



# Virginia Register of Regulations

VOL. 25 ISS. 10

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

JANUARY 19, 2009

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# THE VIRGINIA REGISTER INFORMATION PAGE

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**THE VIRGINIA REGISTER OF REGULATIONS** is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of 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 intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-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 21-day objection period; (ii) the Governor exercises his authority to require the agency to

provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

## **FAST-TRACK RULEMAKING PROCESS**

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

## **EMERGENCY REGULATIONS**

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. 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 to no more than 12 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not 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 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

## **CITATION TO THE VIRGINIA REGISTER**

The *Virginia Register* is cited by volume, issue, page number, and date. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

*The Virginia Register of Regulations* is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **Robert Hurt**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **Jane M. Roush**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

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# PUBLICATION SCHEDULE AND DEADLINES

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This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

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## January 2009 through November 2009

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
<b>INDEX 1 Volume 25</b>		
<b>January 2009</b>		
25:10	December 30, 2008 ( <b>Tuesday</b> )	January 19, 2009
25:11	January 14, 2009	February 2, 2009
25:12	January 28, 2009	February 16, 2009
25:13	February 11, 2009	March 2, 2009
25:14	February 25, 2009	March 16, 2009
<b>INDEX 2 Volume 25</b>		
<b>April 2009</b>		
25:15	March 11, 2009	March 30, 2009
25:16	March 25, 2009	April 13, 2009
25:17	April 8, 2009	April 27, 2009
25:18	April 22, 2009	May 11, 2009
25:19	May 6, 2009	May 25, 2009
25:20	May 20, 2009	June 8, 2009
<b>INDEX 3 Volume 25</b>		
<b>July 2009</b>		
25:21	June 3, 2009	June 22, 2009
25:22	June 17, 2009	July 6, 2009
25:23	July 1, 2009	July 20, 2009
25:24	July 15, 2009	August 3, 2009
25:25	July 29, 2009	August 17, 2009
25:26	August 12, 2009	August 31, 2009
<b>FINAL INDEX Volume 25</b>		
<b>October 2009</b>		
26:1	August 26, 2009	September 14, 2009
26:2	September 9, 2009	September 28, 2009
26:3	September 23, 2009	October 12, 2009
26:4	October 7, 2009	October 26, 2009
26:5	October 21, 2009	November 9, 2009

\*Filing deadlines are Wednesdays unless otherwise specified.

# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2008 VAC Supplement includes final regulations published through *Virginia Register* Volume 24, Issue 24, dated August 4, 2008). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 1. Administration</b>			
1 VAC 17-10-10 through 1 VAC 17-10-90	Repealed	25:8 VA.R. 1484	1/21/09
1 VAC 17-11-10 through 1 VAC 17-11-110	Added	25:8 VA.R. 1484-1487	1/21/09
1 VAC 30-10-10 through 1 VAC 30-10-70	Repealed	25:8 VA.R. 1487	1/21/09
1 VAC 30-11-10 through 1 VAC 30-11-110	Erratum	25:9 VA.R. 1827	--
1 VAC 30-11-10 through 1 VAC 30-11-110	Added	25:8 VA.R. 1488-1490	1/21/09
1 VAC 30-45-10 through 1 VAC 30-45-860	Added	25:7 VA.R. 1409-1413	1/1/09
1 VAC 30-46-10 through 1 VAC 30-46-210	Added	25:7 VA.R. 1413-1417	1/1/09
1 VAC 50-10-60 through 1 VAC 50-10-150	Repealed	25:2 VA.R. 119	10/29/08
1 VAC 50-11-10 through 1 VAC 50-11-110	Added	25:2 VA.R. 119-122	10/29/08
1 VAC 55-10-10 through 1 VAC 55-10-50	Repealed	25:2 VA.R. 122	10/29/08
1 VAC 55-11-10 through 1 VAC 55-11-110	Added	25:2 VA.R. 122-125	10/29/08
1 VAC 75-10-10 through 1 VAC 75-10-40	Repealed	24:25 VA.R. 3523	9/17/08
1 VAC 75-11-10 through 1 VAC 75-11-110	Added	24:25 VA.R. 3523-3526	9/17/08
<b>Title 2. Agriculture</b>			
2 VAC 5-10-10 through 2 VAC 5-10-70	Repealed	25:3 VA.R. 342	11/12/08
2 VAC 5-11-10 through 2 VAC 5-11-110	Added	25:3 VA.R. 343-345	11/12/08
2 VAC 5-206-10 through 2 VAC 5-206-50	Added	24:25 VA.R. 3527-3531	10/3/08
2 VAC 5-330-30	Amended	25:2 VA.R. 126	10/15/08
2 VAC 5-335-10 through 2 VAC 5-335-130	Added	25:2 VA.R. 126-129	10/15/08
2 VAC 15-11-10 through 2 VAC 15-11-120	Repealed	25:4 VA.R. 576	11/26/08
2 VAC 15-12-10 through 2 VAC 15-12-110	Added	25:4 VA.R. 577-579	11/26/08
2 VAC 20-10-10 through 2 VAC 20-10-120	Repealed	25:5 VA.R. 792	12/10/08
2 VAC 20-11-10 through 2 VAC 20-11-110	Added	25:5 VA.R. 792-795	12/10/08
2 VAC 20-51-10 through 2 VAC 20-51-50	Amended	25:3 VA.R. 346-350	12/1/08
2 VAC 20-51-70	Amended	25:3 VA.R. 350	12/1/08
2 VAC 20-51-90	Amended	25:3 VA.R. 351	12/1/08
2 VAC 20-51-100	Amended	25:3 VA.R. 351	12/1/08
2 VAC 20-51-160	Amended	25:3 VA.R. 351	12/1/08
2 VAC 20-51-170	Amended	25:3 VA.R. 352	12/1/08
2 VAC 20-51-200	Amended	25:3 VA.R. 352	12/1/08
2 VAC 20-51-210	Amended	25:3 VA.R. 352	12/1/08
<b>Title 3. Alcoholic Beverages</b>			
3 VAC 5-10	Erratum	25:9 VA.R. 1826	--
3 VAC 5-10-480	Repealed	25:6 VA.R. 1173	12/24/08
3 VAC 5-11-10 through 3 VAC 5-11-110	Added	25:6 VA.R. 1175-1178	12/24/08
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 3-10-10	Repealed	25:2 VA.R. 129	10/29/08
4 VAC 3-10-20	Repealed	25:2 VA.R. 129	10/29/08
4 VAC 3-10-30	Repealed	25:2 VA.R. 129	10/29/08

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 3-11-10 through 4 VAC 3-11-110	Added	25:2 VA.R. 130-132	10/29/08
4 VAC 5-10-10	Repealed	25:2 VA.R. 132	10/29/08
4 VAC 5-10-20	Repealed	25:2 VA.R. 132	10/29/08
4 VAC 5-10-30	Repealed	25:2 VA.R. 132	10/29/08
4 VAC 5-11-10 through 4 VAC 5-11-110	Added	25:2 VA.R. 133-136	10/29/08
4 VAC 5-36-50	Amended	25:6 VA.R. 1178	1/1/09
4 VAC 5-36-60	Amended	25:6 VA.R. 1183	1/1/09
4 VAC 5-36-70	Amended	25:6 VA.R. 1184	1/1/09
4 VAC 5-36-90	Amended	25:6 VA.R. 1185	1/1/09
4 VAC 5-36-100	Amended	25:6 VA.R. 1187	1/1/09
4 VAC 5-36-110	Amended	25:6 VA.R. 1191	1/1/09
4 VAC 5-36-115	Added	25:6 VA.R. 1192	1/1/09
4 VAC 5-36-120	Amended	25:6 VA.R. 1192	1/1/09
4 VAC 5-36-140	Amended	25:6 VA.R. 1193	1/1/09
4 VAC 5-36-150	Amended	25:6 VA.R. 1195	1/1/09
4 VAC 5-36-180	Amended	25:6 VA.R. 1198	1/1/09
4 VAC 5-36-200	Amended	25:6 VA.R. 1199	1/1/09
4 VAC 5-36-210	Amended	25:6 VA.R. 1204	1/1/09
4 VAC 10-10-10 through 4 VAC 10-10-30	Repealed	25:6 VA.R. 1208	12/24/08
4 VAC 10-11-10 through 4 VAC 10-11-110	Added	25:6 VA.R. 1209-1212	12/24/08
4 VAC 20-20-50	Amended	25:6 VA.R. 1212	11/1/08
4 VAC 20-252-90	Amended	25:6 VA.R. 1213	11/1/08
4 VAC 20-252-100	Amended	25:6 VA.R. 1213	11/1/08
4 VAC 20-260-35 emer	Amended	25:3 VA.R. 353	10/1/08-10/31/08
4 VAC 20-260-35	Amended	25:6 VA.R. 1213	11/1/08
4 VAC 20-260-40 emer	Amended	25:3 VA.R. 353	10/1/08-10/31/08
4 VAC 20-260-40	Amended	25:6 VA.R. 1213	11/1/08
4 VAC 20-620-20	Amended	25:3 VA.R. 354	10/1/08
4 VAC 20-620-30	Amended	25:3 VA.R. 354	10/1/08
4 VAC 20-620-40	Amended	25:3 VA.R. 355	10/1/08
4 VAC 20-720-20	Amended	25:3 VA.R. 357	10/1/08
4 VAC 20-720-40	Amended	25:3 VA.R. 359	10/1/08
4 VAC 20-720-50	Amended	25:3 VA.R. 360	10/1/08
4 VAC 20-720-60	Amended	25:3 VA.R. 360	10/1/08
4 VAC 20-720-70	Amended	25:3 VA.R. 360	10/1/08
4 VAC 20-720-75	Amended	25:3 VA.R. 361	10/1/08
4 VAC 20-720-80	Amended	25:3 VA.R. 361	10/1/08
4 VAC 20-720-95	Amended	25:3 VA.R. 361	10/1/08
4 VAC 20-720-100	Amended	25:3 VA.R. 361	10/1/08
4 VAC 20-720-106 emer	Amended	25:1 VA.R. 24	9/1/08-9/30/08
4 VAC 20-720-106	Amended	25:3 VA.R. 361	10/1/08
4 VAC 20-751-10 emer	Amended	25:3 VA.R. 362	9/29/08-10/28/08
4 VAC 20-751-15 emer	Amended	25:3 VA.R. 362	9/29/08-10/28/08
4 VAC 20-751-20 emer	Amended	25:3 VA.R. 362	9/29/08-10/28/08
4 VAC 20-751-20	Amended	25:6 VA.R. 1214	10/29/08
4 VAC 20-910-45	Amended	24:25 VA.R. 3537	8/1/08
4 VAC 20-910-45	Amended	25:6 VA.R. 1214	11/1/08
4 VAC 20-950-47	Amended	25:8 VA.R. 1491	1/1/09
4 VAC 20-950-48	Amended	25:8 VA.R. 1491	1/1/09
4 VAC 20-1040-20	Amended	25:8 VA.R. 1492	11/30/08
4 VAC 20-1040-25	Added	25:8 VA.R. 1493	11/30/08

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-1150-10	Added	24:25 VA.R. 3538	8/1/08
4 VAC 20-1150-20	Added	24:25 VA.R. 3538	8/1/08
4 VAC 20-1170-10	Added	25:6 VA.R. 1215	12/1/08
4 VAC 20-1170-20	Added	25:6 VA.R. 1215	12/1/08
4 VAC 20-1180-10 through 4 VAC 20-1180-60	Added	25:9 VA.R. 1680-1681	12/22/08
4 VAC 25-10-10 through 4 VAC 25-10-90	Repealed	25:5 VA.R. 795	12/25/08
4 VAC 25-11-10 through 4 VAC 25-11-120	Added	25:5 VA.R. 797-800	12/25/08
4 VAC 50-10-10	Repealed	25:2 VA.R. 137	10/29/08
4 VAC 50-10-20	Repealed	25:2 VA.R. 137	10/29/08
4 VAC 50-10-30	Repealed	25:2 VA.R. 137	10/29/08
4 VAC 50-11-10 through 4 VAC 50-11-110	Added	25:2 VA.R. 138-141	10/29/08
4 VAC 50-20-20 through 4 VAC 50-20-90	Amended	24:25 VA.R. 3539-3554	9/26/08
4 VAC 50-20-51	Added	24:25 VA.R. 3544	9/26/08
4 VAC 50-20-52	Added	24:25 VA.R. 3545	9/26/08
4 VAC 50-20-54	Added	24:25 VA.R. 3545	9/26/08
4 VAC 50-20-58	Added	24:25 VA.R. 3546	9/26/08
4 VAC 50-20-59	Added	24:25 VA.R. 3546	9/26/08
4 VAC 50-20-100 through 4 VAC 50-20-140	Repealed	24:25 VA.R. 3554-3558	9/26/08
4 VAC 50-20-105	Added	24:25 VA.R. 3554	9/26/08
4 VAC 50-20-125	Added	24:25 VA.R. 3557	9/26/08
4 VAC 50-20-150 through 4 VAC 50-20-240	Amended	24:25 VA.R. 3558-3563	9/26/08
4 VAC 50-20-155	Added	24:25 VA.R. 3558	9/26/08
4 VAC 50-20-165	Added	24:25 VA.R. 3559	9/26/08
4 VAC 50-20-175	Added	24:25 VA.R. 3560	9/26/08
4 VAC 50-20-177	Added	24:25 VA.R. 3561	9/26/08
4 VAC 50-20-250	Repealed	24:25 VA.R. 3564	9/26/08
4 VAC 50-20-260 through 4 VAC 50-20-320	Amended	24:25 VA.R. 3564-3565	9/26/08
4 VAC 50-20-330 through 4 VAC 50-20-400	Added	24:25 VA.R. 3565-3567	9/26/08
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 15-10-10 through 6 VAC 15-10-100	Repealed	25:3 VA.R. 363	11/15/08
6 VAC 15-11-10 through 6 VAC 15-11-110	Added	25:3 VA.R. 363-366	11/15/08
6 VAC 15-31-320	Amended	24:25 VA.R. 3568	9/18/08
6 VAC 15-70-10	Amended	25:3 VA.R. 367	11/15/08
6 VAC 15-70-40 through 6 VAC 15-70-130	Amended	25:3 VA.R. 367-372	11/15/08
6 VAC 15-70-160	Amended	25:3 VA.R. 372	11/15/08
6 VAC 20-160-10	Amended	25:2 VA.R. 141	10/29/08
6 VAC 20-160-20	Amended	25:2 VA.R. 142	10/29/08
6 VAC 20-160-30	Amended	25:2 VA.R. 142	10/29/08
6 VAC 20-160-40	Amended	25:2 VA.R. 143	10/29/08
6 VAC 20-160-60	Amended	25:2 VA.R. 144	10/29/08
6 VAC 20-160-70	Amended	25:2 VA.R. 144	10/29/08
6 VAC 20-160-80	Amended	25:2 VA.R. 144	10/29/08
6 VAC 20-160-100	Amended	25:2 VA.R. 145	10/29/08
6 VAC 20-160-120	Amended	25:2 VA.R. 145	10/29/08
6 VAC 35-10-10 through 6 VAC 35-10-150	Repealed	24:25 VA.R. 3573	9/17/08
6 VAC 35-11-10 through 6 VAC 35-11-110	Added	24:25 VA.R. 3574-3576	9/17/08
6 VAC 35-20-37 emer	Amended	25:3 VA.R. 373	8/1/07-1/31/09
6 VAC 35-20-37	Amended	25:4 VA.R. 626	12/12/08
6 VAC 35-51-10 through 6 VAC 35-51-1100	Added	24:25 VA.R. 3577-3610	9/17/08
6 VAC 35-140-46	Added	25:3 VA.R. 376	12/12/08
6 VAC 40-10-10 through 6 VAC 40-10-90	Repealed	25:2 VA.R. 146	10/30/08

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 40-11-10 through 6 VAC 40-110	Added	25:2 VA.R. 147-149	10/30/08
6 VAC 40-20-30	Amended	24:26 VA.R. 3718	10/16/08
6 VAC 40-20-120	Amended	24:26 VA.R. 3718	10/16/08
6 VAC 40-20-130	Amended	24:26 VA.R. 3718	10/16/08
6 VAC 40-20-160	Amended	24:26 VA.R. 3718	10/16/08
<b>Title 7. Economic Development</b>			
7 VAC 10-20-10 through 7 VAC 10-20-350	Repealed	24:26 VA.R. 3719	9/1/08
7 VAC 10-21-10 through 7 VAC 10-21-610	Added	24:26 VA.R. 3719-3729	9/1/08
<b>Title 8. Education</b>			
8 VAC 35-60-20	Amended	25:5 VA.R. 800	11/10/08
8 VAC 40-10-10 through 8 VAC 40-10-90	Repealed	25:3 VA.R. 376	1/1/09
8 VAC 40-11-10 through 8 VAC 40-11-110	Added	25:3 VA.R. 377-379	1/1/09
<b>Title 9. Environment</b>			
9 VAC 5-5-10 through 9 VAC 5-5-110	Added	25:5 VA.R. 801-804	1/1/09
9 VAC 5-80-5	Added	25:6 VA.R. 1231	12/31/08
9 VAC 5-80-15	Added	25:6 VA.R. 1234	12/31/08
9 VAC 5-80-25	Added	25:6 VA.R. 1234	12/31/08
9 VAC 5-80-35	Added	25:6 VA.R. 1235	12/31/08
9 VAC 5-80-150	Amended	25:6 VA.R. 1237	12/31/08
9 VAC 5-80-230	Amended	25:6 VA.R. 1237	12/31/08
9 VAC 5-80-270	Amended	25:6 VA.R. 1238	12/31/08
9 VAC 5-80-510	Amended	25:6 VA.R. 1239	12/31/08
9 VAC 5-80-590	Amended	25:6 VA.R. 1241	12/31/08
9 VAC 5-80-670	Amended	25:6 VA.R. 1241	12/31/08
9 VAC 5-80-670	Erratum	25:8 VA.R. 1644	--
9 VAC 5-80-860	Amended	25:6 VA.R. 1243	12/31/08
9 VAC 5-80-990	Amended	25:6 VA.R. 1243	12/31/08
9 VAC 5-80-1020	Amended	25:6 VA.R. 1244	12/31/08
9 VAC 5-80-1100	Amended	25:6 VA.R. 1258	12/31/08
9 VAC 5-80-1110	Amended	25:6 VA.R. 1259	12/31/08
9 VAC 5-80-1160	Amended	25:6 VA.R. 1244	12/31/08
9 VAC 5-80-1170	Amended	25:6 VA.R. 1245	12/31/08
9 VAC 5-80-1290	Amended	25:6 VA.R. 1246	12/31/08
9 VAC 5-80-1320	Amended	25:6 VA.R. 1264	12/31/08
9 VAC 5-80-1450	Amended	25:6 VA.R. 1247	12/31/08
9 VAC 5-80-1450	Erratum	25:8 VA.R. 1644	--
9 VAC 5-80-1460	Amended	25:6 VA.R. 1248	12/31/08
9 VAC 5-80-1615	Amended	25:6 VA.R. 1218	12/31/08
9 VAC 5-80-1695	Amended	25:6 VA.R. 1229	12/31/08
9 VAC 5-80-1765	Amended	25:6 VA.R. 1249	12/31/08
9 VAC 5-80-1773	Added	25:6 VA.R. 1251	12/31/08
9 VAC 5-80-1775	Amended	25:6 VA.R. 1251	12/31/08
9 VAC 5-80-1955	Amended	25:6 VA.R. 1253	12/31/08
9 VAC 5-80-2060	Amended	25:6 VA.R. 1254	12/31/08
9 VAC 5-80-2070	Amended	25:6 VA.R. 1255	12/31/08
9 VAC 5-80-2230	Amended	25:6 VA.R. 1256	12/31/08
9 VAC 5-91-20	Amended	25:6 VA.R. 1268	12/31/08
9 VAC 5-140-900	Amended	25:6 VA.R. 1275	12/31/08
9 VAC 5-140-920	Amended	25:6 VA.R. 1275	12/31/08
9 VAC 5-140-930	Amended	25:6 VA.R. 1275	12/31/08
9 VAC 5-151-10	Amended	25:6 VA.R. 1276	12/31/08

