock of the payer. Foreign source dividends from corporations in which the taxpayer owns 50% or more of the voting power of all classes of the stock of the payer may be claimed as a subtraction pursuant to this section in lieu of the subtraction for foreign source income.

t. That the amount of any qualified agricultural contribution shall be subtracted from federal taxable income in determining Virginia taxable income. Contributions that qualify for the subtraction in determining Virginia taxable income are contributions of agricultural products made by a corporation engaged in the trade or business of growing or raising such products.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1180, Richmond, VA 23282-1180,

telephone (804) 367-0167.

\* \* \* \* \*

**March 14, 1994 - 10 a.m.** — Public Hearing  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994** — 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 Taxation intends to adopt regulations entitled: **VR 630-3-402.3. Corporate Income Tax: Net Operating Losses.** This regulation has been revised as follows:

1. VR 630-3-402 originally provided guidance for additions, subtractions, and other adjustments required in determining Virginia taxable income. In order to increase utility and comprehension, the regulation has been divided into four separate regulations. VR 630-3-402.3, a new regulation, defines adjustments necessary to Virginia taxable income when net operating losses are present. VR 630-3-402.1, a new regulation, defines additions required in determining Virginia taxable income. VR 630-3-402.2, a new regulation, defines subtractions and adjustments allowed in determining Virginia taxable income. VR 630-3-402 now governs the determination of Virginia taxable income.

2. This new regulation provides:

a. There is no express authority in the Code of Virginia for a Virginia net operating loss, a net operating loss carryback or carryover. However, because the computation of Virginia taxable income begins with federal taxable income the starting point for determining Virginia taxable income is affected by the federal net operating loss deduction.

b. For Virginia purposes, the ability to utilize a net operating loss carryback or carryover is dependent on the taxpayer's ability to utilize the net operating loss carryback or carryover to reduce federal taxable income.

c. In determining Virginia taxable income, certain modifications are made to federal taxable income as provided by the Code of Virginia. Modifications from a loss year follow the loss for Virginia purposes and affect Virginia taxable income as the net operating loss is absorbed.

d. To prevent double deduction or taxation for Virginia purposes, the definition of federal taxable income is modified accordingly in any year in which a net operating loss is absorbed. Federal limitations, rules and elections regarding the utilization of net operating losses control the ability

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to utilize losses for Virginia purposes.

e. In any loss year, a corporation is required to determine all of the modifications to federal taxable income required by the Code of Virginia. A corporation incurring a net operating loss may have Virginia taxable income and owe Virginia income tax after making the required modifications. A similar result may occur in any year in which a net operating loss is carried back or over.

f. Virginia modifications attributable to a loss year follow the carryback or carryover of the net operating loss suffered in the loss year. In any year in which a loss is utilized to reduce federal taxable income, Virginia modifications attributable to such loss will be applied proportionately to the amount of the loss utilized.

g. Because there is no provision for a separate Virginia net operating loss, income allocated out of Virginia taxable income cannot create or increase a Virginia net operating loss. Neither the allocable income nor the apportionment factor of the loss year is a modification which follows the net operating loss.

h. The recovery of the outstanding balance of excess cost recovery in post 1987 taxable years pursuant to § 58.1-323.1 of the Code of Virginia has its own carryover and recovery provisions, and is not a modification that follows a net operating loss.

i. No Virginia modifications follow a capital loss or charitable contribution.

j. The net sum of loss year modifications follows the net operating loss to the year utilized. The net modifications, which may be positive or negative, will be added or subtracted accordingly in determining Virginia taxable income in the year in which the net operating loss is absorbed. If the net operating loss is utilized to reduce federal taxable income in more than one taxable year, the net modifications will be applied proportionately to the utilization of the loss. If Virginia taxable income in a loss year equals or exceeds zero, then all of the net operating loss and Virginia subtractions have been offset by Virginia additions, and a net positive Virginia modification equal to 100% of the loss shall follow the carryback or carryover of such loss.

k. Generally, federal taxable income means federal taxable income as defined by § 63 of the Internal Revenue Code and any other income taxable under federal law. In order to prevent Virginia modifications associated with a net operating loss from being subject to double deduction or double taxation, the definition of federal taxable income is modified in any year in which a corporation incurs a net operating loss, or claims a net operating loss

deduction. In determining the amount of a net operating loss, no deduction is allowed for a net operating loss deduction from any other year. For Virginia purposes, federal taxable income in a loss year shall be determined without net operating loss deductions attributable to any other taxable year.

l. If a net operating loss is carried back, and the federal taxable income in the carryback year is sufficient to fully absorb the loss, no adjustment is necessary for Virginia purposes. If a net operating loss is carried back, and federal taxable income in the carryback year is insufficient to fully absorb the carryback, then for Virginia purposes federal taxable income is defined as zero.

m. If a net operating loss is carried over, and the federal taxable income in the carryover year is sufficient to fully absorb the loss, no adjustment is necessary to federal taxable income for Virginia purposes. If a net operating loss is carried over, and federal taxable income in the carryover year is insufficient to fully absorb the carryover, then for Virginia purposes federal taxable income is defined as zero.

n. Federal law permits a corporation to carry a net operating loss back to each of the three taxable years preceding the loss year, and then over to each of the 15 taxable years following the taxable year of the loss. Because Virginia law does not provide for a separate Virginia net operating loss, federal law and regulations control the ability to utilize a net operating loss for Virginia purposes. The fact that a corporation has no Virginia source income or is not otherwise subject to tax in a carryover or carryback year does not affect the Virginia treatment.

o. If a corporation elects to relinquish the entire carryback period for federal purposes such election is binding for Virginia purposes. Any federal provision which acts to limit the availability of a net operating loss shall apply for Virginia purposes.

p. Corporations filing consolidated or combined Virginia returns may be subject to special rules where federal and Virginia returns are filed on a different basis or with different members. See VR 630-3-442.1 and VR 630-3-442.2.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1180, Richmond, VA 23282-1180, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capit

Street, Richmond, Virginia.

March 14, 1994 - 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 Taxation intends to amend regulations entitled: VR 630-3-403. Corporate Income Tax: Additional Modifications for Savings and Loan Associations, Railway Companies and Telecommunications Companies. This regulation has been revised as follows:

1. Chapter 614 of the 1987 Acts of the General Assembly restored the special bad debt deduction for savings and loan associations to the percentage of income (40%) that existed before the Tax Reform Act of 1986 reduced the federal deduction to 8.0%. An example of the calculation has been provided.
2. The amendments clarify that railway companies must increase federal taxable income by any net operating loss deduction attributable to a taxable year beginning before January 1, 1979, and may modify their federal taxable income for Virginia purposes if a net operating loss incurred in a taxable year beginning on or after January 1, 1979, is carried back to a taxable year beginning before January 1, 1979.
3. The amendments refer telecommunication companies to VR 630-3-400.1 for guidance in making the adjustments required for net operating losses.
4. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.
5. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1180, Richmond, VA 23282-1180, telephone (804) 367-0167.

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March 14, 1994 - 10 a.m. - Public Hearing  
General Assembly Building, House Room C, Richmond, Virginia.

March 14, 1994 - 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 Taxation intends to amend regulations entitled: VR 630-3-409. Corporate Income Tax: Property Factor. The existing regulation provided guidance with respect to computing the property apportionment factor for corporations. Specifically, it provides that the property factor is a fraction, the numerator of which is average property used in Virginia, and the denominator of which is the average amount of property utilized everywhere. Property is defined to include all real and tangible personal property in which a corporation has any right of use or possession.

One revision to this regulation clarifies that property in transit between locations shall be considered to be at the destination for purposes of determining its location for inclusion in the property factor.

An additional revision deletes the reference to computing the property factor for corporations that are general partners in a partnership. A new regulation will be promulgated to clarify and provide guidance with respect to the determination of a corporate partner's apportionment factor, with respect to the partnership property, payroll, and sales.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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March 14, 1994 - 10 a.m. - Public Hearing  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

March 14, 1994 - 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 Taxation intends to amend regulations entitled: VR 630-3-411. Corporate Income Tax: Average Value of Property. The existing regulation provides guidance with respect to how the "average" value of property for purposes of determining the property apportionment factor is determined: either (i) by averaging the amounts owned at the beginning and ending of the year, or (ii) by using property amounts averaged on a monthly basis.

The regulation has been revised to include a requirement that under an election pursuant to § 338(h)(10) of the Internal Revenue Code, a target corporation will be required to use monthly averaging in determining its Virginia property numerator in the year of the sale deemed to occur when ownership of a target corporation is transferred from a seller to a

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buyer.