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-151-20	Amended	25:6 VA.R. 1278	12/31/08
9 VAC 5-151-40	Amended	25:6 VA.R. 1279	12/31/08
9 VAC 5-151-61	Repealed	25:6 VA.R. 1279	12/31/08
9 VAC 5-151-70	Amended	25:6 VA.R. 1280	12/31/08
9 VAC 5-170-20	Amended	25:5 VA.R. 804	1/1/09
9 VAC 5-170-30	Amended	25:6 VA.R. 1256	12/31/08
9 VAC 5-170-40	Amended	25:5 VA.R. 806	1/1/09
9 VAC 5-170-80	Amended	25:5 VA.R. 807	1/1/09
9 VAC 5-170-90	Repealed	25:5 VA.R. 807	1/1/09
9 VAC 5-170-100	Repealed	25:5 VA.R. 807	1/1/09
9 VAC 5-170-110	Repealed	25:5 VA.R. 809	1/1/09
9 VAC 5-170-180	Amended	25:6 VA.R. 1256	12/31/08
9 VAC 5-170-190	Amended	25:6 VA.R. 1257	12/31/08
9 VAC 5-170-200	Amended	25:6 VA.R. 1257	12/31/08
9 VAC 10-10-10	Repealed	25:4 VA.R. 627	11/26/08
9 VAC 10-10-20	Repealed	25:4 VA.R. 627	11/26/08
9 VAC 10-10-30	Repealed	25:4 VA.R. 627	11/26/08
9 VAC 10-11-10 through 9 VAC 10-11-110	Added	25:4 VA.R. 627-630	11/26/08
9 VAC 15-10-10 through 9 VAC 15-10-40	Repealed	25:5 VA.R. 809	1/1/09
9 VAC 15-11-10 through 9 VAC 15-11-110	Added	25:5 VA.R. 810-813	1/1/09
9 VAC 20-10-10 through 9 VAC 20-10-40	Repealed	25:9 VA.R. 1681	2/4/09
9 VAC 20-11-10 through 9 VAC 20-11-110	Added	25:9 VA.R. 1682-1685	2/4/09
9 VAC 20-80-10	Amended	25:2 VA.R. 150	11/1/08
9 VAC 20-80-60	Amended	25:2 VA.R. 160	11/1/08
9 VAC 20-80-250	Amended	25:2 VA.R. 166	11/1/08
9 VAC 20-80-260	Amended	25:2 VA.R. 176	11/1/08
9 VAC 20-80-270	Amended	25:2 VA.R. 183	11/1/08
9 VAC 20-80-280	Amended	25:2 VA.R. 191	11/1/08
9 VAC 20-80-485	Amended	25:2 VA.R. 193	11/1/08
9 VAC 20-80-500	Amended	25:2 VA.R. 200	11/1/08
9 VAC 20-80-510	Amended	25:2 VA.R. 203	11/1/08
9 VAC 25-10-10 through 9 VAC 25-10-40	Repealed	25:5 VA.R. 813	1/1/09
9 VAC 25-11-10 through 9 VAC 25-11-110	Added	25:5 VA.R. 813-816	1/1/09
9 VAC 25-210-10	Amended	25:5 VA.R. 894	12/10/08
9 VAC 25-210-50	Amended	25:5 VA.R. 898	12/10/08
9 VAC 25-210-60	Amended	25:5 VA.R. 898	12/10/08
9 VAC 25-210-130	Erratum	25:9 VA.R. 1826	--
9 VAC 25-210-130	Amended	25:5 VA.R. 902	12/10/08
9 VAC 25-210-220	Amended	25:5 VA.R. 903	12/10/08
9 VAC 25-260-30	Amending	24:26 VA.R. 3747	8/12/08
9 VAC 25-260-30	Amended	25:5 VA.R. 904	10/22/08
9 VAC 25-640 Appendices I through IX	Amended	25:2 VA.R. 217-231	11/1/08
9 VAC 25-640-10	Amended	25:2 VA.R. 206	11/1/08
9 VAC 25-640-20	Amended	25:2 VA.R. 209	11/1/08
9 VAC 25-640-30	Amended	25:2 VA.R. 209	11/1/08
9 VAC 25-640-50	Amended	25:2 VA.R. 210	11/1/08
9 VAC 25-640-70 through 9 VAC 25-640-120	Amended	25:2 VA.R. 210-213	11/1/08
9 VAC 25-640-130	Repealed	25:2 VA.R. 213	11/1/08
9 VAC 25-640-150 through 9 VAC 25-640-230	Amended	25:2 VA.R. 213-217	11/1/08
9 VAC 25-640-250	Amended	25:2 VA.R. 217	11/1/08
9 VAC 25-740-10 through 9 VAC 25-740-210	Added	24:26 VA.R. 3748-3773	10/1/08

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-790 (Forms)	Added	25:6 VA.R. 1285	--
9 VAC 25-860-10 through 9 VAC 25-860-70	Added	25:6 VA.R. 1285-1295	12/24/08
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-160-10	Amended	24:26 VA.R. 3775	8/10/08
10 VAC 5-160-70	Added	24:26 VA.R. 3776	8/10/08
10 VAC 5-160-80	Added	24:26 VA.R. 3776	8/10/08
10 VAC 5-200-10	Amended	25:4 VA.R. 637	1/1/09
10 VAC 5-200-20	Amended	25:4 VA.R. 637	1/1/09
10 VAC 5-200-33	Added	25:4 VA.R. 638	1/1/09
10 VAC 5-200-35	Added	25:4 VA.R. 639	1/1/09
10 VAC 5-200-40	Amended	25:4 VA.R. 641	1/1/09
10 VAC 5-200-60	Amended	25:4 VA.R. 642	1/1/09
10 VAC 5-200-70	Amended	25:4 VA.R. 642	1/1/09
10 VAC 5-200-80	Amended	25:4 VA.R. 643	1/1/09
10 VAC 5-200-110	Added	25:4 VA.R. 646	1/1/09
10 VAC 5-200-115	Added	25:4 VA.R. 651	1/1/09
10 VAC 5-200-120	Added	25:4 VA.R. 650	1/1/09
<b>Title 11. Gaming</b>			
11 VAC 10-10-10 through 11 VAC 10-10-70	Repealed	25:5 VA.R. 904	12/10/08
11 VAC 10-11-10 through 11 VAC 10-11-110	Added	25:5 VA.R. 905-907	12/10/08
11 VAC 15-12-10	Repealed	25:4 VA.R. 651	11/26/08
11 VAC 15-12-20	Repealed	25:4 VA.R. 651	11/26/08
11 VAC 15-13-10 through 11 VAC 15-13-110	Added	25:4 VA.R. 652-654	11/26/08
<b>Title 12. Health</b>			
12 VAC 5-10-10 through 12 VAC 5-10-80	Repealed	25:4 VA.R. 654	1/1/09
12 VAC 5-11-10 through 12 VAC 5-11-110	Added	25:4 VA.R. 655-657	1/1/09
12 VAC 5-67-10 emer	Added	25:4 VA.R. 658	11/1/08-10/31/09
12 VAC 5-67-20 emer	Added	25:4 VA.R. 658	11/1/08-10/31/09
12 VAC 5-67-30 emer	Added	25:4 VA.R. 658	11/1/08-10/31/09
12 VAC 5-220-110	Amended	25:1 VA.R. 26	10/15/08
12 VAC 5-220-160	Amended	25:1 VA.R. 25	10/15/08
12 VAC 5-220-200	Amended	25:1 VA.R. 26	10/15/08
12 VAC 5-230-10	Amended	25:9 VA.R. 1707	2/15/09
12 VAC 5-230-20	Repealed	25:9 VA.R. 1711	2/15/09
12 VAC 5-230-30	Amended	25:9 VA.R. 1712	2/15/09
12 VAC 5-230-40 through 12 VAC 5-230-1000	Added	25:9 VA.R. 1713-1742	2/15/09
12 VAC 5-240-10 through 12 VAC 5-240-60	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-250-10 through 12 VAC 5-250-120	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-260-10 through 12 VAC 5-260-130	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-270-10 through 12 VAC 5-270-60	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-280-10 through 12 VAC 5-280-70	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-290-10 through 12 VAC 5-290-70	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-300-10 through 12 VAC 5-300-70	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-310-10 through 12 VAC 5-310-70	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-320-10 through 12 VAC 5-320-480	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-330-10 through 12 VAC 5-330-70	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-340-10 through 12 VAC 5-340-120	Repealed	25:9 VA.R. 1706	2/15/09
12 VAC 5-350-10 through 12 VAC 5-350-60	Repealed	25:9 VA.R. 1707	2/15/09
12 VAC 5-360-10 through 12 VAC 5-360-70	Repealed	25:9 VA.R. 1707	2/15/09
12 VAC 5-481-10	Amended	25:2 VA.R. 231	11/1/08
12 VAC 5-481-390	Amended	25:2 VA.R. 256	11/1/08

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-481-400	Amended	25:2 VA.R. 256	11/1/08
12 VAC 5-481-450	Amended	25:2 VA.R. 257	11/1/08
12 VAC 5-481-451	Added	24:25 VA.R. 3612	10/3/08
12 VAC 5-481-480	Amended	25:2 VA.R. 260	11/1/08
12 VAC 5-481-2870	Amended	25:2 VA.R. 267	11/1/08
12 VAC 5-481-3160	Amended	25:2 VA.R. 267	11/1/08
12 VAC 5-481-3710	Amended	25:2 VA.R. 267	11/1/08
12 VAC 5-590-10	Amended	25:5 VA.R. 908	12/10/08
12 VAC 5-590-370	Amended	25:5 VA.R. 916	12/10/08
12 VAC 5-590-410	Amended	25:5 VA.R. 955	12/10/08
12 VAC 5-590-420	Amended	25:5 VA.R. 959	12/10/08
12 VAC 5-590-440	Amended	25:5 VA.R. 994	12/10/08
12 VAC 5-590-500	Amended	25:5 VA.R. 998	12/10/08
12 VAC 5-590-530	Amended	25:5 VA.R. 999	12/10/08
12 VAC 5-590-540	Amended	25:5 VA.R. 1011	12/10/08
12 VAC 5-590-545	Amended	25:5 VA.R. 1016	12/10/08
12 VAC 5-590-550	Amended	25:5 VA.R. 1021	12/10/08
12 VAC 30-5-10 through 12 VAC 30-5-110	Added	25:3 VA.R. 380-383	11/12/08
12 VAC 30-10-815	Added	25:4 VA.R. 662	11/26/08
12 VAC 30-40-290 emer	Amended	25:1 VA.R. 35	8/27/08-8/26/09
12 VAC 30-50-130	Amended	25:5 VA.R. 1041	12/10/08
12 VAC 30-50-140 emer	Amended	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-50-150 emer	Amended	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-50-180 emer	Amended	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-50-228 emer	Added	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-50-229.1	Repealed	25:5 VA.R. 1045	12/10/08
12 VAC 30-50-320	Amended	25:8 VA.R. 1515	2/5/09
12 VAC 30-50-330 through 12 VAC 30-50-360	Added	25:8 VA.R. 1515-1520	2/5/09
12 VAC 30-50-491 emer	Added	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-50-530	Amended	25:5 VA.R. 1049	12/10/08
12 VAC 30-60-180 emer	Added	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-60-185 emer	Added	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-60-500 emer	Added	25:3 VA.R. 384	8/8/07-2/7/09
12 VAC 30-70-70	Amended	25:3 VA.R. 387	11/27/08
12 VAC 30-70-261	Amended	25:3 VA.R. 388	11/27/08
12 VAC 30-70-271	Amended	25:3 VA.R. 388	11/27/08
12 VAC 30-70-311	Amended	24:26 VA.R. 3778	10/15/08
12 VAC 30-70-321	Amended	24:26 VA.R. 3778	10/15/08
12 VAC 30-70-500	Repealed	25:3 VA.R. 389	11/27/08
12 VAC 30-80-32 emer	Added	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-80-40 emer	Amended	24:25 VA.R. 3617	8/4/08-8/3/09
12 VAC 30-80-190 emer	Amended	25:1 VA.R. 41	8/27/08-8/26/09
12 VAC 30-90-41	Amended	24:26 VA.R. 3778	10/15/08
12 VAC 30-90-264	Amended	25:3 VA.R. 390	11/27/08
12 VAC 30-100-10 through 12 VAC 30-100-60	Repealed	25:3 VA.R. 383-384	11/12/08
12 VAC 30-100-170	Amended	24:25 VA.R. 3622	10/2/08
12 VAC 30-120-61 through 12 VAC 30-120-68	Repealed	25:8 VA.R. 1520-1526	2/5/09
12 VAC 30-120-100	Amended	24:26 VA.R. 3781	10/15/08
12 VAC 30-120-310 emer	Amended	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-120-370 emer	Amended	25:3 VA.R. 393	9/1/07-3/3/09
12 VAC 30-120-380 emer	Amended	25:3 VA.R. 393	9/1/07-3/3/09

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-380 emer	Amended	25:3 VA.R. 393	7/1/07-12/29/08
12 VAC 30-135-10	Amended	24:26 VA.R. 3783	10/16/08
12 VAC 30-135-20	Amended	24:26 VA.R. 3783	10/16/08
12 VAC 30-135-30	Amended	24:26 VA.R. 3783	10/16/08
12 VAC 30-135-40	Amended	24:26 VA.R. 3783	10/16/08
12 VAC 30-135-70	Amended	24:26 VA.R. 3784	10/16/08
12 VAC 35-11-10 through 12 VAC 35-11-110	Repealed	25:2 VA.R. 271	10/29/08
12 VAC 35-12-10 through 12 VAC 35-12-110	Added	25:2 VA.R. 271-274	10/29/08
<b>Title 13. Housing</b>			
13 VAC 5-10-10 through 13 VAC 5-10-120	Repealed	25:4 VA.R. 666	11/26/08
13 VAC 5-11-10 through 13 VAC 5-11-110	Added	25:4 VA.R. 667-669	11/26/08
13 VAC 5-51-81	Amended	24:25 VA.R. 3622	10/1/08
13 VAC 5-200-10	Amended	24:26 VA.R. 3784	10/1/08
13 VAC 5-200-40 through 13 VAC 5-200-80	Amended	24:26 VA.R. 3784-3785	10/1/08
13 VAC 5-200-100	Amended	24:26 VA.R. 3785	10/1/08
13 VAC 6-10-10 through 13 VAC 6-10-120	Repealed	25:3 VA.R. 394	11/13/08
13 VAC 6-11-10 through 13 VAC 6-11-110	Added	25:3 VA.R. 394-397	11/13/08
13 VAC 10-20-40	Amended	25:9 VA.R. 1743	12/15/08
13 VAC 10-180-40	Amended	25:7 VA.R. 1418	1/1/09
13 VAC 10-180-50	Amended	25:7 VA.R. 1419	1/1/09
13 VAC 10-180-60	Amended	25:7 VA.R. 1421	1/1/09
<b>Title 14. Insurance</b>			
14 VAC 5-323-10 through 14 VAC 5-323-70	Added	25:8 VA.R. 1527-1528	1/1/09
14 VAC 5-395-40	Amended	24:26 VA.R. 3811	8/29/08
<b>Title 16. Labor and Employment</b>			
16 VAC 15-10-10 through 16 VAC 15-10-100	Repealed	25:4 VA.R. 672	11/26/08
16 VAC 15-11-10 through 16 VAC 15-11-110	Added	25:4 VA.R. 672-675	11/26/08
16 VAC 15-30-40	Amended	24:25 VA.R. 3632	9/18/08
16 VAC 20-10-10 through 16 VAC 20-10-100	Repealed	25:4 VA.R. 675	11/27/08
16 VAC 20-11-10 through 16 VAC 20-11-110	Added	25:4 VA.R. 676-678	11/27/08
16 VAC 25-10-10 through 16 VAC 25-10-120	Repealed	24:26 VA.R. 3811	10/1/08
16 VAC 25-11-10 through 16 VAC 25-11-110	Added	24:26 VA.R. 3811-3814	10/1/08
16 VAC 25-20-10	Amended	25:8 VA.R. 1529	2/1/09
16 VAC 30-11-10 through 16 VAC 30-11-30	Repealed	25:6 VA.R. 1307	12/24/08
16 VAC 30-12-10 through 16 VAC 30-12-110	Added	25:6 VA.R. 1307-1310	12/24/08
<b>Title 17. Libraries and Cultural Resources</b>			
17 VAC 5-10-10 through 17 VAC 5-10-40	Repealed	25:6 VA.R. 1310	12/24/08
17 VAC 5-11-10 through 17 VAC 5-11-110	Added	25:6 VA.R. 1311-1313	12/24/08
17 VAC 10-10-10 through 17 VAC 10-10-40	Repealed	25:6 VA.R. 1313	12/24/08
17 VAC 10-11-10 through 17 VAC 10-11-110	Added	25:6 VA.R. 1314-1316	12/24/08
17 VAC 15-10-10	Repealed	25:5 VA.R. 1064	12/10/08
17 VAC 15-11-10 through 17 VAC 15-11-110	Added	25:5 VA.R. 1065-1067	12/10/08
17 VAC 15-120-10	Added	25:6 VA.R. 1317	12/24/08
17 VAC 15-120-20	Added	25:6 VA.R. 1317	12/24/08
17 VAC 15-120-30	Added	25:6 VA.R. 1317	12/24/08
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-10-10 through 18 VAC 5-10-90	Repealed	25:4 VA.R. 678	11/26/08
18 VAC 5-11-10 through 18 VAC 5-11-110	Added	25:4 VA.R. 679-682	11/26/08
18 VAC 10-10-10 through 18 VAC 10-10-90	Repealed	25:4 VA.R. 682	11/27/08
18 VAC 10-11-10 through 18 VAC 10-11-110	Added	25:4 VA.R. 682-685	11/27/08
18 VAC 10-20-10	Amended	25:3 VA.R. 397	12/1/08

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 10-20-120	Amended	25:3 VA.R. 399	12/1/08
18 VAC 10-20-120	Amended	25:5 VA.R. 1068	1/1/09
18 VAC 10-20-140	Amended	25:5 VA.R. 1068	1/1/09
18 VAC 10-20-280	Amended	25:3 VA.R. 399	12/1/08
18 VAC 10-20-295	Amended	25:3 VA.R. 400	12/1/08
18 VAC 10-20-310	Amended	25:3 VA.R. 400	12/1/08
18 VAC 10-20-310	Erratum	25:7 VA.R. 1451	--
18 VAC 10-20-340	Amended	25:3 VA.R. 401	12/1/08
18 VAC 10-20-350	Amended	25:3 VA.R. 401	12/1/08
18 VAC 10-20-360	Amended	25:3 VA.R. 401	12/1/08
18 VAC 10-20-380	Amended	25:3 VA.R. 402	12/1/08
18 VAC 10-20-382	Added	25:3 VA.R. 403	12/1/08
18 VAC 10-20-392	Added	25:3 VA.R. 404	12/1/08
18 VAC 10-20-395	Added	25:3 VA.R. 404	12/1/08
18 VAC 10-20-760	Amended	25:3 VA.R. 404	12/1/08
18 VAC 15-10-10 through 18 VAC 15-10-90	Repealed	25:1 VA.R. 55	10/15/08
18 VAC 15-11-10 through 18 VAC 15-11-110	Added	25:1 VA.R. 55-58	10/15/08
18 VAC 25-10-10 through 18 VAC 25-10-90	Repealed	25:6 VA.R. 1318	12/24/08
18 VAC 25-11-10 through 18 VAC 25-11-110	Added	25:6 VA.R. 1319-1321	12/24/08
18 VAC 25-21	Erratum	25:8 VA.R. 1644	--
18 VAC 25-21-20	Amended	25:7 VA.R. 1431	2/1/09
18 VAC 25-21-40	Amended	25:7 VA.R. 1432	2/1/09
18 VAC 25-21-50	Amended	25:7 VA.R. 1432	2/1/09
18 VAC 25-21-60	Amended	25:7 VA.R. 1432	2/1/09
18 VAC 25-21-110	Amended	25:7 VA.R. 1433	2/1/09
18 VAC 25-21-120	Amended	25:7 VA.R. 1433	2/1/09
18 VAC 25-21-150	Amended	25:7 VA.R. 1433	2/1/09
18 VAC 25-21-170	Amended	25:7 VA.R. 1434	2/1/09
18 VAC 25-21-180	Amended	25:7 VA.R. 1434	2/1/09
18 VAC 25-21-185	Added	25:7 VA.R. 1435	2/1/09
18 VAC 30-10-10 through 18 VAC 30-10-120	Repealed	25:5 VA.R. 1070	12/10/08
18 VAC 30-11-10 through 18 VAC 30-11-110	Added	25:5 VA.R. 1070-1073	12/10/08
18 VAC 30-20 (Forms)	Amended	24:26 VA.R. 3814	--
18 VAC 41-10-10 through 18 VAC 41-10-90	Repealed	25:6 VA.R. 1321	12/24/08
18 VAC 41-11-10	Erratum	25:9 VA.R. 1826	--
18 VAC 41-11-20	Erratum	25:9 VA.R. 1826	--
18 VAC 41-11-10 through 18 VAC 41-11-110	Added	25:6 VA.R. 1322-1325	12/24/08
18 VAC 45-10-10 through 18 VAC 45- 10-90	Repealed	24:26 VA.R. 3815	10/2/08
18 VAC 45-11-10 through 18 VAC 45-11-110	Added	24:26 VA.R. 3815-3818	10/2/08
18 VAC 47-10-10 through 18 VAC 47-10-90	Repealed	25:6 VA.R. 1325	12/24/08
18 VAC 47-11-10 through 18 VAC 47-11-110	Added	25:6 VA.R. 1325-1328	12/24/08
18 VAC 48-10-10 through 18 VAC 48-10-110	Added	25:3 VA.R. 411-414	11/13/08
18 VAC 48-20-10 through 18 VAC 48-20-730 emer	Added	25:5 VA.R. 1074-1093	11/13/08-11/12/09
18 VAC 48-40-10 through 18 VAC 48-40-110	Added	25:4 VA.R. 685-688	11/27/08
18 VAC 48-50-10 through 18 VAC 48-50-200 emer	Added	25:5 VA.R. 1095-1100	11/13/08-11/12/09
18 VAC 48-60-10 through 18 VAC 48-60-60	Added	25:4 VA.R. 688-689	11/27/08
18 VAC 50-10-10 through 18 VAC 50-10-90	Repealed	25:6 VA.R. 1328	12/24/08
18 VAC 50-11-10 through 18 VAC 50-11-110	Added	25:6 VA.R. 1328-1331	12/24/08
18 VAC 50-22-40	Amended	25:3 VA.R. 415	12/1/08
18 VAC 50-22-50	Amended	25:3 VA.R. 415	12/1/08
18 VAC 50-22-60	Amended	25:3 VA.R. 416	12/1/08

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 50-22-300 through 18 VAC 50-22-350	Added	25:3 VA.R. 417-418	12/1/08
18 VAC 60-10-10 through 18 VAC 60-10-120	Repealed	25:3 VA.R. 418	11/12/08
18 VAC 60-11-10 through 18 VAC 60-11-110	Added	25:3 VA.R. 419-422	11/12/08
18 VAC 60-20 (Forms)	Amended	25:1 VA.R. 58	--
18 VAC 62-10-10 through 18 VAC 62-10-110	Added	25:6 VA.R. 1332-1334	12/24/08
18 VAC 65-10-10 through 18 VAC 65-10-120	Repealed	25:2 VA.R. 291	10/29/08
18 VAC 65-11-10 through 18 VAC 65-11-110	Added	25:2 VA.R. 291-294	10/29/08
18 VAC 65-20 (Forms)	Amended	24:26 VA.R. 3818	--
18 VAC 65-40 (Forms)	Amended	24:26 VA.R. 3818	--
18 VAC 70-10-10 through 18 VAC 70-10-90	Repealed	25:5 VA.R. 1100	12/10/08
18 VAC 70-11-10 through 18 VAC 70-11-110	Added	25:5 VA.R. 1100-1103	12/10/08
18 VAC 75-10-10 through 18 VAC 75-10-120	Repealed	25:2 VA.R. 294	10/29/08
18 VAC 75-11-10 through 18 VAC 75-11-110	Added	25:2 VA.R. 295-297	10/29/08
18 VAC 75-20 (Forms)	Amended	24:25 VA.R. 3632	--
18 VAC 76-20 (Forms)	Amended	24:26 VA.R. 3819	--
18 VAC 76-30-10 through 18 VAC 76-30-120	Repealed	24:25 VA.R. 3632	9/17/08
18 VAC 76-31-10 through 18 VAC 76-31-110	Added	24:25 VA.R. 3633-3635	9/17/08
18 VAC 76-40 (Forms)	Amended	24:26 VA.R. 3820	--
18 VAC 80-10-10 through 18 VAC 80-10-90	Repealed	25:6 VA.R. 1334	12/24/08
18 VAC 80-11-10 through 18 VAC 80-11-110	Added	25:6 VA.R. 1335-1338	12/24/08
18 VAC 85-10-10 through 18 VAC 85-10-110	Repealed	24:26 VA.R. 3820	10/1/08
18 VAC 85-11-10 through 18 VAC 85-11-110	Added	24:26 VA.R. 3820	10/1/08
18 VAC 85-20 (Forms)	Amended	24:26 VA.R. 3823	--
18 VAC 85-40 (Forms)	Amended	24:26 VA.R. 3823	--
18 VAC 85-50 (Forms)	Amended	24:26 VA.R. 3823	--
18 VAC 85-80 (Forms)	Amended	24:26 VA.R. 3823	--
18 VAC 85-80-10 emer	Amended	25:5 VA.R. 1104	11/1/08-10/31/09
18 VAC 85-80-26 emer	Amended	25:5 VA.R. 1104	11/1/08-10/31/09
18 VAC 85-80-40 emer	Amended	25:5 VA.R. 1104	11/1/08-10/31/09
18 VAC 85-80-45 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-50 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-61 emer	Repealed	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-65 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-70 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-72 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-73 emer	Amended	25:5 VA.R. 1106	11/1/08-10/31/09
18 VAC 85-80-80 emer	Amended	25:5 VA.R. 1106	11/1/08-10/31/09
18 VAC 85-80-90 emer	Amended	25:5 VA.R. 1106	11/1/08-10/31/09
18 VAC 85-80-100 emer	Amended	25:5 VA.R. 1107	11/1/08-10/31/09
18 VAC 85-80-110 emer	Amended	25:5 VA.R. 1107	11/1/08-10/31/09
18 VAC 85-80-111 emer	Added	25:5 VA.R. 1108	11/1/08-10/31/09
18 VAC 85-101 (Forms)	Amended	24:26 VA.R. 3823	--
18 VAC 85-110 (Forms)	Amended	24:26 VA.R. 3823	--
18 VAC 85-120 (Forms)	Amended	24:26 VA.R. 3823	--
18 VAC 85-130 (Forms)	Amended	24:26 VA.R. 3823	--
18 VAC 90-10-10 through 18 VAC 90-10-120	Repealed	24:25 VA.R. 3635	9/17/08
18 VAC 90-11-10 through 18 VAC 90-11-110	Added	24:25 VA.R. 3636-3639	9/17/08
18 VAC 90-20 (Forms)	Amended	25:1 VA.R. 59	--
18 VAC 90-25 (Forms)	Amended	25:1 VA.R. 59	--
18 VAC 90-30 (Forms)	Amended	25:1 VA.R. 59	--
18 VAC 90-30-10	Amended	25:5 VA.R. 1111	12/25/08

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-30-20	Amended	25:5 VA.R. 1112	12/25/08
18 VAC 90-30-30	Amended	25:5 VA.R. 1112	12/25/08
18 VAC 90-30-80	Amended	25:5 VA.R. 1112	12/25/08
18 VAC 90-30-85	Amended	25:5 VA.R. 1112	12/25/08
18 VAC 90-30-100	Amended	25:5 VA.R. 1113	12/25/08
18 VAC 90-30-105	Amended	25:5 VA.R. 1113	12/25/08
18 VAC 90-30-110	Amended	25:5 VA.R. 1113	12/25/08
18 VAC 90-30-120	Amended	25:5 VA.R. 1114	12/25/08
18 VAC 90-30-121	Amended	25:5 VA.R. 1114	12/25/08
18 VAC 90-30-220	Amended	25:5 VA.R. 1115	12/25/08
18 VAC 90-30-230	Amended	25:5 VA.R. 1115	12/25/08
18 VAC 90-40 (Forms)	Amended	25:1 VA.R. 59	--
18 VAC 90-40-10	Amended	25:5 VA.R. 1115	12/25/08
18 VAC 90-40-20	Amended	25:5 VA.R. 1116	12/25/08
18 VAC 90-40-40	Amended	25:5 VA.R. 1116	12/25/08
18 VAC 90-40-50	Amended	25:5 VA.R. 1116	12/25/08
18 VAC 90-40-55	Amended	25:5 VA.R. 1116	12/25/08
18 VAC 90-40-60	Amended	25:5 VA.R. 1117	12/25/08
18 VAC 90-40-90	Amended	25:5 VA.R. 1117	12/25/08
18 VAC 90-40-100	Amended	25:5 VA.R. 1117	12/25/08
18 VAC 90-40-121	Added	25:5 VA.R. 1118	12/25/08
18 VAC 90-40-130	Amended	25:5 VA.R. 1118	12/25/08
18 VAC 90-40-140	Amended	25:5 VA.R. 1118	12/25/08
18 VAC 90-50 (Forms)	Amended	25:1 VA.R. 59	--
18 VAC 90-50-10	Amended	25:4 VA.R. 691	12/11/08
18 VAC 90-50-40	Amended	25:4 VA.R. 691	12/11/08
18 VAC 90-50-75	Amended	25:4 VA.R. 691	12/11/08
18 VAC 90-50-80	Amended	25:4 VA.R. 692	12/11/08
18 VAC 90-50-90	Amended	25:4 VA.R. 692	12/11/08
18 VAC 90-60 (Forms)	Amended	25:1 VA.R. 59	--
18 VAC 95-10-10 through 18 VAC 95-10-120	Repealed	25:6 VA.R. 1338	12/24/08
18 VAC 95-11-10 through 18 VAC 95-11-110	Added	25:6 VA.R. 1338-1341	12/24/08
18 VAC 95-20 (Forms)	Amended	24:26 VA.R. 3827	--
18 VAC 95-20-80	Amended	24:16 VA.R. 2264	5/14/08
18 VAC 95-20-225	Amended	25:6 VA.R. 1341	12/24/08
18 VAC 95-30 (Forms)	Amended	24:26 VA.R. 3827	--
18 VAC 100-10-10 through 18 VAC 100-10-90	Repealed	25:6 VA.R. 1342	12/24/08
18 VAC 100-11-10 through 18 VAC 100-11-110	Added	25:6 VA.R. 1342-1345	12/24/08
18 VAC 105-10-10 through 18 VAC 105-10-120	Repealed	24:26 VA.R. 3828	10/1/08
18 VAC 105-11-10 through 18 VAC 105-11-110	Added	24:26 VA.R. 3828-3831	10/1/08
18 VAC 105-20 (Forms)	Amended	24:25 VA.R. 3639	--
18 VAC 110-10-10 through 18 VAC 110-10-120	Repealed	25:2 VA.R. 298	10/29/08
18 VAC 110-11-10 through 18 VAC 110-11-110	Added	25:2 VA.R. 298-301	10/29/08
18 VAC 110-20 (Forms)	Amended	24:25 VA.R. 3640	--
18 VAC 110-20-20 emer	Amended	25:3 VA.R. 464	9/23/08-9/22/09
18 VAC 110-20-220	Amended	25:4 VA.R. 694	12/11/08
18 VAC 110-20-230	Repealed	25:4 VA.R. 695	12/11/08
18 VAC 110-30 (Forms)	Amended	24:25 VA.R. 3640	--
18 VAC 110-50 (Forms)	Amended	24:25 VA.R. 3640	--
18 VAC 110-50-20 emer	Amended	25:3 VA.R. 466	9/23/08-9/22/09
18 VAC 112-10-10 through 18 VAC 112-10-120	Repealed	25:1 VA.R. 61	10/15/08

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 112-11-10 through 18 VAC 112-11-110	Added	25:1 VA.R. 62-64	10/15/08
18 VAC 112-20 (Forms)	Amended	24:26 VA.R. 3831	--
18 VAC 112-20-81 emer	Added	25:3 VA.R. 467	11/1/07-4/29/09
18 VAC 112-20-90 emer	Amended	25:3 VA.R. 467	11/1/07-4/29/09
18 VAC 112-20-130 emer	Amended	25:3 VA.R. 467	11/1/07-4/29/09
18 VAC 112-20-131 emer	Amended	25:3 VA.R. 467	11/1/07-4/29/09
18 VAC 112-20-150 emer	Amended	25:3 VA.R. 467	11/1/07-4/29/09
18 VAC 115-10-10 through 18 VAC 115-10-120	Repealed	24:26 VA.R. 3832	10/1/08
18 VAC 115-11-10 through 18 VAC 115-11-110	Added	24:26 VA.R. 3832-3835	10/1/08
18 VAC 115-20 (Forms)	Amended	25:1 VA.R. 65	--
18 VAC 115-30 (Forms)	Amended	25:1 VA.R. 65	--
18 VAC 115-40 (Forms)	Amended	25:1 VA.R. 65	--
18 VAC 115-50 (Forms)	Amended	25:1 VA.R. 65	--
18 VAC 115-60 (Forms)	Amended	25:1 VA.R. 65	--
18 VAC 120-10-100 through 18 VAC 120-10-180	Repealed	24:26 VA.R. 3835	10/2/08
18 VAC 120-11-10 through 18 VAC 120-11-110	Added	24:26 VA.R. 3836-3838	10/2/08
18 VAC 125-10-10 through 18 VAC 125-10-120	Repealed	25:4 VA.R. 699	11/26/08
18 VAC 125-11-10 through 18 VAC 125-11-110	Added	25:4 VA.R. 699-702	11/26/08
18 VAC 125-20 (Forms)	Amended	25:1 VA.R. 66	--
18 VAC 125-30 (Forms)	Amended	25:1 VA.R. 66	--
18 VAC 130-10-10 through 18 VAC 130-10-90	Repealed	25:6 VA.R. 1345	12/24/08
18 VAC 130-11-10 through 18 VAC 130-11-110	Added	25:6 VA.R. 1345-1348	12/24/08
18 VAC 135-10-10 through 18 VAC 135-10-90	Repealed	25:6 VA.R. 1348	12/24/08
18 VAC 135-11-10 through 18 VAC 135-11-110	Added	25:6 VA.R. 1348-1351	12/24/08
18 VAC 140-10-10 through 18 VAC 140-10-120	Repealed	24:25 VA.R. 3641	9/17/08
18 VAC 140-11-10 through 18 VAC 140-11-110	Added	24:25 VA.R. 3641-3644	9/17/08
18 VAC 140-20 (Forms)	Amended	25:1 VA.R. 67	--
18 VAC 140-20-10	Amended	25:4 VA.R. 703	11/26/08
18 VAC 140-20-40	Amended	25:4 VA.R. 703	11/26/08
18 VAC 140-20-50	Amended	25:4 VA.R. 703	11/26/08
18 VAC 140-20-51	Added	25:4 VA.R. 705	11/26/08
18 VAC 140-20-60	Amended	25:4 VA.R. 705	11/26/08
18 VAC 140-20-105	Amended	25:4 VA.R. 706	11/26/08
18 VAC 140-20-140	Repealed	25:4 VA.R. 707	11/26/08
18 VAC 140-20-150	Amended	25:4 VA.R. 707	11/26/08
18 VAC 140-20-160	Amended	25:4 VA.R. 709	11/26/08
18 VAC 145-10-10 through 18 VAC 145-10-90	Repealed	25:6 VA.R. 1351	12/24/08
18 VAC 145-11-10 through 18 VAC 145-11-110	Added	25:6 VA.R. 1352-1355	12/24/08
18 VAC 150-10-10 through 18 VAC 150-10-120	Repealed	25:1 VA.R. 68	10/15/08
18 VAC 150-11-10 through 18 VAC 150-11-110	Added	25:1 VA.R. 68-71	10/15/08
18 VAC 150-20 (Forms)	Amended	24:26 VA.R. 3838	--
18 VAC 155-10-5 through 18 VAC 155-10-80	Repealed	25:6 VA.R. 1355	12/24/08
18 VAC 155-11-10 through 18 VAC 155-11-110	Added	25:6 VA.R. 1355-1358	12/24/08
18 VAC 160-10-10 through 18 VAC 160-10-90	Repealed	25:4 VA.R. 709	11/26/08
18 VAC 160-11-10 through 18 VAC 160-11-110	Added	25:4 VA.R. 709-712	11/26/08
<b>Title 19. Public Safety</b>			
19 VAC 15-10-10 through 19 VAC 15-10-50	Repealed	25:5 VA.R. 1118	12/10/08
19 VAC 15-11-10 through 19 VAC 15-11-110	Added	25:5 VA.R. 1119-1121	12/10/08
19 VAC 30-10-10 through 19 VAC 30-10-40	Repealed	24:26 VA.R. 3839	10/1/08
19 VAC 30-11-10 through 19 VAC 30-11-110	Added	24:26 VA.R. 3839-3842	10/1/08
<b>Title 20. Public Utilities and Telecommunications</b>			