The regulation has also been revised to clarify when a consolidated group may be required to use monthly averaging, when the group has as a member a target corporation acquired pursuant to an election under § 338(h)(10) of the Internal Revenue Code.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. — Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 —** 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 Taxation intends to amend regulations entitled: **VR 630-3-420. Corporate Income Tax: Railway Companies; Apportionment.** This regulation has had only minor changes made to it, so that it will conform to the requirements of the Virginia Administrative Process Act.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. — Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 —** 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 Taxation intends to amend regulations entitled: **VR 630-3-431. Corporate Income Tax: Energy Income Tax Credit - Taxable Years Beginning Before January 1, 1988.** This regulation has been revised as follows:

1. Definitions were consolidated in the first section of the regulation.
2. The regulation makes it clear that the provisions of § 58.1-431 of the Code of Virginia only applied to property placed in service before January 1, 1988.

3. The references to § 44C of the Internal Revenue Code were changed to § 23 in accordance with the federal recodification of this section.

4. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.

5. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. — Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 —** 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 Taxation intends to amend regulations entitled: **VR 630-3-440. Corporate Income Tax: Accounting.** This regulation has been revised as follows:

1. The amendments to the regulation provide:
  - a. Where a corporation has a taxable year of less than 12 months, the taxable income does not need to be prorated because the corporate tax does not contain graduated rates. However, if short taxable years would affect the limitation of a credit or other modification, proration shall be required.
  - b. Information used for apportionment purposes shall be consistent with and, if possible, reconciled to information contained in the federal income tax return.
  - c. Adjustments under § 481 of the Internal Revenue Code apply in determining Virginia taxable income. Adjustments required by § 481 of the Internal Revenue Code apply for Virginia purposes regardless of whether the taxpayer was subject to tax in Virginia during the year the accounting method was changed.
  - d. A member of a federal consolidated return may be required to make certain adjustments to it

federal taxable income if it files a Virginia return on a different basis than its federal return. If, after having made such adjustments, a federal change in accounting method would result in double taxation or deduction for Virginia purposes, than an adjustment shall be allowed to the extent of such duplication.

2. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.

3. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-443. Corporate Income Tax: Prohibition of Worldwide Consolidation or Combination.** The amendments to this regulation provide:

1. Even though a controlled foreign corporation may be excluded from a consolidated or combined return, such corporation may be subject to tax on some or all of its income, and may be required to file a return with the department. The fact that a controlled foreign corporation is subject to tax or required to file a return does not mean that such corporation may be included in a Virginia consolidated return.

2. A foreign corporation is defined by reference to U. S. Treasury Regulation § 301.7701-5.

3. The income of a controlled foreign corporation is derived from sources without the United States if such corporation is not subject to income tax on its world-wide income under § 11 of the Internal Revenue Code, or less than 80% of the gross income of such controlled foreign corporation is considered to be effectively connected with the conduct of a U. S. trade

or business.

4. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.

5. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-445. Corporate Income Tax: Consolidation of Accounts.** This regulation has been revised as follows:

1. The accounts of two or more related trades or businesses may be consolidated if the department determines such consolidation is necessary to accurately distribute or apportion gains, profits, income, deductions, or capital between or among such trades or businesses.

2. This regulation applies to situations where the federal taxable income is correctly stated, but income subject to Virginia taxation is inaccurate.

3. A taxpayer may apply to the department for consolidation in accordance with the instructions therein.

4. Permission for consolidation under this regulation may be granted if adequate separate accounting records are maintained, the entities are related, the entities are subject to Virginia taxation, and the entities are owned by the same interests as described therein.

5. The department will generally not permit the consolidation of two or more corporations that are not otherwise eligible for consolidation pursuant to VR 630-3-442.1 except where the department finds



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consolidation necessary to accurately determine Virginia taxable income.

6. Other duplicate language has been deleted.

7. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.

8. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to repeal regulations entitled: **VR 630-3-446.1. Corporate Income Tax: Foreign Sales Corporations.** The regulation provides guidance with respect to adjusting the income of affiliated groups under § 58.1-446 of the Code of Virginia, if such groups had a Domestic International Sales Corporation (DISC) as a member. This regulation is being repealed because (i) DISC's no longer exist under federal income tax law, and (ii) the existing regulations under § 58.1-446 provide adequate guidance with respect to Interest-Charge DISC's.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** Alvin H. Carpenter, III, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0963.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-449. Corporate Income Tax: Supplemental Accounts.** This regulation has had only minor revisions made to it, which were made so that it would conform to the provisions of the Virginia Administrative Process Act.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** Alvin H. Carpenter, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0963.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-453. Corporate Income Tax: Extension of Time for Filing Returns.** The amendments to the regulation provide:

1. Where a corporation has been granted a federal extension of time to file, a Virginia extension will be granted to a date six months after the original Virginia due date or 30 days after the extended federal due date, whichever is later.

2. The penalty imposed by § 58.1-453 of the Code of Virginia will be imposed in addition to interest, and in addition to the penalty imposed under § 58.1-455 of the Code of Virginia.

3. If the taxpayer has received a federal extension, the department will accept a timely filed Virginia extension signed by the same person authorized to sign the taxpayer's federal extension.

4. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.

5. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

## Calendar of Events

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-500. Corporate Income Tax: Declarations of Estimated Income Tax.** The amendments to the regulation provide:

1. A tax liability of less than \$1,000 in a preceding year does not automatically exempt a corporation from filing estimated taxes in the subsequent year.
2. The declaration of estimated tax may only be amended once in each interval between installment dates.
3. A telecommunications company subject to tax pursuant to § 58.1-400.1 of the Code of Virginia must make estimated tax payments pursuant to this regulation if the total estimated tax due, less credits allowed, can be reasonably expected to exceed \$1,000. For this purpose, "estimated tax" includes the corporate income tax and the minimum tax on telecommunications companies.
4. Declarations are to be made on forms prescribed by the department, which will be provided in preprinted format wherever possible. However, the failure of the department to provide a form will not excuse a taxpayer from making a declaration.
5. Filing a registration application or declaration of estimated tax is not an election of a method of reporting.
6. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.
7. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

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**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR 630-3-503. Corporate Income Tax: Instructions for Filing Estimated Taxes.** This regulation has been revised as follows:

1. Declarations shall be filed using prescribed forms, and signed as provided therein.
2. The regulation provides the manner in which payment shall be made, and the types of checks which are acceptable.
3. The regulation provides guidance for filing estimated tax payments by affiliated groups filing consolidated or combined returns.
4. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.
5. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

\* \* \* \* \*

**March 14, 1994 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

**March 14, 1994 –** 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 Taxation intends to amend regulations entitled: **VR**

# Calendar of Events

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**630-3-504. Corporate Income Tax: Failure to Pay Estimated Income Tax.** This regulation has been revised as follows:

1. The definitions have been moved to the beginning of the regulation, new definitions have been added, and existing definitions were amended.

2. The amendments clarify the exceptions to the underpayment penalty.

Exception 1 - Prior Years Tax. For this exception, the prior year's tax is equal to the sum of the corporate income tax and the minimum tax on telecommunications companies imposed under § 58.1-400.1 of the Code of Virginia, but without reduction for any credits allowed against the tax. For this purpose, the prior years return is deemed to show a liability for tax regardless of whether some or all of such tax was offset by credits. For purposes of exception 1, the amount of prior year's tax must be paid in timely installments in the current year even though the preceding year's tax did not exceed the estimated tax filing threshold of § 58.1-500 of the Code of Virginia.

Exception 2 - Tax on prior year's income using current year rates. For this exception, the prior year's return does not have to show a tax liability, and any credits allowed on the prior year's return may be offset against the tax calculated using the tax calculated using the current year's rates. For purposes of exception 2, the amount of prior year's tax must be paid in timely installments in the current year even though the preceding year's tax did not exceed the estimated tax filing threshold of § 58.1-500 of the Code of Virginia.

3. The amendments provide that the rate of interest used to determine the underpayment penalty shall be the rate of interest established pursuant to § 6621 of the Internal Revenue Code plus 2.0% as provided in § 58.1-15 of the Code of Virginia.

4. The amendments provide guidance to affiliated corporations filing consolidated and combined returns in determining the penalty provided by this regulation or the exceptions thereto.

5. The regulation was adopted on September 14, 1984, effective for taxable years beginning on or after January 1, 1985. The regulation was issued prior to the January 1, 1985, effective date of the amendments to the Virginia Register Act (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia, and accordingly was never published in The Virginia Register of Regulations.