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
20 VAC 5-200-30	Repealed	25:9 VA.R. 1768	1/1/09
20 VAC 5-201-10 through 20 VAC 5-201-110	Added	25:9 VA.R. 1768-1816	1/1/09
20 VAC 5-312-10	Amended	25:8 VA.R. 1534	1/1/09
20 VAC 5-312-20	Amended	25:8 VA.R. 1535	1/1/09
20 VAC 5-312-60	Amended	25:8 VA.R. 1537	1/1/09
20 VAC 5-312-80	Amended	25:8 VA.R. 1538	1/1/09
20 VAC 5-312-90	Amended	25:8 VA.R. 1540	1/1/09
20 VAC 5-312-120	Repealed	25:8 VA.R. 1542	1/1/09
20 VAC 5-313-10	Amended	25:8 VA.R. 1543	1/1/09
20 VAC 5-313-20	Amended	25:8 VA.R. 1543	1/1/09
20 VAC 5-313-30	Repealed	25:8 VA.R. 1544	1/1/09
20 VAC 5-315-10	Amended	24:26 VA.R. 3845	8/25/08
20 VAC 5-315-20	Amended	24:26 VA.R. 3845	8/25/08
20 VAC 5-315-40	Amended	24:26 VA.R. 3846	8/25/08
20 VAC 5-315-50	Amended	24:26 VA.R. 3847	8/25/08
20 VAC 5-403-70	Amended	25:9 VA.R. 1816	1/1/09
20 VAC 5-414-10 through 20 VAC 5-414-70	Added	25:7 VA.R. 1437-1438	12/1/08
<b>Title 22. Social Services</b>			
22 VAC 5-10-10 through 22 VAC 5-10-110	Repealed	25:5 VA.R. 1122	1/1/09
22 VAC 5-11-10 through 22 VAC 5-11-110	Added	25:5 VA.R. 1122-1125	1/1/09
22 VAC 5-30-10 through 22 VAC 5-30-60	Added	24:25 VA.R. 3665-3669	1/1/09
22 VAC 15-10-10 through 22 VAC 15-10-70	Repealed	25:4 VA.R. 712	1/1/09
22 VAC 15-11-10 through 22 VAC 15-11-110	Added	25:4 VA.R. 713-715	1/1/09
22 VAC 20-10-10 through 22 VAC 20-10-100	Repealed	25:7 VA.R. 1438	1/7/09
22 VAC 20-11-10 through 22 VAC 20-11-110	Added	25:7 VA.R. 1439-1441	1/7/09
22 VAC 27-10-10 through 22 VAC 27-10-110	Added	25:7 VA.R. 1442-1445	1/7/09
22 VAC 30-10-10	Repealed	25:1 VA.R. 71	10/15/08
22 VAC 30-10-20	Repealed	25:1 VA.R. 71	10/15/08
22 VAC 30-10-40	Repealed	25:1 VA.R. 71	10/15/08
22 VAC 30-10-50	Repealed	25:1 VA.R. 71	10/15/08
22 VAC 30-10-60	Repealed	25:1 VA.R. 71	10/15/08
22 VAC 30-11-10 through 22 VAC 30-11-110	Added	25:1 VA.R. 72-74	10/15/08
22 VAC 40-11-10 through 22 VAC 40-11-70	Repealed	25:1 VA.R. 74	1/1/09
22 VAC 40-12-10 through 22 VAC 40-12-110	Added	25:1 VA.R. 74-78	1/1/09
22 VAC 40-72-10	Amended	25:8 VA.R. 1592	2/5/09
22 VAC 40-72-30	Repealed	25:8 VA.R. 1598	2/5/09
22 VAC 40-72-50	Amended	25:8 VA.R. 1598	2/5/09
22 VAC 40-72-90	Amended	25:8 VA.R. 1599	2/5/09
22 VAC 40-72-100	Amended	25:8 VA.R. 1600	2/5/09
22 VAC 40-72-150	Amended	25:8 VA.R. 1600	2/5/09
22 VAC 40-72-190	Repealed	25:8 VA.R. 1600	2/5/09
22 VAC 40-72-191	Added	25:8 VA.R. 1601	2/5/09
22 VAC 40-72-200	Repealed	25:8 VA.R. 1601	2/5/09
22 VAC 40-72-201	Added	25:8 VA.R. 1602	2/5/09
22 VAC 40-72-210	Amended	25:8 VA.R. 1603	2/5/09
22 VAC 40-72-220	Amended	25:8 VA.R. 1603	2/5/09
22 VAC 40-72-230	Amended	25:8 VA.R. 1605	2/5/09
22 VAC 40-72-260	Amended	25:8 VA.R. 1606	2/5/09
22 VAC 40-72-290	Amended	25:8 VA.R. 1606	2/5/09
22 VAC 40-72-340	Amended	25:8 VA.R. 1607	2/5/09
22 VAC 40-72-390	Amended	25:8 VA.R. 1609	2/5/09

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-72-420	Amended	25:8 VA.R. 1610	2/5/09
22 VAC 40-72-430	Amended	25:8 VA.R. 1610	2/5/09
22 VAC 40-72-440	Amended	25:8 VA.R. 1611	2/5/09
22 VAC 40-72-630	Amended	25:8 VA.R. 1612	2/5/09
22 VAC 40-72-660	Amended	25:8 VA.R. 1613	2/5/09
22 VAC 40-72-670	Amended	25:8 VA.R. 1613	2/5/09
22 VAC 40-72-910	Amended	25:8 VA.R. 1615	2/5/09
22 VAC 40-72-920	Amended	25:8 VA.R. 1615	2/5/09
22 VAC 40-72-930	Amended	25:8 VA.R. 1615	2/5/09
22 VAC 40-72-950	Amended	25:8 VA.R. 1616	2/5/09
22 VAC 40-72-960	Amended	25:8 VA.R. 1616	2/5/09
22 VAC 40-72-970	Amended	25:8 VA.R. 1617	2/5/09
22 VAC 40-72-1010	Amended	25:8 VA.R. 1617	2/5/09
22 VAC 40-72-1120	Amended	25:8 VA.R. 1618	2/5/09
22 VAC 40-151-10 through 22 VAC 40-151-1020	Added	25:3 VA.R. 482-512	1/1/09
22 VAC 45-11-10 through 22 VAC 45-11-90	Repealed	25:5 VA.R. 1125	12/1/08
22 VAC 45-12-10 through 22 VAC 45-12-110	Added	25:5 VA.R. 1125-1128	12/1/08
<b>Title 23. Taxation</b>			
23 VAC 10-10-10 through 23 VAC 10-10-80	Repealed	25:4 VA.R. 730	1/10/09***
23 VAC 10-11-10 through 23 VAC 10-11-110	Added	25:4 VA.R. 732-735	1/10/09***
23 VAC 10-20-155	Added	24:26 VA.R. 3848	10/1/08
23 VAC 10-20 (Forms)	Amended	25:5 VA.R. 1128	--
23 VAC 10-20-160	Amended	25:8 VA.R. 1620	3/8/09
23 VAC 10-20-165	Added	25:8 VA.R. 1622	3/8/09
23 VAC 10-20-170	Repealed	25:8 VA.R. 1627	3/8/09
23 VAC 10-20-180	Amended	25:8 VA.R. 1628	3/8/09
23 VAC 10-20-190	Amended	25:8 VA.R. 1628	3/8/09
23 VAC 10-55 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-60 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-65 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-75 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-210 (Forms)	Amended	25:6 VA.R. 1358	--
23 VAC 10-210-20	Repealed	24:26 VA.R. 3849	10/1/08
23 VAC 10-210-170	Repealed	25:4 VA.R. 736	11/26/08
23 VAC 10-210-595	Added	25:4 VA.R. 736	11/26/08
23 VAC 10-210-870	Repealed	25:4 VA.R. 736	11/26/08
23 VAC 10-210-4010	Repealed	25:4 VA.R. 736	11/26/08
23 VAC 10-210-6060	Amended	25:8 VA.R. 1632	3/8/09
23 VAC 10-220 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-230 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-230-20	Amended	25:8 VA.R. 1633	3/8/09
23 VAC 10-230-30	Amended	25:8 VA.R. 1633	3/8/09
23 VAC 10-230-40	Amended	25:8 VA.R. 1635	3/8/09
23 VAC 10-230-70	Added	25:8 VA.R. 1637	3/8/09
23 VAC 10-230-75	Added	25:8 VA.R. 1637	3/8/09
23 VAC 10-230-80	Amended	25:8 VA.R. 1637	3/8/09
23 VAC 10-230-90	Amended	25:8 VA.R. 1638	3/8/09
23 VAC 10-230-110	Amended	25:8 VA.R. 1639	3/8/09
23 VAC 10-230-120	Amended	25:8 VA.R. 1639	3/8/09

\*\*\* See erratum (25:6 VA.R. 1375) for effective date

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
23 VAC 10-240 (Forms)	Amended	25:6 VA.R. 1359	--
23 VAC 10-300 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-310 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-330 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-350 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-370 (Forms)	Amended	25:5 VA.R. 1129	--
23 VAC 10-390 (Forms)	Amended	25:5 VA.R. 1130	--
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 20-10-10 through 24 VAC 20-10-140	Repealed	25:6 VA.R. 1360	12/24/08
24 VAC 20-11-10 through 24 VAC 20-11-110	Added	25:6 VA.R. 1361-1364	12/24/08
24 VAC 22-10-10 through 24 VAC 22-10-140	Repealed	25:4 VA.R. 752	11/26/08
24 VAC 22-11-10 through 24 VAC 22-11-110	Added	25:4 VA.R. 753-755	11/26/08
24 VAC 25-5-10 through 24 VAC 25-5-110	Added	25:7 VA.R. 1445-1448	1/7/09
24 VAC 25-10-10	Repealed	25:3 VA.R. 519	10/13/08
24 VAC 25-20-10	Repealed	25:3 VA.R. 519	10/13/08
24 VAC 27-10-10 through 24 VAC 27-10-120	Repealed	25:6 VA.R. 1364	12/24/08
24 VAC 27-11-10 through 24 VAC 27-11-110	Added	25:6 VA.R. 1364-1367	12/24/08
24 VAC 27-30-10 through 24 VAC 27-30-190	Added	25:1 VA.R. 78-89	10/15/08
24 VAC 30-10-10 through 24 VAC 30-10-70	Repealed	25:6 VA.R. 1367	12/24/08
24 VAC 30-11-10 through 24 VAC 30-11-110	Added	25:6 VA.R. 1367-1370	12/24/08
24 VAC 30-16-10	Repealed	25:3 VA.R. 520	11/12/08
24 VAC 30-380-10	Amended	25:5 VA.R. 1130	10/22/08
24 VAC 35-10-10 through 24 VAC 35-10-70	Repealed	25:5 VA.R. 1131	12/10/08
24 VAC 35-11-10 through 24 VAC 35-11-110	Added	25:5 VA.R. 1132-1134	12/10/08

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# NOTICES OF INTENDED REGULATORY ACTION

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VA.R. Doc. No. R09-1760; Filed January 5, 2009, 9:58 a.m.

## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board of Medical Assistance Services intends to consider amending the following regulations: **12VAC30-141, Family Access to Medical Insurance Security Plan.** The purpose of the proposed action is to provide for state-only funding for newborns of mothers enrolled in FAMIS where no FAMIS or Medicaid application is timely filed for the newborn.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 32.1-324, 32.1-325 and 32.1-351 of the Code of Virginia.

Public Comments: Public comments may be submitted until 5 p.m. on February 18, 2009.

Agency Contact: Molly Carpenter, Division of Maternal and Child Health, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219, telephone (804) 786-1493, FAX (804) 786-1680, or email [molly.carpenter@dmas.virginia.gov](mailto:molly.carpenter@dmas.virginia.gov).

VA.R. Doc. No. R09-1673; Filed December 22, 2008, 3:17 p.m.



## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

#### Withdrawal of Notices of Intended of Regulatory Action

Notice is hereby given that the Commission on the Virginia Alcohol Safety Action Program has WITHDRAWN the Notice of Intended Regulatory Action for **24VAC35-10, Public Participation Guidelines; 24VAC35-20, Policy and Procedure Manual; 24VAC35-30, Case Management Policy and Procedure Manual; 24VAC35-40, Certification Requirements; and 24VAC35-50, Training and Credentialing Manual,** which were published in 15:19 VA.R. 2443 June 7, 1999:

Agency Contact: Richard L. Foy, Technical Instructor, Commission on the Virginia Alcohol Safety Action Program, 701 East Franklin Street, Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286, or email [rfoy.vasap@state.va.us](mailto:rfoy.vasap@state.va.us).

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# REGULATIONS

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For information concerning the different types of regulations, see the Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

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## TITLE 2. AGRICULTURE

### STATE MILK COMMISSION

#### Final Regulation

**REGISTRAR'S NOTICE:** The State Milk Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The State Milk Commission will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 2VAC15-20. Regulations for the Control and Supervision of Virginia's Milk Industry (amending 2VAC15-20-90, 2VAC15-20-110, 2VAC15-20-120).

**Statutory Authority:** § 3.2-3204 of the Code of Virginia.

**Effective Date:** February 18, 2009.

**Agency Contact:** Rodney L. Phillips, Administrator, Department of Agriculture and Consumer Services, Oliver Hill Building, 102 Governor Street, Room 205, Richmond, VA 23218, telephone (804) 786-2013, FAX (804) 786-3779, or email rodney.phillips@vdacs.virginia.gov.

**Summary:**

*The amendments update citations to reflect the recodification of Title 3.1 to Title 3.2 of the Code of Virginia. In addition, a Virginia Administrative Code citation is updated.*

**2VAC15-20-90. Records and reports.**

A. Each distributor shall accurately prepare and maintain all records necessary to enable the agency or its representative to determine:

1. The amount, source, grade, butterfat test and price paid for all milk and cream received from all sources. These records must show daily transactions, summarized into monthly totals.
2. The use or disposition of all milk and cream received from all sources. These records must show retail, wholesale and other sales by units and the value received for each group of units shown as daily transactions, summarized into monthly totals.

3. The butterfat tests of each producer's milk made according to this chapter, the date such tests were made and the butterfat test of each commodity sold.

B. Not later than the seventh day of each month all licensees, except retail distributors, shall furnish the agency with information which specifies all receipts and utilization of milk, along with other information as may be required by the agency. This information may be filed with the agency in any of the following approved formats:

1. Agency forms;
2. Federal reports;
3. Licensee generated printouts or reports; and
4. Computer media (only if the data furnished is compatible with agency hardware and software configurations).

Additionally, this information must be transmitted to the agency in an agency approved manner in order to meet established deadlines. This information must be compiled from records of a permanent nature and these records shall be subject to audit and inspection by any authorized representative of the approving authority. Not later than the 12th day of each month the agency shall inform each processing general distributor of the classified sales allocated to each producer or cooperative association for the previous month.

C. Each processing general distributor, producer general distributor and distributor shall document in detail each wholesale transaction either in written or electronic form. This documentation shall be maintained for at least six calendar months, or until audited, and be subject to inspection by any authorized representative of the agency.

D. All books and records, defined under ~~Article 2 (§ 3.1-425 et seq.) of Chapter 21 of Title 3.1 Chapter 32 (§ 3.2-3200 et seq.) of Title 3.2~~ of the Code of Virginia, of all licensed distributors, except retail, producers and cooperative associations of producers shall be subject to audit by any authorized representative of the agency.

E. Information relating to individual distributors, producers or cooperative associations of producers shall be confidential.

F. Cooperative associations shall file with the agency a monthly statement. This statement, to be filed not later than the eighth of the subsequent month, shall list the name, base allotment, and production of each of the cooperative associations baseholding producer members.

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# Regulations

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G. Cooperative associations shall file with the agency by the seventh of the month a statement which indicates total daily deliveries by day made to licensed processing general distributors for deliveries made in the preceding month.

H. Cooperative associations shall furnish the agency not later than the last day of each month a copy of all billings for milk deliveries to licensed processing general distributors made in the prior month.

## 2VAC15-20-110. Assessments.

A. All expenses necessary for the operation of the agency shall be met by assessments as provided for in ~~Article 2 (§ 3.1-425 et seq.) of Chapter 21 of Title 3.1 Chapter 32 (§ 3.2-3200 et seq.) of Title 3.2~~ of the Code of Virginia. Assessments shall be collected by the agency and deposited immediately in a designated state depository to the Treasurer of Virginia.

B. Assessments shall be made in the following manner:

1. Assessments shall be collected from all licensed general processing distributors, producer general distributors, and distributors in an amount as directed by the approving authority. Assessments shall not exceed five cents per hundredweight on all milk or cream (converted to terms of milk) handled by distributors and/or sold by producers and cooperative associations of producers. These assessments shall be the same per hundredweight on producers and distributors.

2. Within 15 days after the close of a delivery period, all licensed general processing distributors, producer general distributors, and distributors shall remit to the agency an amount equal to the total assessments levied for the delivery period, including both the assessment levied on distributors and producers and/or cooperative associations of producers. The amount of production assessment paid to the credit of producers or cooperative associations of producers by a distributor shall be credited against the amount payable to producers and/or cooperative associations of producers by said distributor.

## 2VAC15-20-120. Hearing notice.

A. Notice of proceedings under ~~§ 3.1-437~~ § 3.2-3208 of the Code of Virginia shall be provided as set out in this subsection. The approving authority may publish in a newspaper of general circulation a notice which shall inform the public of the proceeding and the time, date, and place of the public hearing. The administrator is directed to give other notice as he deems appropriate, including notice to persons on the distribution list who would be affected by the approving authority's order.

B. If the approving authority establishes minimum retail prices for milk without a public hearing, it shall hold a public hearing on the emergency order not less than 15 nor more

than 60 days after its issuance. Such notice will take the form as provided in subsection A of this section.

C. Notice of proceedings under ~~§§ 3.1-432 and 3.1-433 § 3.2-3206~~ of the Code of Virginia shall be provided as set out in this subsection. The approving authority shall issue a notice of hearing in accordance with the provisions of ~~2VAC15-11-80~~ 2VAC15-12-90.

VA.R. Doc. No. R09-1690; Filed December 29, 2008, 4:39 p.m.



## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### BOARD OF GAME AND INLAND FISHERIES

#### Final Regulation

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to § 29.1-701 E of the Code of Virginia, which provides that proposal and adoption of regulations implementing Chapter 7 (§ 29.1-700 et seq.) of Title 29.1 shall take place as described in Article 1 (§ 29.1-500 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia. The department is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final regulations.

**Title of Regulation:** 4VAC15-450. Watercraft: Commercial Parasail Operations (adding 4VAC15-450-10 through 4VAC15-450-40).

**Statutory Authority:** §§ 29.1-501, 29.1-502, 29.1-701, and 29.1-735.3 of the Code of Virginia.

**Effective Date:** January 1, 2009.

**Agency Contact:** Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

#### Summary:

*The new boating regulation applies to commercial parasail operations; it does not have any effect on general boating activities by the recreational boating public, but applies only to the commercial operations of parasail operators on the waters of the Commonwealth. The regulation defines "commercial parasail operation" and "parasailing"; and establishes provisions to which commercial parasailing operators must comply for lawful operation, including a requirement that all commercial parasail operators shall have a valid Coast Guard license for carrying passengers for hire, and other provisions addressing the safety of persons taking part in the parasailing activity.*

CHAPTER 450  
WATERCRAFT: COMMERCIAL PARASAIL  
OPERATIONS

**4VAC15-450-10. Application.**

This chapter applies to all commercial parasail operations on waters of the Commonwealth.

**4VAC15-450-20. Definitions.**

As used in this chapter unless the context clearly requires a different meaning the following words and terms shall have the following meanings:

"Commercial parasail operation" means all parasail activities engaged in or caused to be engaged in by any person or legal entity with the object of making a profit or obtaining an economic benefit either directly or indirectly.

"Operate" means to navigate or otherwise control the movement of a vessel.

"Parasailing" means the activity in which an individual is transported or carried aloft by a parachute, sail, or other material attached to a towline that is towed by a vessel where the rider ascends into the air by the towline being extended from the vessel and remains suspended in the air as the vessel runs its course.

"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

"Waters of the Commonwealth" means any public waters within the territorial limits of the Commonwealth, the adjacent marginal sea and the high seas when navigated as a part of a journey or ride to or from the Virginia shore.

**4VAC15-450-30. Commercial parasailing activities.**

Commercial parasailing operators shall comply with the following provisions:

1. All commercial parasail operators shall have a valid Coast Guard License for carrying passengers for hire.
2. Vessels engaged in parasailing operations must be equipped with a rear launchplatform and direct launch and recovery hydraulic winch system used to pay out and reel in the towline.
3. Prior to leaving the dock, all passengers and parasail participants shall be required to view a parasail safety briefing video and/or be given a written parasail safety briefing handout. Briefing materials shall be consistent with information approved or provided by the Professional Association of Parasail Operators (PAPO).
4. Parasailing shall only be conducted from one-half hour before sunrise to one-half hour after sunset.

5. All parasail riders, when attached to the harness of a parasail canopy, shall wear a United States Coast Guard approved Type I, II, or III inherently buoyant noninflatable personal flotation device that is in serviceable condition and of the proper size. The rider must be secured in a seat harness attached to an ascending type of parachute that is connected to the towline.

6. All parasailing operations shall include, in addition to the operator of the vessel, an observer 18 years or older at all times to monitor the progress of an airborne parasail rider and parachute.

7. All parasailing towing vessels when operating more than 1,000 feet from shore shall be equipped with a VHF radio that is in working order and tuned to Channel 16.

8. Parasailing shall be prohibited when there are sustained winds in excess of 20 mph/17.5 knots and/or seas in excess of six feet in the area of operation.

9. Parasail operation towlines shall not exceed 1,200 feet in total length on the vessel's winch drum or exceed 1,000 feet of towline from boat to canopy yoke while conducting parasail flight operations. All commercial towlines must have a minimum diameter of 3/8 inches, be a maximum length of 1,200 feet, and have a minimum tensile strength of 4,800 lbs. An in-service date shall be logged whenever new line is installed.

10. Parasail operators shall inspect the towline in its entirety daily for damage and/or wear and, if necessary, shall immediately replace the line. A minimum of two feet shall be trimmed from the towline bitter end within a maximum period of seven days or every 400 flights or as may become necessary. The towline shall be kept clean and well maintained in accordance with manufacturers' specifications, requirements, and/or recommendations. A written log of such inspections and maintenance shall be kept at all times.

11. Parasail vessel operators shall at all times maintain a safe parasail chute distance from any surf-zone, shoreline, or fixed object when engaged in actual parasail operations. This includes all of the following: (i) the canopy shall not be allowed to pass within three times the length of the towline from shore or any structure, (ii) when the wind has an onshore component, the canopy's minimum distance from shore is a function of wind speed as follows: either 1,000 feet or a sliding distance based on wind speed (0-5 mph – 600 feet, 6-10 mph – 1,000 feet, 11-15 mph – 1,800 feet, 16-20 mph – 2,400 feet).

12. Parasail operators shall only launch and land riders from the flight deck of the vessel. Spectators shall not be permitted on the launch/landing deck area while the vessel is engaged in actual parasail operations. At no time shall there be more than three passengers in any canopy. Multipassenger flights shall only be conducted after the

vessel operator has made reasonable judgment regarding the flight safety prior to each flight and then only under the following conditions: (i) wind conditions must be adequate, stable and persistent, (ii) sea conditions must be conducive to such activities, (iii) commercial equipment specifically designed and professionally manufactured for multipassenger flight operations must be utilized, (iv) all equipment manufacturers' specifications, requirements and/or recommendations must be adhered to, and (v) the vessel's winch system must be equipped with a functional level-winder during all multipassenger flights.

13. A person may not operate or manipulate any vessel by which the direction or location of a parasail may be affected or controlled in such a way as to cause the parasail or any person thereon to collide or strike against or be likely to collide or strike against any vessel, bridge, wharf, pier, dock, buoy, platform, piling, channel marker, or other object.

14. The deliberate lowering of any person attached to the parasail to be in contact with the water's surface (toe dipping) shall only be conducted after the vessel operator has made reasonable judgment regarding the safety of the activity and his ability to control such an activity and then only when wind and sea conditions are conducive to such activity. Deliberate dipping above the ankles or allowing a participant to touch the water during his flight within 200 feet of another vessel or object or within 50 feet of the stern of the tow vessel is prohibited.

15. Commercial parasail operators shall notify the department's law-enforcement division dispatch office at least 14 days in advance of the commencement of annual operations.

#### **4VAC15-450-40. Penalties.**

Except as otherwise provided by statute, any person who violates any provision of this chapter shall be guilty of a Class 4 misdemeanor for each such violation as provided by § 29.1-746 of the Code of Virginia.

VA.R. Doc. No. R09-1618; Filed December 22, 2008, 1:20 p.m.



## **TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS**

### **CRIMINAL JUSTICE SERVICES BOARD**

#### **Final Regulation**

<p><b>REGISTRAR'S NOTICE:</b> The following model public participation guidelines are exempt from Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia pursuant to Chapter 321 of the 2008 Acts of Assembly.</p>
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**Titles of Regulations:** **6VAC20-10. Guidelines for Public Participation in Regulation Development and Promulgation (repealing 6VAC20-10-10 through 6VAC20-10-50).**

**6VAC20-11. Public Participation Guidelines (adding 6VAC20-11-10 through 6VAC20-11-110).**

**Statutory Authority:** §§ 2.2-4007.02 and 9.1-102 of the Code of Virginia.

**Effective Date:** February 20, 2009.

**Agency Contact:** Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, 202 North 9th St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, or email [judith.kirkendall@dcjs.virginia.gov](mailto:judith.kirkendall@dcjs.virginia.gov).

#### **Summary:**

*The regulations comply with the legislative mandate (Chapter 321, 2008 Acts of Assembly) that agencies adopt model public participation guidelines issued by the Department of Planning and Budget by December 1, 2008. Public participation guidelines exist to promote public involvement in the development, amendment, or repeal of an agency's regulations.*

*This regulatory action repeals the current public participation guidelines and promulgates new public participation guidelines as required by Chapter 321 of the 2008 Acts of Assembly. Highlights of the public participation guidelines include (i) providing for the establishment and maintenance of notification lists of interested persons and specifying the information to be sent to such persons; (ii) providing for public comments on regulatory actions; (iii) establishing the time period during which public comments shall be accepted; (iv) providing that the plan to hold a public meeting shall be indicated in any notice of intended regulatory action; (v) providing for the appointment, when necessary, of regulatory advisory panels to provide professional specialization or technical assistance and negotiated rulemaking panels if a regulatory action is expected to be controversial; and (vi) providing for the periodic review of regulations.*

CHAPTER 11  
PUBLIC PARTICIPATION GUIDELINES

Part I  
Purpose and Definitions

**6VAC20-11-10. Purpose.**

The purpose of this chapter is to promote public involvement in the development, amendment or repeal of the regulations of the Department of Criminal Justice Services. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

**6VAC20-11-20. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means the Department of Criminal Justice Services, which is the unit of state government empowered by the agency's basic law to make regulations or decide cases. Actions specified in this chapter may be fulfilled by state employees as delegated by the agency.

"Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency.

"Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by § 2.2-3707 C of the Freedom of Information Act.

"Negotiated rulemaking panel" or "NRP" means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the purpose of reaching a consensus in the development of a proposed regulatory action.

"Notification list" means a list used to notify persons pursuant to this chapter. Such a list may include an electronic list maintained through the Virginia Regulatory Town Hall or other list maintained by the agency.

"Open meeting" means any scheduled gathering of a unit of state government empowered by an agency's basic law to make regulations or decide cases, which is related to promulgating, amending or repealing a regulation.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

"Public hearing" means a scheduled time at which members or staff of the agency will meet for the purpose of receiving public comment on a regulatory action.

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

"Regulatory action" means the promulgation, amendment, or repeal of a regulation by the agency.

"Regulatory advisory panel" or "RAP" means a standing or ad hoc advisory panel of interested parties established by the agency for the purpose of assisting in regulatory actions.

"Town Hall" means the Virginia Regulatory Town Hall, the website operated by the Virginia Department of Planning and Budget at [www.townhall.virginia.gov](http://www.townhall.virginia.gov), which has online public comment forums and displays information about regulatory meetings and regulatory actions under consideration in Virginia and sends this information to registered public users.

"Virginia Register" means the Virginia Register of Regulations, the publication that provides official legal notice of new, amended and repealed regulations of state agencies, which is published under the provisions of Article 6 (§ 2.2-4031 et seq.) of the Administrative Process Act.

Part II  
Notification of Interested Persons

**6VAC20-11-30. Notification list.**

A. The agency shall maintain a list of persons who have requested to be notified of regulatory actions being pursued by the agency.

B. Any person may request to be placed on a notification list by registering as a public user on the Town Hall or by making a request to the agency. Any person who requests to be placed on a notification list shall elect to be notified either by electronic means or through a postal carrier.

C. The agency may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. When electronic mail is returned as undeliverable on multiple occasions at least 24 hours apart, that person may be deleted from the list. A single undeliverable message is insufficient cause to delete the person from the list.

E. When mail delivered by a postal carrier is returned as undeliverable on multiple occasions, that person may be deleted from the list.

F. The agency may periodically request those persons on the notification list to indicate their desire to either continue to be notified electronically, receive documents through a postal carrier, or be deleted from the list.

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# Regulations

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## **6VAC20-11-40. Information to be sent to persons on the notification list.**

A. To persons electing to receive electronic notification or notification through a postal carrier as described in 6VAC20-11-30, the agency shall send the following information:

1. A notice of intended regulatory action (NOIRA).
2. A notice of the comment period on a proposed, a repropoed, or a fast-track regulation and hyperlinks to, or instructions on how to obtain, a copy of the regulation and any supporting documents.
3. A notice soliciting comment on a final regulation when the regulatory process has been extended pursuant to § 2.2-4007.06 or 2.2-4013 C of the Code of Virginia.

B. The failure of any person to receive any notice or copies of any documents shall not affect the validity of any regulation or regulatory action.

### Part III Public Participation Procedures

## **6VAC20-11-50. Public comment.**

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing, to the agency. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropoed regulation.
4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.

6. For a minimum of 21 calendar days following the publication of a notice of periodic review.

7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia.

## **6VAC20-11-60. Petition for rulemaking.**

A. As provided in § 2.2-4007 of the Code of Virginia, any person may petition the agency to consider a regulatory action.

B. A petition shall include but is not limited to the following information:

1. The petitioner's name and contact information;
2. The substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections; and
3. Reference to the legal authority of the agency to take the action requested.

C. The agency shall receive, consider and respond to a petition pursuant to § 2.2-4007 and shall have the sole authority to dispose of the petition.

D. The petition shall be posted on the Town Hall and published in the Virginia Register.

E. Nothing in this chapter shall prohibit the agency from receiving information or from proceeding on its own motion for rulemaking.

## **6VAC20-11-70. Appointment of regulatory advisory panel.**

A. The agency may appoint a regulatory advisory panel (RAP) to provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action.

B. Any person may request the appointment of a RAP and request to participate in its activities. The agency shall

determine when a RAP shall be appointed and the composition of the RAP.

C. A RAP may be dissolved by the agency if:

1. The proposed text of the regulation is posted on the Town Hall, published in the Virginia Register, or such other time as the agency determines is appropriate; or
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act.

**6VAC20-11-80. Appointment of negotiated rulemaking panel.**

A. The agency may appoint a negotiated rulemaking panel (NRP) if a regulatory action is expected to be controversial.

B. An NRP that has been appointed by the agency may be dissolved by the agency when:

1. There is no longer controversy associated with the development of the regulation;
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act; or
3. The agency determines that resolution of a controversy is unlikely.

**6VAC20-11-90. Meetings.**

Notice of any open meeting, including meetings of a RAP or NRP, shall be posted on the Virginia Regulatory Town Hall and Commonwealth Calendar at least seven working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with § 2.2-3707 D of the Code of Virginia allowing for contemporaneous notice to be provided to participants and the public.

**6VAC20-11-100. Public hearings on regulations.**

A. The agency shall indicate in its notice of intended regulatory action whether it plans to hold a public hearing following the publication of the proposed stage of the regulatory action.

B. The agency may conduct one or more public hearings during the comment period following the publication of a proposed regulatory action.

C. An agency is required to hold a public hearing following the publication of the proposed regulatory action when:

1. The agency's basic law requires the agency to hold a public hearing;
2. The Governor directs the agency to hold a public hearing; or

3. The agency receives requests for a public hearing from at least 25 persons during the public comment period following the publication of the notice of intended regulatory action.

D. Notice of any public hearing shall be posted on the Town Hall and Commonwealth Calendar at least seven working days prior to the date of the hearing. The agency shall also notify those persons who requested a hearing under subdivision C 3 of this section.

**6VAC20-11-110. Periodic review of regulations.**

A. The agency shall conduct a periodic review of its regulations consistent with:

1. An executive order issued by the Governor pursuant to § 2.2-4017 of the Administrative Process Act to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance; and
2. The requirements in § 2.2-4007.1 of the Administrative Process Act regarding regulatory flexibility for small businesses.

B. A periodic review may be conducted separately or in conjunction with other regulatory actions.

C. Notice of a periodic review shall be posted on the Town Hall and published in the Virginia Register.

VA.R. Doc. No. R09-1435; Filed December 29, 2008, 4:00 p.m.



**TITLE 12. HEALTH**

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

**Emergency Regulation**

**Title of Regulation:** **12VAC30-141. Family Access to Medical Insurance Security Plan (amending 12VAC30-141-660).**

**Statutory Authority:** §§ 32.1-324, 32.1-325 and 32.1-351 of the Code of Virginia.

**Effective Dates:** December 22, 2008, through December 21, 2009.

**Agency Contact:** Molly Carpenter, Division of Maternal and Child Health, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219, telephone (804) 786-1493, FAX (804) 786-1680, or email molly.carpenter@dmas.virginia.gov.

**Preamble:**

*Item 305(E) of Chapter 879 of the 2008 Acts of Assembly states, "The Department of Medical Assistance Services*

*shall have the authority to provide eligibility in the Family Access to Medical Insurance Security (FAMIS) Plan to infants born to mothers enrolled in FAMIS, for the month of birth plus two additional months, even if eligibility is not yet established for the newborn. If federal funds are not available for those months of eligibility, the department shall use state funding. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.” This action fulfills Item 305(E) of Chapter 879.*

*This regulatory action is needed to help ensure that infants born to Family Access to Medical Insurance Security (FAMIS) recipients receive health care coverage immediately following birth. This is a critical period for early treatment of medical conditions and for establishing a medical home for preventive health care and management of special health care needs. The regulations will enable DMAS to provide uninterrupted comprehensive coverage for newborns of FAMIS enrollees through the mother’s health care plan.*

*Federal Medicaid rules (Title XIX of the Social Security Act) permit Medicaid coverage for infants born to Medicaid enrollees for up to one year without an application. However, there is currently no such rule for FAMIS (Title XXI of the Social Security Act). There is no automatic eligibility for the newborn of a Title XXI mother under federal rules, not even for the newborn’s hospital charges (the mother’s charges are covered). An application must be submitted to determine eligibility. Most children born to FAMIS recipients eventually have eligibility established for Medicaid or FAMIS retroactive to the date of birth, but some do not.*

*Approximately 85% of FAMIS enrollees receive services through a managed health care plan. The contract under which MCOs provide services to FAMIS enrollees requires the plans to provide coverage for the month of birth plus two additional months for infants born to FAMIS enrolled mothers. The majority of these newborns are subsequently enrolled in Medicaid or FAMIS. However, a small number do not become enrolled in either program. If eligibility is never established the children are disenrolled from the FAMIS managed care plan after the second full month following the birth month.*

*The new policy authorizes the use of state general funds to cover MCO services to FAMIS newborns for the birth month plus two additional months if federal funds are not available. Most newborns of FAMIS enrollees are subsequently enrolled in either Medicaid or FAMIS and receive retroactive coverage for the first three months. For these newborns, any general funds used to provide coverage upon birth will continue to be replaced by Medicaid or FAMIS funds with a federal match.*

### **12VAC30-141-660. Assignment to managed care.**

A. Except for children enrolled in the Virginia Birth-Related Neurological Injury Compensation Program established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 of the Code of Virginia, all eligible enrollees shall be assigned in managed care through the department or the central processing unit (CPU) under contract to DMAS. FAMIS recipients, during the pre-assignment period to a PCP or MCHIP, shall receive Title XXI benefits via fee-for-service utilizing a FAMIS card issued by DMAS. After assignment to a PCP or MCHIP, benefits and the delivery of benefits shall be administered specific to the type of managed care program in which the recipient is enrolled. DMAS shall contract with MCHIPs to deliver health care services for infants born to mothers enrolled in FAMIS, for the month of birth plus two additional months, regardless of the status of the newborn’s application for FAMIS. If federal funds are not available for those months of coverage, DMAS shall use state funding only.