6. The regulation has been revised and restated to conform to the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: § 58.1-203 of the Code of Virginia.

**Contact:** David M. Vistica, Tax Policy Analyst, Department of Taxation, P. O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0167.

## COMMONWEALTH TRANSPORTATION BOARD

† **March 16, 1994 - 2 p.m.** - Open Meeting  
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

† **March 17, 1994 - 10 a.m.** - Open Meeting  
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

## DEPARTMENT OF THE TREASURY (TREASURY BOARD)

**March 16, 1994 - 9 a.m.** - Open Meeting

**April 20, 1994 - 9 a.m.** - Open Meeting

James Monroe Building, 101 N. 14th St., 3rd Floor Board Room, Richmond, Virginia.

A regular meeting of the board.

**Contact:** Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, 101 N. 14th Street, 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011.

## BOARD OF VETERINARY MEDICINE

**April 8, 1994** - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14.7.

of the Code of Virginia that the Board of Veterinary Medicine intends to adopt regulations entitled: **VR 645-01-0:1. Public Participation Guidelines.** These regulations replace emergency regulations currently in effect which provide guidelines for the involvement of the public in the promulgation of regulations for the board.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Written comments may be submitted through April 8, 1994, to Terri Behr, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717.

**Contact:** Elizabeth A. Carter, Executive Director, Board of Veterinary Medicine, 6606 W. Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9915.

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Advisory Committee on Services

† **April 30, 1994 - 10 a.m.** – Open Meeting  
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☐

A quarterly meeting to advise the Virginia Board for the Visually Handicapped on matters related to services for blind and visually impaired citizens of the Commonwealth. A portion of this meeting will be conducted jointly with the Board for the Visually Handicapped.

**Contact:** Barbara G. Tyson, Executive Secretary Senior, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155 or (804) 371-3140/TDD ☐

## VIRGINIA VOLUNTARY FORMULARY BOARD

**March 31, 1994 - 10:30 a.m.** – Open Meeting  
1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor Street, Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

## VIRGINIA WASTE MANAGEMENT BOARD

† **March 23, 1994 - 10 a.m.** – Open Meeting  
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia. ☐

A regular meeting.

**Contact:** Doneva A. Dalton, Hearings Reporter, Department of Environmental Quality, P.O. Box 10009, 629 E. Main St., Richmond, VA 23240, telephone (804) 762-4379.

## STATE WATER CONTROL BOARD

**March 10, 1994 - 7 p.m.** – Public Hearing  
Department of Environmental Quality, Board Room, Innsbrook Corporate Center, 4900 Cox Road, Richmond, Virginia.

**March 15, 1994 - 7 p.m.** – Public Hearing  
Galax City Council Chambers, Municipal Building, Center Street, Galax, Virginia.

**March 16, 1994 - 7 p.m.** – Public Hearing  
Washington County Public Library, Valley and Oak Hill Streets, Abingdon, Virginia.

**March 17, 1994 - 7 p.m.** – Public Hearing  
Buchanan Town Council Chambers, Municipal Building, Main Street, Buchanan, Virginia.

**March 22, 1994 - 7 p.m.** – Public Hearing  
Charlottesville City Council Chambers, City Hall, 7th and Downtown Mall, Charlottesville, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-21-00. Water Quality Standards (VR 680-21-01.3. Antidegradation Policy).** The purpose of these amendments is to amend the antidegradation policy by designating five surface waters for special protection as exceptional waters. Applicable federal requirements: The EPA Water Quality Standards Regulation (40 CFR 131.12) is the regulatory basis for the EPA requiring the states to establish the exceptional waters category and the eligibility decision criteria for these waters. EPA retains approval/disapproval oversight, but delegates to the states the selection and designation of specific water bodies as exceptional waters. Locality particularly affected: While this proposal affects specific localities (Albemarle, Botetourt, Carroll and Washington Counties), the board does not believe any locality to be adversely affected. In addition, local governmental entities have not voiced any concerns about the discharge restrictions that would be imposed by the designations of these five waters. Informal question and answer period: An informal question and answer period will be held one-half hour before each public hearing. Accessibility to persons with disabilities: The meeting is being held at a facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton at the address below, or by telephone at (804) 762-4379 or TDD (804) 762-4021. Persons needing interpreter

# Calendar of Events

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services for the deaf must notify Ms. Dalton no later than Monday, February 28, 1994. Opportunity for formal hearing: The board will hold a formal (evidential) hearing at a time and place to be established if a petition for such a hearing is received and granted. Affected persons may petition for a formal hearing concerning any issue of fact directly relevant to the legal validity of the proposed action. Petitions must meet the requirements of § 1.23 (b) of the board's Procedural Rule No. 1 (1980), and must be received by the contact person designated below by 4 p.m. on Monday, March 7, 1994. Request for comments: The board is seeking written comments from interested persons on the proposed regulation and on the costs and benefits of the proposal. Written comments should be directed to Ms. Doneva Dalton at the address below by 4 p.m. on Monday, April 11, 1994. Other information: The board has conducted analyses related to the basis, purpose, substance, issues and estimated impacts of the proposed amendments. Any persons interested in reviewing these materials should contact the contact person listed below.

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

Written comments may be submitted until April 11, 1994, to Doneva Dalton, Hearing Reporter, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240.

**Contact:** Jean Gregory, Department of Environmental Quality, P. O. Box 11143, Richmond, VA 23230, telephone (804) 527-5093.

† **March 7, 1994 - 7 p.m. – Public Hearing**  
W.W. Robinson Elementary School, 1231 Susan Avenue, Woodstock, Virginia. ☒

A public hearing to receive comments on the issuance or denial of Virginia Pollutant Abatement (VPA) Permit No. VPA01555 for Rocco Farm Foods, Inc., Rt. 3, Box 370, Edinburg, Virginia. The stabilized industrial sludge is generated at the Rocco Farm Foods, Inc. facility on Rt. 675 near Edinburg. Sludge storage is proposed at a facility in Mt. Jackson; land application is proposed to 36 sites (568 acres) in the Mt. Jackson, Edinburg and Tom's Brook areas. There will be no discharge allowed by the permit.

**Contact:** Doneva A. Dalton, Hearings Reporter, Department of Environmental Quality, P.O. Box 10009, 629 E. Main St., Richmond, VA 23240, telephone (804) 762-4379.

**March 17, 1994 - 12:30 p.m. – Open Meeting**  
Municipal Building, Board of Supervisors Room, 112 North Main Street, Bridgewater, Virginia.

The State Water Control Board's staff is scheduling a series of meetings of the North River Surface Water Management Area Advisory Group. The duties of this

advisory group are to assist in determining the appropriateness of a designation, the boundaries of the proposed area, and the adequacy of the data. The group must also evaluate the data to determine the minimum instream flow level that will activate the surface water withdrawal permits and sets the various stages of conservation plans.

Other tentative scheduled meetings are Thursday, April 21, 1994, and May 19, 1994. Contact should be made prior to the meeting date so as to be informed of any changes in the time or location of the meeting, or possible cancellation.

**Contact:** Thomas Felvey, Program Manager, Department of Environmental Quality, Water Division, P. O. Box 11143, Richmond, VA 23230, telephone (804) 527-5092.

† **March 21, 1994 - 9 a.m. – Open Meeting**  
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia. ☒

A regular meeting.

**Contact:** Doneva A. Dalton, Hearings Reporter, Department of Environmental Quality, P.O. Box 10009, 629 E. Main St., Richmond, VA 23240, telephone (804) 762-4379.

**March 23, 1994 - 7 p.m. – Open Meeting**  
Department of Environmental Quality, Board Room, 4900 Cox Road, Innsbrook Corporate Center, Glen Allen, Virginia. ☒ (Interpreter for the deaf provided upon request)

**March 24, 1994 - 7 p.m. – Open Meeting**  
Roanoke County Board of Supervisors Room, First Floor, 5204 Bernard Drive, Roanoke, Virginia ☒ (Interpreter for the deaf provided upon request)

A public meeting to receive oral and written comments on the proposed amendment to the Antidegradation Policy of the Water Quality Standards Regulation (VR 680-21-01) to increase the participation of local governments in the nomination and designation process for exceptional waters. The State Water Control Board intends to consider amending the regulation to offer local governments the opportunity to determine if a proposed exceptional waters nomination is consistent with local comprehensive planning as part of the process.