1. MCHIPs shall be offered to enrollees in certain areas.
2. In areas with one contracted MCHIP, all enrollees shall be assigned to that contracted MCHIP.
3. In areas with multiple contracted MCHIPs or in PCCM areas without contracted MCHIPs, enrollees shall be assigned through a random system algorithm; provided however, all children within the same family shall be assigned to the same MCHIP or primary care provider (PCP), as is applicable.
4. In areas without contracted MCHIPs, enrollees shall be assigned to the primary care case management program (PCCM) or into the fee-for-service component. All children enrolled in the Virginia Birth-Related Neurological Injury Compensation Program shall be assigned to the fee-for-service component.
5. Enrolled individuals residing in PCCM areas without contracted MCHIPs or in areas with multiple MCHIPs, will receive a letter indicating that they may select one of the contracted MCHIPs or primary care provider (PCP) in the PCCM program, in each case, which serve such area. Enrollees who do not select an MCHIP/PCP as described above, shall be assigned to an MCHIP/PCP as described in subdivision 3 of this section.
6. Individuals assigned to an MCHIP or a PCCM who lose and then regain eligibility for FAMIS within 60 days will be re-assigned to their previous MCHIP or PCP.

B. Following their initial assignment to a MCHIP/PCP, those enrollees shall be restricted to that MCHIP/PCP until their next annual eligibility redetermination, unless appropriately disenrolled by the department.

1. During the first 90 calendar days of managed care assignment, an enrollee may request re-assignment for any

reason from that MCHIP/PCP to another MCHIP/PCP serving that geographic area. Such re-assignment shall be effective no later than the first day of the second month after the month in which the enrollee requests re-assignment.

2. Re-assignment is available only in areas with the PCCM program or where multiple MCHIPS exist. If multiple MCHIPS exist, enrollees may only request re-assignment to another MCHIP serving that geographic area. In PCCM areas, an enrollee may only request re-assignment to another PCP serving that geographic area.

3. After the first 90 calendar days of the assignment period, the enrollee may only be re-assigned from one MCHIP/PCP to another MCHIP/PCP upon determination by DMAS that good cause exists pursuant to subsection C of this section.

C. Disenrollment for good cause may be requested at any time.

1. After the first 90 days of assignment in managed care, enrollees may request disenrollment from DMAS based on good cause. The request must be made in writing to DMAS and cite the reasons why the enrollee wishes to be re-assigned. The department shall establish procedures for good cause re-assignment through written policy directives.

2. DMAS shall determine whether good cause exists for re-assignment.

VA.R. Doc. No. R09-1673; Filed December 22, 2008, 3:17 p.m.

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## TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

### STATE CORPORATION COMMISSION

#### Final Regulation

<p><b>REGISTRAR'S NOTICE:</b> The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.</p>
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**Title of Regulation:** 20VAC5-302. Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility (amending 20VAC5-302-10 through 20VAC5-302-35).

**Statutory Authority:** §§ 12.1-13, 56-234.3, 56-265.2 and 56-580 of the Code of Virginia.

**Effective Date:** January 15, 2009.

**Agency Contact:** Cody Walker, Assistant Director, Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9611, FAX (804) 371-9350, or email cody.walker@scc.virginia.gov.

**Summary:**

*The State Corporation Commission has revised its rules governing applications to construct and operate electric generating facilities (generation rules or rules). Legislation enacted by the 2007 and 2008 Sessions of the Virginia General Assembly largely prompted the commission's decision to propose and ultimately adopt changes in its rules. The rules are set forth in 20VAC5-302 within the Virginia Administrative Code. The revised rules will become effective on January 15, 2009.*

*The adopted revisions to the generation rules include filing requirements that Virginia's incumbent electric utilities must satisfy in establishing the need for proposed, new generation facilities to be constructed in Virginia. The information required includes an analysis of load and generating capacity reserve forecast information that demonstrates the need for the plant in the in-service year proposed for rate regulated electric utilities.*

*The amended generation rules further provide that the construction in Virginia of electric generating facilities with rated capacities of 5 MW or less may be undertaken without complying with the full filing requirements currently set forth in the generation rules for larger facilities. Instead, persons desiring to construct such facilities must (i) submit a letter to the Director of the Division of Energy Regulation stating the location, size and fuel type of the facility and (ii) comply with all other requirements of federal, state and local law.*

*Modifications to the initial, proposed rules now included in the adopted, revised generation rules include new language in 20VAC5-302-20 and 20VAC5-302-25 enabling persons desiring to construct renewable energy electric generating facilities larger than 5 MW but smaller than 100 MW to utilize the abbreviated application format contained in 20VAC5-302-25. An additional change of significance includes new language in 20VAC5-302-10 permitting applications containing confidential information to be filed under seal, simultaneous with applicants filing motions for protective orders or other confidential treatment.*

*Other changes from the proposed version to the adopted generation rules include technical and clarifying changes that include, for example, an amendment to 20VAC5-302-35 clarifying that providing "justification of need" for proposed generation facilities is a requirement applicable to only those incumbent electric utilities whose rates are regulated pursuant to § 56-585.1 of the Code of Virginia.*

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# Regulations

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AT RICHMOND, DECEMBER 23, 2008

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE-2008-00066

Ex Parte: In the matter of revising the rules of the State Corporation Commission governing applications to construct and operate electric generating facilities

## ORDER ADOPTING REGULATIONS

On July 25, 2008, the State Corporation Commission ("Commission") entered an Order for Notice and Comment in this docket ("Order") establishing a proceeding to revise the Commission's rules governing applications to construct and operate electric generating facilities, ("Generation Rules" or "Rules").<sup>1</sup> Proposed revisions to the Generation Rules ("Proposed Amendments") prepared by the Commission Staff ("Staff") were appended to the Order.

The Order permitted interested persons to submit, on or before September 26, 2008, (i) comments concerning the Proposed Rules, and (ii) a request for hearing on the Proposed Amendments. The Order further permitted the Staff to file on or before November 5, 2008, a report with the Clerk of the Commission concerning the comments submitted to the Commission ("Staff Report").

Comments concerning the Proposed Amendments were timely received from (i) Virginia Electric and Power Company d/b/a Dominion Virginia Power ("DVP" or "Virginia Power"); (ii) Appalachian Power Company ("Appalachian" or "APCo"); (iii) Columbia Gas of Virginia ("Columbia Gas"); (iv) the Office of the Attorney General, Division of Consumer Counsel ("Consumer Counsel"); (v) the Old Dominion Electric Cooperative ("ODEC"); and (vi) L.S. Power Associates, L.P. ("L.S. Power"). None of the commenting parties requested a hearing, although several of them reserved the right to participate in any hearing scheduled by the Commission in this docket. The Staff Report was timely filed on November 5, 2008.

NOW UPON CONSIDERATION of the comments and the Staff Report filed herein, we find that we should adopt the rules appended hereto as Attachment A, effective January 15, 2009.

The regulations we adopt herein contain a number of modifications to those that were first proposed by the Commission Staff and published in the Virginia Register on August 18, 2008. These modifications (shown in brackets) follow our consideration of changes suggested by the parties in their written comments, changes proposed in the Staff Report, and our analysis of the entire record in this

proceeding. We will not comment on each rule in detail, but we will comment on several of them.

First, Consumer Counsel has recommended amending 20 VAC 5-302-10 (Applicability and Scope) to add language expediting the availability of confidential information associated with applications filed under these rules. In particular, Consumer Counsel has suggested that information claimed by an applicant to be confidential be filed under seal, and that the applicant simultaneously file a motion for a protective order or other confidential treatment.<sup>2</sup> We will adopt this approach in these rules. As Consumer Counsel notes, this treatment of confidential information is similar to the one adopted in the Commission's rate case rules docket (Case No. PUE-2008-00001), and the rules we adopt pursuant to this Order will substantially replicate the language proposed in that docket concerning applications containing confidential information. We find it unnecessary, however, to adopt DVP's suggestion that we identify in these rules "extraordinarily sensitive" information as an application-related category of information that can be filed under seal pursuant Rule 170 of the Commission's Rules of Practice and Procedure (5 VAC 5-20-170). DVP comments, Exhibit A at 1. Rule 170 addresses the treatment of "trade secrets, privileged, or confidential commercial or financial information." DVP has not established that the "extraordinarily sensitive" information it refers to does not fall into one of these broad categories.

Second, Columbia Gas proposes that the Commission modify 20 VAC 5-302-20 (General Information, etc.), to make more explicit the obligation of an applicant seeking to construct a natural gas-fired electric generation facility to serve a copy of its application (contemporaneous with its filing with the Commission) upon all natural gas local distribution companies in whose certificated service territories the proposed facility (or interconnected natural gas facilities) will be constructed or operated. Columbia Gas states in its comments that the enhanced notice requirement it proposed would "ensure that the regulated LDC has sufficient notice of the pendency and content of the application to permit the LDC to analyze issues of importance to the LDC and its customers and to participate, as appropriate, in such proceedings." Columbia Gas comments at 5-6. We find the Columbia Gas proposal reasonable and have incorporated it into the rules we adopt herein.

Third, ODEC expressed concern in its comments that the Proposed Amendments retain references in 20 VAC 5-302-35 (Information Required from Incumbent Utilities) to "incumbent electric utilities" as defined in § 56-576 of the Code. As noted by ODEC, inasmuch as 20 VAC 5-302-35 requires incumbent utilities to provide an analysis of need for a proposed facility, the scope of this provision is significant. We agree with ODEC that the General Assembly's 2007 amendments to § 56-580 D of the Code make a demonstration of "public convenience and necessity" applicable only to

those "regulated utilities whose rates are regulated pursuant to § 56-585.1" of the Code, *i.e.*, investor-owned utilities.<sup>3</sup> ODEC comments at 7. Accordingly, we have clarified both the catch-line and content of 20 VAC 5-302-35 to make clear that its provisions are applicable only to those incumbent utilities (as defined in § 56-576) whose rates are regulated by the Commission pursuant to § 56-585.1.

Fourth, additional amendments were proposed to 20 VAC 5-302-35 (Information Required from Incumbent Utilities) by Consumer Counsel, DVP, and L.S. Power. Consumer Counsel suggested that Subdivision 1 of this provision be modified to require incumbent utilities to submit "front end" engineering and design studies supporting specific "plant design" as well as plant type and site selected. Consumer Counsel advises that this additional language describes more precisely terminology commonly used for the required studies. Consumer Counsel comments at 2. We find the Consumer Counsel's suggested amendments reasonable and have incorporated them into the rules we adopt herein.

DVP's proposed amendments to 20 VAC 5-302-35 included suggestions that the itemized information to be furnished by incumbent utilities under this provision be provided "where available." Additionally, DVP proposed that only "initial" feasibility and engineering-design studies, and "initial" fuel supply studies be furnished pursuant to this provision. DVP states in its comments that the "availability" issue is related to the Company's concern that where applications are associated with "new technologies like future carbon capture compatible technology or improved designs on nuclear reactors[,] portions of the information required, such as historical information for similar units, may not be available in all situations. DVP comments at 6-7. The Commission Staff, however, in assessing DVP's concern, has suggested resolving the concern directly by modifying Subdivision 3 of 20 VAC 5-302-35 to require incumbents to furnish support for planning assumptions regarding plant performance and operating costs (including historical information for similar units), "where available." Staff Report at 5. We believe the Staff's suggestion is reasonable, and we adopt it in our rules herein.

With respect to DVP's suggestions that incumbents provide only "initial" feasibility and engineering-design studies, and "initial" fuel supply studies, we agree with the utility's assessment that updates to these studies may be provided during the case proceeding, and also obtained through discovery. DVP comments at 7. Accordingly, we have included DVP's suggested changes to Subdivisions 1 and 3 of 20 VAC 5-302-35 in our final rules.

DVP's final proposed amendment to 20 VAC 5-302-35 concerns that rule's Subdivision 5, under which incumbent electric utilities are required to furnish load and generating capacity reserve forecast information demonstrating need. DVP proposes that in the case of renewable energy facilities,

such forecast information be associated with demonstrating "need for the plant in meeting the incumbent electric utility's RPS Goals as set forth in § 56-585.2 of the Code of Virginia." DVP comments at 7, 8; Exhibit A to DVP comments at 15. The Staff Report suggests that the proposed language would incorporate a "lesser standard" for demonstrating need associated with a renewable generating facility. Staff Report at 5. We conclude that the proposed language is inconsistent with the provisions of § 56-580 D (ii), which require that the certification of generation facilities proposed by utilities regulated under § 56-585.1 (such as DVP) proceed upon a finding that such facilities are required by the "public convenience and necessity." We find that this statutory requirement is satisfied by ensuring that utilities provide traditional load and generating capacity reserve information demonstrating the need for the plant in the in-service year proposed, irrespective of the type of facility proposed. In short, DVP has not identified a statutory basis for establishing a different standard of need based on the type of facility proposed for construction and operation. Therefore, we will not adopt the language proposed to that effect by DVP. In a similar vein and for the same reasons, we will not adopt APCo's proposal to exempt both renewable facilities and emerging technology facilities from the justification of need. APCo comments at 3.

Fifth, as we noted in our initial Order for Notice and Comment in this docket, the Commission seeks to streamline generation project applications, consistent with the Commission's statutory authority and the public interest. Accordingly, for example, we adopt in these rules provisions in 20 VAC 5-302-10 that permit facilities with rated capacities of 5 MW or less to be undertaken without complying with the filing requirements otherwise set forth in the rules. DVP has proposed further streamlining the filing requirements for facilities of 100 MW or less that utilize renewable energy. Stated simply, DVP suggests that proposed renewable facilities with capacities in excess of 100 MW be subject to the full requirements prescribed under 20 VAC 5-302-20 (filing requirements for generating facilities larger than 50 MW), while renewable facilities with capacities in excess of 5 MW but less than 100 MW would be subject to the streamlined filing requirements contained in 20 VAC 5-302-25. DVP comments at 3-6. We find no legal impediment to this proposal, and that it is reasonable. Accordingly, we will adopt the substance of this recommendation in our final rules herein.

Sixth, Appalachian has recommended that applications proposing the construction of new renewable facilities state the "firm capability" of such facilities rather than the conventional nameplate capacity. Appalachian comments at 4. Appalachian notes in its comments that a generating facility powered by wind energy, for example, is treated by PJM as a firm capacity resource at only 13 percent of its nameplate capacity. *Id.* Additionally, Appalachian states that

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## Regulations

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such an approach would "allow more renewable sources to qualify for the expedited filing procedures for facilities 50 MW or less, which would promote the development of renewable energy within the Commonwealth." *Id.* Thus, Appalachian recommends that the rated capacity for renewable generating facilities be defined as the "firm capability" of the facility. The Commission Staff, commenting on this proposal in its Staff Report notes that facilities' nameplate capacity rating may be "more indicative of the 'footprint' of renewable facilities," thus best representing the environmental or aesthetic implications of such facilities. Staff Report at 7. Thus, Staff did not endorse Appalachian's recommendation or believe that further clarification is needed. We would also note that inasmuch as the applicability of the rules we adopt herein are driven, in large part, by the capacity of proposed facilities, departing from nameplate capacity in favor of "firm capability" could result in both inconsistency and irregularity in determining the rule under which a generation project must be filed. Consequently, we conclude that the better approach is to continue to use nameplate capacity as the determinant of filing requirements. Accordingly, we will not adopt Appalachian's proposal.

Seventh, we note ODEC's recommendations concerning 20 VAC 5-302-10, and the streamlined procedures for approving generating facilities of less than 5 MW provided therein. Specifically, the amendments to that rule permit applicants for such facilities to submit a letter to the Director of the Commission's Division of Energy Regulation providing the location, size the fuel type of the facility. The amendment further provides that the applicant must comply with all other requirements of federal, state and local law. ODEC stated that its member distribution cooperatives have an interest in obtaining information about small generation facilities that may be interconnected with such cooperatives' systems. Accordingly, ODEC has recommended that the notification letter procedure be modified so that the letter would be filed with the Clerk of the Commission and that the Clerk make a list of such filings publicly available. ODEC comments at 13. We have considered the substance of ODEC's suggested modifications to this rule, and while we will not incorporate them into this rule, we will direct the Director of the Division of Energy Regulation to establish and maintain on the Commission's website, a listing of all such filings received by the Director, and to provide electronic access to the documents comprising such filings.

Finally, we will address a significant issue raised in this docket by L.S. Power. In particular, L.S. Power has requested that 20 VAC 5-302-35 (Information required from incumbent electric utilities) be modified to require incumbent electric utilities to consider options for procuring power from non-affiliated generators through a Request for Proposal ("RFP") or similar competitive solicitation. L.S. Power has further recommended that the economic studies required in

Subdivision 4 of 20 VAC 5-302-35 include comparisons between the proposed facility and any offers received in response to any such solicitation. L.S. Power comments at 3-5. L.S. Power states that the modifications it proposes are necessary to ensure that utilities "purchase power at the lowest rates available through a transparent, competitive process." *Id.* at 4. More specifically, L.S. Power suggests that an RFP process would reveal whether a proposed facility is in fact better than all alternative sources of supply, "as the offers received in an RFP represent the price at which suppliers are willing to contract to sell power." *Id.*

The Staff Report discusses the L.S. Power recommendations and notes that while L.S. Power's comments may have merit, the proposed modifications to the rules effectively integrate a "competitive bidding" requirement into an incumbent electric utility's application to build a new generation facility. According to the Staff, this represents a "significant departure from the proposed rules as disseminated in this docket for comment." Staff Report at 8.