**Contact:** Jean Gregory, Department of Environmental Quality, Water Division, P. O. Box 11143, Richmond, VA 23230, telephone (804) 527-5093.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **March 29, 1994 - 8:30 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation

3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct regulatory review and other board business which may require board action.

**Contact:** Geralde W. Morgan, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

## BOARD OF YOUTH AND FAMILY SERVICES

**March 10, 1994 - 8:30 a.m. – Open Meeting**  
700 Centre Building, 4th Floor, 7th and Franklin Streets, Richmond, Virginia. ☒

Committee meetings will begin at 8:30, and a general meeting will begin at 10 a.m. to review programs recommended for certification or probation, to consider adoption of draft policies and other matters that may come before the board.

**Contact:** Donald R. Carignan, Policy Coordinator, Department of Youth and Family Services, P. O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0692.

## LEGISLATIVE

### COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

† **April 13, 1994 - 10 a.m. – Open Meeting**  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

A meeting to review the 1994 General Assembly session and discuss the commission's work program for its final year.

**Contact:** Katherine L. Imhoff, Executive Director, Commission on Population Growth and Development, General Assembly Bldg., 910 Capitol St., Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### March 7

Alcoholic Beverage Control Board  
Audiology and Speech-Language Pathology, Board of  
Cosmetology, Board for

#### March 8

Agriculture and Consumer Services, Department of  
- Marine Products Board  
Environmental Quality, Department of  
- Waste Tire End User Reimbursement Advisory Committee  
Higher Education for Virginia, State Council of  
Labor and Industry, Department of  
Virginia Resources Authority

#### March 9

Architects, Professional Engineers, Land Surveyors, and Landscape Architects, Board for  
- Land Surveyors, Board for  
† Emergency Planning Committee, Local - Portsmouth  
Funeral Directors, Board of  
Medicine, Board of  
- Informal Conference Committee  
† Pharmacy, Board of  
Sewage Handling and Disposal Appeals Review Board

#### March 10

Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for  
† Child Day-Care Council  
† Information Management, Council on  
- Local Government Advisory Committee  
Labor and Industry, Department of  
Youth and Family Services, Board of

#### March 11

† Mental Health, Mental Retardation and Substance Abuse Services, Board of  
- State Human Rights Committee

#### March 14

† Agriculture and Consumer Services, Department of  
- Virginia Sweet Potato Board  
† Air Pollution Control Board  
ASAP Policy Board - Valley  
Library Board, State  
- Archives and Records Management Committee  
- Automation and Networking Committee  
- General Library Committee  
- Legislative and Finance Committee  
- Public Library Development Committee  
† Virginia Housing Development Authority

#### March 15

Auctioneers Board  
Environmental Quality, Department of  
- Technical Advisory Committee for the Department of Regulations  
Fine Arts, Museum of  
- Collections Committee  
- Nominating Committee  
† Hazardous Materials Training Committee  
† Pharmacy, Board, of  
Psychology, Board of

# Calendar of Events

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- Credentials Committee
- † Virginia Housing Development Authority

## March 16

- † Community Colleges, State Board for
- † Corrections, Board of
- † Housing and Community Development, Board of
  - Amusement Device Technical Advisory Committee
- † Labor and Industry, Department of
  - Migrant and Seasonal Farmworkers Board
- Local Debt, State Council on
- Medicine, Board of
  - Informal Conference Committee
- † Optometry, Board of
- † Reforestation of Timberlands Board
- † Commonwealth Transportation Board
- Treasury Board

## March 17

- Chesapeake Bay Local Assistance Board
  - Central Area Review Committee
  - Northern Area Review Committee
- † Community Colleges, State Board for
- † Corrections, Board of
  - Liaison Committee
- Fine Arts, Museum of
  - Finance Committee
  - Board of Trustees
- † Health, Department of
  - Commissioner's Waterworks Advisory Committee
- † Commonwealth Transportation Board
- Treasury Board
- Water Control Board, State

## March 18

- Children's Residential Facilities, Interdepartmental Regulation of
  - Coordinating Committee
- Conservation and Recreation, Department of
  - Falls of the James Scenic River Advisory Board
- Information Management, Council on

## March 21

- Alcoholic Beverage Control Board
- † Governor's Job Training Coordinating Council
- † Lottery Board, State
- Nursing, Board of
  - Special Conference Committee
- † Rappahannock-Rapidan Division of Court Services Executive Board
- † Water Control Board, State

## March 22

- † Marine Resources Commission
- Nursing, Board of
- Polygraph Examiners Advisory Board

## March 23

- † Agriculture and Consumer Services, Department of
  - Virginia Peanut Board
- Chesapeake Bay Local Assistance Board

- Southern Area Review Committee
- Contractors, Board for
  - Recovery Fund Committee
- Environmental Quality, Department of
- † George Mason University
  - Board of Visitors
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
- Nursing, Board of
- † Waste Management Board, Virginia
- Water Control Board, State

## March 24

- Environmental Quality, Department of
- Nursing, Board of

## March 25

- Accountancy, Board for
  - Continuing Professional Education Committee
- † Medicine, Board of
  - Advisory Board on Occupational Therapy

## March 28

- Agricultural Council, Virginia
- † Networking Users Advisory Board, State

## March 29

- Agricultural Council, Virginia
- † Waterworks and Wastewater Works Operators, Board for

## March 30

- Mental Health Planning Council, Virginia

## March 31

- Voluntary Formulary Board, Virginia
- Medical Assistance Services, Department of
  - Drug Utilization Review Board
- Mental Health and the Law, 16th Annual Symposium on

## April 1

- Mental Health and the Law, 16th Annual Symposium on

## April 4

- Alcoholic Beverage Control Board

## April 5

- Accountancy, Board for
  - Regulatory Review Committee
- Hopewell Industrial Safety Council

## April 6

- Local Government, Commission on

## April 7

- Emergency Planning Committee, Local - Chesterfield County
- Local Government, Commission on
- Medicine, Board on

# Calendar of Events

- Informal Conference Committee

## April 8

† Medicine, Board of  
- Advisory Board on Physical Therapy

## April 12

† Higher Education, State Council of  
Virginia Resources Authority  
Professional Soil Scientists, Board for

## April 13

† Population Growth and Development, Commission on

## April 14

† Agriculture and Consumer Services, Department of  
- Pesticide Control Board

## April 15

† Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
† Medicine, Board of  
- Executive Committee  
Opticians, Board for

## April 16

† Medicine, Board of  
- Credentials Committee

## April 18

Alcoholic Beverage Control Board

## April 20

Local Debt, State Council on  
Emergency Planning Committee, Local - Henrico  
Treasury Board

## April 30

† Visually Handicapped, Department for the  
-Advisory Committee on Services

## May 4

Environmental Quality, Department of  
- Work Group on Detection/Quantitation Levels

## May 5

Emergency Planning Committee, Local - Chesterfield  
County

## May 9

† Library Board, Virginia State  
- Archives and Records Management Committee  
- Automation and Networking Committee  
- General Library Committee  
- Legislative and Finance Committee  
- Public Library Development Committee

## May 10

† Higher Education, State Council of  
Virginia Resources Authority

## June 14

† Higher Education, State Council of

## PUBLIC HEARINGS

## March 7

Child Day Care and Early Childhood Programs,  
Council on  
Emergency Planning Committee, Local - Cities of  
Hampton, Newport News, Williamsburg and Poquoson  
and the County of York  
† Water Control Board, State

## March 8

Health, Department of

## March 9

Environmental Quality, Department of

## March 10

Child Day Care and Early Childhood Programs,  
Council on  
Water Control Board, State

## March 14

Taxation, Department of

## March 15

Water Control Board, State  
Mental Health, Mental Retardation and Substance  
Abuse Services, Department of

## March 16

Medicine, Board of  
- Advisory Board on Physical Therapy  
Optometry Board  
Water Control Board, State

## March 17

Water Control Board, State

## March 18

Game and Inland Fisheries, Board of

## March 22

Water Control Board, State

## March 23

† Mental Health, Mental Retardation and Substance  
Abuse Services, Department of

## March 24

Branch Pilots, Board for

## March 30

† Health, Department of

## April 4



# Calendar of Events

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Labor and Industry, Department of

**April 5**

† Mines, Minerals and Energy, Department of

**April 6**

Criminal Justice Services, Department of  
Local Government, Commission on

**April 14**

† Agriculture and Consumer Services, Department of  
- Pesticide Control Board

**April 22**

Motor Vehicles, Department of  
† Social Services, Department of

**April 25**

† Health, Department of

**April 27**

† Health, Department of

**April 28**

† Health, Department of

**April 29**

† Health, Department of