We will not rule on L.S. Power's request as part of this rulemaking proceeding. This Commission has never mandated competitive bidding as part of the filing requirements for new generating facilities, and the consideration of such a significant departure from Commission rules was not included in the proposed rules in this case. Indeed, DVP is the only investor-owned utility in Virginia that has a competitive bidding program, which was implemented on a voluntary basis by DVP. Furthermore, there are pending cases before this Commission addressing DVP's continued application, if at all, of such bidding program,<sup>4</sup> which will address many, if not all, of the issues raised by L.S. Power. In addition, we recently issued an order addressing the potential supply and construction plans of another investor-owned utility, Allegheny Power Company,<sup>5</sup> which also discussed the potential relationship of such plans and the statutorily-required integrated resource planning process.<sup>6</sup> Accordingly, we find that such matters regarding mandatory competitive bidding should be addressed in one or more separate proceedings — either on a case-by-case basis for Virginia's investor-owned utilities or in a generic rulemaking case.

Accordingly, IT IS ORDERED THAT:

(1) We hereby adopt amendments to our Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility, Chapter 302 (20 VAC 5-302-10, et seq.) of the Virginia Administrative Code, all as set forth in Attachment A appended hereto; such amendments shall become effective on January 15, 2009.

(2) A copy of this Order and the rules adopted herein shall be forwarded promptly for publication in the Virginia Register of Regulations.

(3) We hereby direct the Director of the Division of Energy Regulation to establish and maintain on the Commission's website, a listing of all filings made pursuant to 5 VAC 5-302-10 received by the Director, and to provide electronic access to the documents comprising such filings.

(4) This case is dismissed and the papers herein shall be placed in the filed for ended causes.

Commissioner Dimitri did not participate in this matter.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219.

<sup>1</sup>The rules sought to be revised in this proceeding are set forth in Chapter 302 (20 VAC 5-302-10, *et seq.*) of the Virginia Administrative Code; they are titled "Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility."

<sup>2</sup>Consumer Counsel states in its comments that timely access to confidential information is important since "generation certificate applications will likely be filed along with a request for a rate adjustment clause and will require the Commission to render a decision within nine months. Va. Code § 56-585.1 A (7)." Consumer Counsel comments at 2.

<sup>3</sup>§ 56-580 D (ii).

<sup>4</sup>Application of Virginia Electric and Power Company, For a certificate to construct and operate a generating facility; for certificates of public convenience and necessity for a transmission line: Bear Garden Generating Station and Bear Garden-Bremo 230 kV Transmission Interconnection Line, Case No. PUE-2008-00014; Application of Virginia Electric and Power Company, Notification to the Commission of election to abandon the Company's bidding program and application to revise its cogeneration tariff pursuant to PURPA Section 210, Case No. PUE-2008-00078.

<sup>5</sup>Application of The Potomac Edison Company d/b/a Allegheny Power, For an increase in its electric rates pursuant to Va. Code §§ 56-249.6 and 56-582 and, alternatively, request to modify Memorandum of Understanding and Order in Case No. PUE-2000-00280, Case No. PUE-2008-00033, Final Order dated November 26, 2008.

<sup>6</sup>Section 56-599 of the Code of Virginia.

### **20VAC5-302-10. Applicability and scope.**

Any application, except as noted herein, filed by a person planning to construct electric generating facilities and incidental or associated facilities in the Commonwealth of Virginia and who must apply for approval from the State Corporation Commission ("commission"), pursuant to §§ 56-46.1, and 56-580 D of the Code of Virginia must comply with the provisions of this chapter. ~~Distributed generation facilities as they may be defined by the commission and net energy metering facilities as defined in § 56-594 of the Code of Virginia are not subject to this chapter.~~ Applications filed pursuant to this chapter ~~must~~ shall set forth (i) the nature of the proposed facility, (ii) the applicant's technical and financial fitness to construct, operate and maintain the

proposed facility, (iii) the effects of the facility on the environment and economic development, (iv) the effects of the facility upon reliability of electric service provided by any regulated public utility, and (v) why construction and operation of the proposed facility is not contrary to the public interest.

Construction of electric generating facilities with [ a ] rated [ ~~capacity~~ capacities ] of 5 MW or less may be undertaken without complying with the filing requirements established by this chapter. Persons desiring to construct such facilities shall (i) submit a letter to the Director of the Division of Energy Regulation stating the location, size and fuel type of the facility, and (ii) comply with all other requirements of federal, state and local law.

[ The filing of confidential information will be treated in accordance with ] 20VAC5-20-170 [ ~~5VAC5-20-170~~ of the Commission's [ ~~State Corporation Commission Rules of Practice and Procedure (5VAC5-20-10 et seq.)~~. Where any application filed under these rules, including any supporting documents or prefiled testimony, contains information that the applicant asserts is confidential, the filing may be made under seal in accordance with 5VAC5-20-170 of the commission's Rules of Practice and Procedure, 5VAC5-20. Any such filing shall be simultaneously accompanied by both a motion for a protective order or other confidential treatment, and an additional five copies of a redacted version of the filing to be available for public disclosure. Unredacted filings containing the confidential information shall, however, be immediately available to the commission staff for internal use at the commission. ]

**20VAC5-302-20. General information, electric generating facility information and documents to be included in [ ~~the application applications~~ ] for [ (i) ] electric generating facilities greater than 50 MW [ ~~and (ii) renewable energy electric generating facilities with rated capacities greater than 100 MW~~ ].**

The following information shall be provided for all proposed [ (i) ] electric generating facilities with [ a ] rated [ ~~capacity~~ capacities ] in excess of 50 MW [ ~~and (ii) renewable energy electric generating facilities with rated capacities greater than 100 MW~~. As used in this rule, "renewable energy" shall have the same meaning as set forth in § 56-576 of the Code of Virginia]. In addition, an applicant [ ~~requiring the construction of natural gas facilities in conjunction with proposing~~ ] the construction, ownership or operation of [ ~~a a~~ natural gas-fired ] electric generating facility shall serve [ ~~notice a copy~~ ] of its application for construction of the electric generating facility upon all natural gas local distribution companies in whose certificated service territories [ ~~the~~ such electric generating facility or interconnected ] natural gas facilities will be constructed or operated [ ~~,~~ contemporaneously with the filing of such application ].

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1. Legal name of the applicant as well as any trade name.
2. A description of the applicant's authorized business structure, identifying the state authorizing such structure and the date thereof, e.g., if incorporated, the state and date of incorporation; if a limited liability company, the state issuing the certificate of organization and the date thereof.
3. Name and business addresses of all principal corporate officers and directors, partners, and LLC members, as appropriate.
4. Financial information for the applicant, or principal participant or participants in the project. If the applicant or principal participant or participants is a private entity, financial information should include an analysis of the entity's financial condition and audited financial statements for the two most recent fiscal years. If the applicant or principal participant or participants is a public company, financial information should include the entity's most recent stockholder report and most recent Securities and Exchange Commission Form 10-K.
5. Prefiled testimony in support of the application.
6. A discussion of the applicant's qualifications, including:
  - a. A summary of other projects developed and managed by the applicant. Include location, status, and operational history.
  - b. A detailed description of the organizational structure of the applicant. Include the division of ownership, if applicable.
  - c. A description of any affiliation or affiliations with an incumbent electric utility as defined in § 56-576 of the Code of Virginia.
7. Specific information about the site for the proposed facility, including:
  - a. A written description of the location including identification of the city or county in which the facility will be constructed. Such description should be suitable for newspaper publication and be sufficient for identification of affected areas.
  - b. A description of the site, and a depiction on topographic maps of the proposed site.
  - c. The status of site acquisition (i.e., purchase option, ownership, etc.).
  - d. A description of any applicable local zoning or land use approvals required and the status of such approvals.
8. Specific information about the proposed facility, including:
  - a. Description of all major systems, facility configuration and expected suppliers of major components.
  - b. Nameplate capacity, gross dependable capacity, net dependable capacity and expected seasonal heat rates.
  - c. Estimated costs, and schedule for construction, testing and commercialization.
9. A description of the fuel supply arrangement for the proposed facility. The description should detail:
  - a. Fuel type, quality and source or sources.
  - b. Transportation and fuel storage arrangements for fuel delivery.
  - c. Identification of all new pipeline facilities, if any, needed to serve the proposed facility.
  - d. Ownership of any such facilities.
  - e. Plans for constructing such facilities.
  - f. The location and routing of any such facilities.
  - g. The size of such facilities.
  - h. Whether such facilities will be utilized to provide or enhance fuel supplies to other entities.
  - i. Identification of the pipeline or gas distribution company and the rate schedule the applicant intends to utilize in order to serve the proposed generating facility. Identification of whether the service is firm or interruptible.
  - j. If the applicant is to be served by firm capacity from an interstate pipeline, identification of whether the capacity is to be acquired through the construction of new facilities, via capacity that is currently unsubscribed or through capacity purchased on the secondary market.
  - k. If pipeline capacity is to be constructed, identification of the FERC Federal Energy Regulatory Commission docket number or any open season that has been held by the interstate pipeline.
    - l. If capacity is to be purchased on the secondary market, identification of the availability of secondary market capacity in the plant's market area during days that the plant intends to operate.
    - m. Identification of the proposed in-service date of any facilities to be constructed.
    - n. In general terms, description of the availability of fuel supplies required to serve the proposed facility.
10. A discussion of economic impacts (both positive and negative), of the project. The discussion should address the tax and employment implications of the project.
11. A list of other local, state or federal government agencies whose requirements must be met in connection with the construction or operation of the project and a

statement of the status of the approval procedures for each of these agencies.

12. An analysis of the environmental impact of the project shall be provided sufficient to enable the commission to make the determinations required by §§ 56-46.1 and 56-580 D of the Code of Virginia. This analysis shall include, but is not limited to, the impacts on the environment and natural resources, analysis of alternatives considered, unavoidable adverse impacts, mitigation measures proposed to minimize unavoidable impacts, and any irreversible environmental changes. The information required by this subdivision shall be submitted to the Department of Environmental Quality, simultaneously with its filing with the commission, for coordination and review by state agencies responsible for environmental and natural resource protection. ~~Such The~~ information shall ~~include at a minimum, the following~~ identify:

- ~~a. Air quality. Discussion should identify required~~ Required air permits, expected restrictions, expected emissions, rates of emissions, and any needed emissions offsets or allowances.
- ~~b. Water source. Discussion should include required~~ Required permits for water withdrawals, expected restrictions, the amount of water estimated to be used, the source of such water, identification of a backup source of water, if any, and identification of any facilities that need to be constructed to provide such water.
- ~~c. Discharge of cooling water. Discussion should include an identification of required~~ Required permits for water discharge and potential impacts on regional water flows.
- ~~d. Tidal and nontidal wetlands. Discussion should include an identification of any required~~ Required permits related to the wetlands and an identification of any tidal and nontidal wetlands located near the proposed site and how such wetlands will be impacted by applicant's proposed facility.
- ~~e. Solid and hazardous wastes. Discussion should address impact~~ Impact of solid and hazardous wastes on local water resources.
- f. Natural Impact on natural heritage resources, and on threatened and endangered species.
- g. Erosion and sediment control measures.
- h. Archaeological, historic, scenic, cultural, or architectural resources in the area.
- i. Chesapeake Bay Preservation Areas designated by the locality.
- j. Wildlife resources.
- k. ~~Recreation, agricultural and forest resources. Discussion should identify~~ Agricultural and forest

resources and federal, local, state or private parks and recreation areas.

- l. ~~The use~~ Use of pesticides and herbicides.
- m. Geology and mineral resources, caves, and sinkholes.
- n. Transportation infrastructure.

13. A general discussion of reliability impacts including:
- a. A description of transmission interconnection requirements and needed interconnection facilities.
  - b. A description of the potential impact of the proposed facility on the interconnected transmission system. Discussion should identify and summarize any system impact studies or proposed studies.
  - c. A description of anticipated services (ancillary services, re-dispatch, energy imbalance, etc.) that may be provided to any transmission service provider.
  - d. A discussion of existing and expected generation reserves in the region and the impact of the proposed facility on such reserves.

14. A discussion of whether the proposed facility is not contrary to the public interest. ~~Such The~~ discussion shall include, but is not limited to, an analysis of any reasonably known impacts the proposed facility may have upon reliability of service to, and rates paid by, customers of any regulated public utility for service in the Commonwealth, including water service, gas distribution service, electric distribution service, and electric transmission service.

~~15. A discussion of whether and, if so, how the project will further the goals of advancement of electric competition in Virginia.~~

**20VAC5-302-25. General information, electric generating facility information and documents to be included in [ ~~the application applications~~ ] for [ ~~(i)~~ ] electric generating facilities equal to 50 MW or less but greater than 5 MW [ , and ~~(ii)~~ renewable energy electric generating facilities with rated capacities equal to 100 MW or less but greater than 5 MW ].**

The following information shall be provided for all proposed [ ~~(i)~~ ] electric generating facilities with [ ~~a~~ ] rated [ ~~capacity capacities~~ ] of 50 MW or less but greater than 5 MW [ , and ~~(ii)~~ renewable energy electric generating facilities with rated capacities equal to 100 MW or less but greater than 5 MW. As used in this rule, "renewable energy" shall have the same meaning as set forth in § 56-576 of the Code of Virginia ].

- 1. ~~Legal~~ The legal name of the applicant as well as any trade name.
- 2. A description of the applicant's authorized business structure, identifying the state authorizing such structure and the date thereof, e.g., if incorporated, the state and date

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of incorporation; if a limited liability company, the state issuing the certificate of organization and the date thereof.

3. ~~Name~~ The name and business addresses of all principal corporate officers and directors, partners, and LLC members, as appropriate.

4. Financial information for the applicant, or principal participant or participants in the project. If the applicant or principal participant or participants is a private entity, financial information should include an analysis of the entity's financial condition and audited financial statements for the two most recent fiscal years, if available. If the applicant or principal participant or participants is a public company, financial information should include the entity's most recent stockholder report and most recent Securities and Exchange Commission Form 10-K. If such information is unavailable, provide evidence that applicant has the financial resources, or access to capital, necessary to complete the proposed project.

5. A discussion of the applicant's qualifications, including:

a. A summary of other projects developed and managed by the applicant. Include location, status, and operational history.

b. A description of any affiliation or affiliations with an incumbent electric utility as defined in § 56-576 of the Code of Virginia.

6. Specific information about the site for the proposed facility, including:

a. A written description of the location including identification of the city or county in which the facility will be constructed. ~~Such~~ The description should be suitable for newspaper publication and be sufficient for identification of affected areas.

b. A description of the site, and a depiction on topographic maps of the proposed site.

c. The status of site acquisition (i.e., purchase option, ownership, etc.).

7. A general description of the proposed facility, type of facility, size and fuel type.

8. A general description of the fuel supply arrangement for the proposed facility.

9. A general discussion of the economic developments impacts of the project.

10. A list of other local, state or federal government agencies whose requirements must be met in connection with the construction or operation of the project and a statement of the status of the approval procedures for each of these agencies.

11. An analysis of the environmental impact of the project shall be provided sufficient to enable the commission to make the determinations required by §§ 56-46.1 and 56-580 D of the Code of Virginia. This analysis shall include, but is not limited to, the impacts on the environment and natural resources, analysis of alternatives considered, unavoidable adverse impacts, mitigation measures proposed to minimize unavoidable impacts, and any irreversible environmental changes. The information required by this subdivision shall be submitted to the Department of Environmental Quality, simultaneously with its filing with the commission, for coordination and review by state agencies responsible for environmental and natural resource protection. ~~Such~~ The information shall ~~include at a minimum, the following identify:~~

a. ~~Air quality. Discussion should identify required~~ Required air permits, expected restrictions, expected emissions, rates of emissions, and any needed emissions offsets or allowances.

b. ~~Water source. Discussion should include required~~ Required permits for water withdrawals, expected restrictions, the amount of water estimated to be used, the source of such water, identification of a backup source of water, if any, and identification of any facilities that need to be constructed to provide such water.

c. ~~Discharge of cooling water. Discussion should include an identification of required~~ Required permits for water discharge and potential impacts on regional water flows.

d. ~~Tidal and nontidal wetlands. Discussion should include an identification of any required~~ Required permits related to the wetlands and an identification of any tidal and nontidal wetlands located near the proposed site and how such wetlands will be impacted by applicant's proposed facility.

e. ~~Solid and hazardous wastes. Discussion should address impact~~ Impact of solid and hazardous waste on local water resources.

f. ~~Natural~~ Impact on natural heritage resources, and on threatened and endangered species.

g. Erosion and sediment control measures.

h. Archaeological, historic, scenic, cultural, or architectural resources in the area.

i. Chesapeake Bay Preservation Areas designated by the locality.

j. Wildlife resources.

k. ~~Recreation, agricultural and forest resources. Discussion should identify~~ Agricultural and forest resources and federal, local, state or private parks and recreation areas.

- 1. ~~The use~~ Use of pesticides and herbicides.
  - m. Geology and mineral resources, caves, and sinkholes.
  - n. Transportation infrastructure.
12. A general discussion of reliability impacts including:
- a. A description of transmission interconnection requirements and needed interconnection facilities.
  - b. A description of the potential impact of the proposed facility on the interconnected transmission system. Discussion should identify and summarize any system impact studies or proposed studies.
  - c. A description of anticipated services (ancillary services, redispatch, energy imbalance, etc.) that may be provided to any transmission service provider.
  - d. A discussion of existing and expected generation reserves in the region and the impact of the proposed facility on such reserves.
13. Any other information the applicant wishes to include that will demonstrate that the project is not contrary to the public interest.
- ~~14. A discussion of whether and, if so, how the project will further the goals of advancement of electric competition in Virginia.~~

**20VAC5-302-35. Information required from [ ~~incumbent~~ ] ~~electric utilities and affiliates of incumbent electric utilities~~ [ subject to § 56-585.1 of the Code of Virginia ].**

Any incumbent electric utility as defined in § 56-576 of the Code of Virginia ~~and any affiliate of an incumbent electric utility proposing to construct an electric generating facility within its control area in the Commonwealth of Virginia [ should and~~ subject to the commission's ratemaking authority pursuant to § 56-585.1 of the Code of Virginia shall ] provide ~~a discussion of how~~ justification of the need for the proposed facility ~~will impact its ability to exert market power within its control area.~~ In addition, the following information ~~should~~ shall be included:

- ~~1. Total capacity controlled by, or under contract to, the applicant and its affiliates located within the control area and reasonably accessible to the control area through transmission interconnections, with and without the proposed facility.~~
- ~~2. Total capacity located within the control area and reasonably accessible to the control area through transmission interconnections, with and without the proposed facility.~~
- ~~3. A calculation showing the percentage of capacity within and accessible to the control area through transmission interconnections owned by the applicant and its affiliates, with and without the proposed facility. 1. [ Feasibility~~

Initial feasibility ] and [ front end ] engineering design studies that support the specific [ plant design, ] plant type and site selected.

2. [ ~~Fuel~~ Initial fuel ] supply studies that demonstrate the availability and adequacy of selected fuels.

3. Detailed support for planning assumptions regarding plant performance and operating costs, including historical information for similar units [ , where available ] .

4. Economic studies that compare the selected alternative with other options considered, including sensitivity analyses and production costing simulations of the applicant's overall generating resources that demonstrate that the selected option is the best alternative.

5. Load and generating capacity reserve forecast information that demonstrates the need for the plant in the in-service year proposed.

6. Detailed cost estimate for the facility, [ ~~included~~ including ] projected costs of construction, transmission interconnections, fuel supply related infrastructure improvements and project financing.

VA.R. Doc. No. R08-1413; Filed December 23, 2008, 2:55 p.m.



**TITLE 24. TRANSPORTATION AND MOTOR VEHICLES**

**COMMONWEALTH TRANSPORTATION BOARD**

**Final Regulation**

**REGISTRAR'S NOTICE:** The following regulation is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 2, which excludes regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority. The Department of Transportation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **24VAC30-15. Delegation of Duties (repealing 24VAC30-15-10).**

Statutory Authority: § 33.1-8 of the Code of Virginia.

Effective Date: February 18, 2009.

Agency Contact: Keith M. Martin, Regulatory Coordinator, Department of Transportation, Policy Division, 11th Floor, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-1830, FAX (804) 225-4700, or email keithm.martin@vdot.virginia.gov.

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# Regulations

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Summary:

*This regulation lists the signatory authority and responsibilities of key members of the agency's senior management. Since this regulation was initially filed as part of the Virginia Administrative Code, the Department of Transportation has developed a formal process for documenting and tracking the commissioner's delegation of duties and appointments, and the scope and number of positions covered are greater than those listed in the original regulation.*

*This determination was based on the finding that the duties are delegated pursuant to a specific grant of authority in §§ 2.2-604 and 33.1-8 of the Code of Virginia. This regulation is, therefore, unnecessary and is repealed.*

VA.R. Doc. No. R09-1742; Filed December 29, 2008, 11:53 a.m.

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# GENERAL NOTICES/ERRATA

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## BOARD FOR BARBERS AND COSMETOLOGY

### Notice of Periodic Review

The Board for Barbers and Cosmetology invites public comment on 18VAC41-20, Barbering and Cosmetology Regulations. This review is being conducted under Executive Order 36 (2006). The board welcomes written comments on the performance and effectiveness of this regulation in achieving the following goals:

To ensure that only regulations that are necessary to interpret the law or to protect the public health, safety and welfare have been promulgated; regulate the branch pilot profession in the most efficient and cost effective manner possible; and ensure that the regulations are clearly written and easily understandable by the individuals and entities affected.

Copies of the regulation may be obtained from the board. Written comments will be received until 5 p.m. on Wednesday, February 18, 2009. Comments or questions should be sent to William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (804) 527-4295, or email barbercosmo@dpor.virginia.gov.

## STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 11, 2008

COMMONWEALTH OF VIRGINIA ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE-2008-00112

Ex Parte: In the matter of considering §§ 532(a) and 1307(a) of the Energy Independence and Security Act of 2007

### ORDER ESTABLISHING PROCEEDING

Section 111 of the Public Utility Regulatory Policies Act of 1978 ("PURPA"), 16 U.S.C. 2601 et seq. (2006), requires each state regulatory authority, with respect to each electric utility for which it has ratemaking authority, to consider certain federal standards for electric utilities established by PURPA. Each such state regulatory authority is required to determine whether it is appropriate, to the extent consistent with otherwise applicable state law, to implement these standards.<sup>1</sup> The State Corporation Commission ("Commission") has conducted a number of proceedings since PURPA's adoption in 1978.<sup>2</sup>

On December 19, 2007, the President signed the Energy Independence and Security Act of 2007 ("Energy Independence and Security Act" or the "Act"), Pub. L. 110-

140, 121 Stat. 1492, into law. The stated purposes of this Act include moving the United States toward greater energy independence, increasing the production of clean renewable fuels, promoting research on the capture and storage of greenhouse gases, increasing energy efficiency in buildings, vehicles, and other products, improving the energy performance of the federal government, and protecting consumers.

Section 532(a) of the Energy Independence and Security Act amends § 111(d) of PURPA, 16 U.S.C. 2621(d), by adding the following standards for consideration:

(16) Integrated resource planning.--Each electric utility shall—

(A) integrate energy efficiency resources into utility, State, and regional plans; and

(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

(17) Rate design modifications to promote energy efficiency investments.

(A) In general.--The rates allowed to be charged by any electric utility shall—

(i) align utility incentives with the delivery of cost-effective energy efficiency; and

(ii) promote energy efficiency investments.

(B) Policy options.--In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

(ii) providing utility incentives for the successful management of energy efficiency programs;

(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

(iv) adopting rate designs that encourage energy efficiency for each customer class;

(v) allowing timely recovery of energy efficiency-related costs; and

(vi) offering home energy audits, offering demand response programs, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans,

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## General Notices/Errata

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that make energy efficiency improvements more affordable.

Section 1307(a) of the Energy Independence and Security Act further amends § 111(d) of PURPA by adding two standards concerning smart grids.<sup>3</sup> Specifically, Section 1307(a) provides:

(16) Consideration of smart grid investments.

(A) In general.--Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

- (i) total costs;
- (ii) cost-effectiveness;
- (iii) improved reliability;
- (iv) security;
- (v) system performance; and
- (vi) societal benefit.

(B) Rate recovery.--Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

(C) Obsolete equipment.--Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

(17) Smart grid information.

(A) Standard.--All electricity purchasers shall be provided direct access, in written or electronic machine-readable form as appropriate, to information from their electricity provider as provided in subparagraph (B).

(B) Information.--Information provided under this section, to the extent practicable, shall include:

- (i) Prices.--Purchasers and other interested persons shall be provided with information on—
  - (I) time-based electricity prices in the wholesale electricity market; and
  - (II) time-based electricity retail prices or rates that are available to the purchasers.

(ii) Usage.--Purchasers shall be provided with the number of electricity units, expressed in kwh, purchased by them.

(iii) Intervals and projections.--Updates of information on prices and usage shall be offered on not less than a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.

(iv) Sources.--Purchasers and other interested persons shall be provided annually with written information on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions associated with each type of generation, for intervals during which such information is available on a cost-effective basis.

(C) Access.--Purchasers shall be able to access their own information at any time through the Internet and on other means of communication elected by that utility for Smart Grid applications. Other interested persons shall be able to access information not specific to any purchaser through the Internet. Information specific to any purchaser shall be provided solely to that purchaser.

Pursuant to Section 1307(b)(3) of the Energy Independence and Security Act and Section 112(d) of PURPA, however, state regulatory authorities are not required to consider and determine whether the "rate design modifications to promote energy efficiency investments" standard in Section 532(a) of the Act or the "smart grid information" standard in Section 1307(a) of the Act should be implemented, if, prior to the enactment of the statute: (1) the state implemented the standard or a comparable one; (2) the state regulatory authority conducted a proceeding to consider implementation of the standard or a comparable one; or (3) the state legislature voted on the implementation of the standard or a comparable one.<sup>4</sup>

NOW THE COMMISSION, upon consideration of the matter, is of the opinion and finds that, notwithstanding the Commission's reservations as to the legal propriety of the federal act,<sup>5</sup> a proceeding will be established to consider for implementation in the Commonwealth the standards enumerated in Sections 532(a) and 1307(a) of the Energy Independence and Security Act. This action shall not constitute a waiver of any right of the Commission or the Commonwealth of Virginia, including hereafter any right to object, to claim immunity, or to interpose state sovereignty in response to any actions that may be taken by any person, federal authority, or other entity in relation to the Energy Independence and Security Act.

We will direct that notice be given to the public and that interested persons have an opportunity to comment on the issues raised herein. The Staff has developed lists of

individuals, organizations, and companies that may be interested in this proceeding. We will direct the Staff to provide copies of this Order Establishing Proceeding ("Order") by electronic transmission, or when electronic transmission is not possible, by mail, to individuals, organizations, and companies on these lists. We will also direct that a copy of this Order be published in the Virginia Register.

Therefore, the Commission invites interested persons to comment on the following issues: (1) whether the Commission has the authority to consider these four standards and whether the implementation of such standards would be consistent with otherwise applicable Virginia law; (2) whether any prior state action has occurred such that standards in Section 532(a) of the Act, or comparable standards, have already been implemented or considered in the Commonwealth; (3) whether any prior state action has occurred such that the standards in Section 1307(a) of the Act, or comparable standards, have already been implemented or considered in the Commonwealth; (4) whether the integrated resource plans that electric utilities are obligated to develop and file with the Commission under Section 56-597 et seq. of the Code of Virginia satisfy the requirements set out in (16) of Section 532(a) of the Act; (5) whether electric utilities over which the Commission has ratemaking authority should be required to develop rate design modifications to promote energy efficiency investments; (6) whether electric utilities over which the Commission has ratemaking authority should demonstrate to the State that they considered an investment in a qualified smart grid system based on appropriate factors; and (7) whether electric utilities and providers over which the Commission has ratemaking authority should provide electricity purchasers with direct access, in written or electronic machine-readable form, to information such as prices, usage, sources, and intervals and projections.

If an interested person advocates implementing any of the standards listed in Sections 532(a) or 1307(a) of the Energy Independence and Security Act, such person should describe in their comments how such standards would best be implemented.

Accordingly, IT IS ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUE-2008-00112.
- (2) The Commission's Division of Information Resources shall forward a copy of this Order to the Registrar of Regulation for publication in the Virginia Register.
- (3) Within five business days of the filing of this Order with the Clerk of the Commission, the Staff shall transmit electronically or mail copies of this Order to

interested persons and organizations as discussed in this Order.

(4) On or before January 7, 2009, the Staff shall file with the Clerk of the Commission a certificate of the transmission or mailing required by Ordering Paragraph (3) and include a list of the names and addresses of persons to whom the Order was transmitted or mailed.

(5) On or before February 6, 2009, any interested person may file an original and fifteen (15) copies of comments with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Comments shall refer to Case No. PUE-2008-00112 and address the specific issues raised in this Order. Interested persons desiring to submit comments electronically may do so by following the instructions available at the Commission's website: [www.scc.virginia.gov/case](http://www.scc.virginia.gov/case).

(6) On or before March 6, 2009, the Staff shall file comments with the Commission presenting its findings and recommendations, or responding to any comments filed by interested persons in this matter.

(7) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Divisions of Economics and Finance and Energy Regulation.

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<sup>1</sup> 16 U.S.C. § 2621(a) (2006).

<sup>2</sup> Such proceedings include Case Nos. PUE-1979-00014, PUE-1980-00076, PUE-1980-00092, PUE-1980-00093, PUE-1980-00094, PUE-1980-00095, PUE-1980-00096, PUE-1980-00102, PUE-1980-00112, PUE-1980-00113, PUE-1980-00114, PUE-1980-00115, PUE-1980-00116, PUE-1980-00117, PUE-2006-00002, PUE-2006-00003 and PUE-2006-00064.

<sup>3</sup> The standards listed in Section 532(a) of the Act discuss "integrated resource planning" and "rate design modifications to promote energy efficiency investments," and are numbered (16) and (17), respectively. The standards listed in Section 1307(a) of the Act discuss "consideration of smart grid investments" and "smart grid information," and are also numbered (16) and (17), respectively.

<sup>4</sup> However, the Commission must consider the standard concerning "integrated resource planning" in Section 532(a) of the Act and the standard concerning the "consideration of smart grid investments" in Section 1307(a) of the Act regardless of whether the state regulatory agency or state legislature have previously implemented either those exact standards or comparable standards, conducted a proceeding to consider implementation of the standards, or voted on the implementation of the standards.

<sup>5</sup> The Commission notes that developments in the law subsequent to the original adoption of PURPA raise doubt about the constitutionality of the co-opting of state regulatory agencies to implement a federal regulatory scheme. See, e.g., *Printz v. United States*, 521 U.S. 898 (1997); *New York v. United States*, 505 U.S. 144 (1992).

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# General Notices/Errata

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Notice of Proposed Consent Order - The Wilton Companies, LLC, and Beverly Hills, Inc.

An enforcement action has been proposed for The Wilton Companies, LLC, and Beverly Hills, Inc., for alleged violations at the Shoppes at John Rolfe in Henrico County. The proposed consent order describes the alleged violations, requires corrective action and contains a civil charge. A description of the proposed action is available at the DEQ office named below or online at [www.deq.virginia.gov](http://www.deq.virginia.gov). Allison Dunaway will accept comments by email at [acdunaway@deq.virginia.gov](mailto:acdunaway@deq.virginia.gov), FAX (804) 527-5106 or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from January 15, 2009, to February 18, 2009.

### Study to Restore Water Quality for Shellfish Growing Areas Along Jackson, Bonum, and Gardner Creeks

Public meeting: February 11, 2009, at the Blake T. Newton Memorial Library, 22 Coles Point Road, Hague, VA 22469. Public meetings will be held from 2 p.m. to 4 p.m. and from 6 p.m. to 8 p.m.

Purpose of notice: The Virginia Department of Environmental Quality and the Department of Conservation and Recreation are announcing a study to restore water quality for a shellfish growing area, a public comment opportunity, and public meetings.

Meeting description: First Technical Advisory Committee and public meeting on a study to restore water quality for shellfish growing areas along Jackson, Bonum, and Gardner Creeks, which are impaired due to bacterial violations.

Description of study: Virginia agencies are working to identify sources of the bacterial contamination in the shellfish growing waters of the (tidal) Jackson, Bonum, and Gardner Creeks and their tributaries, an area totalling approximately 0.531 square miles in Westmoreland County. These streams are impaired for failure to meet the designated use of shellfish consumption because of bacterial water quality standard violations.

Stream	County	Area (miles <sup>2</sup> )	Impairment
Jackson Creek	Westmoreland	0.137	Shellfish Use (Fecal Coliform) bacteria
Bonum Creek	Westmoreland	0.210	
Gardner Creek	Westmoreland	0.184	

The study reports the current status of the creeks via sampling performed by the Department of Health, Division of Shellfish Sanitation, shellfish area condemnations and the possible

sources of bacterial contamination. The study recommends total maximum daily loads, (TMDLs) for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, bacterial levels have to be reduced to the TMDL amount.

How to comment: DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting and be received by DEQ during the comment period, which will expire on March 11, 2009. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Margaret Smigo, TMDL Coordinator, Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804)-527-5106, or email [mjmsmigo@deq.virginia.gov](mailto:mjmsmigo@deq.virginia.gov).

## BOARD FOR HEARING AID SPECIALISTS

### Notice of Periodic Review

The Board for Hearing Aid Specialists invites public comment on 18VAC80-20, Board for Hearing Aid Specialists Regulations. This review is being conducted under Executive Order 36 (2006). The board welcomes written comments on the performance and effectiveness of this regulation in achieving the following goals:

To ensure that only regulations that are necessary to interpret the law or to protect the public health, safety and welfare have been promulgated; regulate the branch pilot profession in the most efficient and cost effective manner possible; and ensure that the regulations are clearly written and easily understandable by the individuals and entities affected.

Copies of the regulation may be obtained from the board. Written comments will be received until 5 p.m. on Wednesday, February 18, 2009. Comments or questions should be sent to William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (804) 527-4295, or email [hearingaidspec@dpor.virginia.gov](mailto:hearingaidspec@dpor.virginia.gov).

## STATE LOTTERY DEPARTMENT

### Director's Orders

The following Director's Order of the State Lottery Department was filed with the Virginia Registrar of Regulations on December 19, 2008, and December 23, 2008. The order may be viewed at the State Lottery Department, 900 East Main Street, Richmond, Virginia, or at the office of

the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

Director's Order Number Seventy-Nine (08)

Virginia's Instant Game Lottery 1102; "\$500,000 Jackpot" (effective 12/23/08)

Director's Order Number Eighty-Three (08)

Virginia's Instant Game Lottery 1060; "Good Luck Tripler" (effective 12/19/08)

Director's Order Number Eighty-Four (08)

Virginia's Instant Game Lottery 1061; "Dazzler Jewels" (effective 12/23/08)

Director's Order Number Eighty-Five (08)

Virginia's Instant Game Lottery 1065; "Jewel 7's" (effective 12/23/08)

Director's Order Number Eighty-Six (08)

Virginia's Instant Game Lottery 1067; "Poker Face" (effective 12/23/08)

Director's Order Number Eighty-Seven (08)

Virginia's Instant Game Lottery 1069; "Monster Money" (effective 12/23/08)

Director's Order Number Eighty-Eight (08)

Virginia's Instant Game Lottery 1085; "Maximum Millions" (effective 12/23/08)

Director's Order Number Ninety-One (08)

Virginia's Eighteenth On-Line Game; "Virginia's New Year Millionaire Raffle" (effective 12/19/08)

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Notice of Periodic Review

Pursuant to Executive Order 36 (2006), the Department of Mines, Minerals and Energy (DMME) is conducting a periodic review and invites public comment on 4VAC25-31, Reclamation Regulations for Mineral Mining.

The department will consider whether this existing regulation is essential to protecting the health, safety and welfare of the public. The department welcomes specific comments on the performance and effectiveness of this regulation and also requests suggestions to improve the content and organization of the regulation to make it more understandable and useful.

The comment period for this review begins on January 19, 2009, and ends at 5 p.m. on February 18, 2009. Comments may be submitted to David B. Spears, Regulatory Coordinator, Department of Mines Minerals and Energy, 202

North Ninth Street, Richmond, VA 23219-3402 or email david.spears@dmme.virginia.gov.

Regulations may be viewed online at the Virginia Regulatory Town Hall site located at <http://www.townhall.virginia.gov>, or copies will be sent upon request.

### Notice of Periodic Review

Pursuant to Executive Order 36 (2006), the Department of Mines, Minerals and Energy (DMME) is conducting a periodic review and invites public comment on 4VAC25-35, Certification Requirements for Mineral Miners.

The department will consider whether this existing regulation is essential to protecting the health, safety and welfare of the public. The department welcomes specific comments on the performance and effectiveness of this regulation and also requests suggestions to improve the content and organization of the regulation to make it more understandable and useful.

The comment period for this review begins on January 19, 2009, and ends at 5 p.m. on February 18, 2009. Comments may be submitted to David B. Spears, Regulatory Coordinator, Department of Mines Minerals and Energy, 202 North Ninth Street, Richmond, VA 23219-3402 or email david.spears@dmme.virginia.gov.

Regulations may be viewed online at the Virginia Regulatory Town Hall site located at <http://www.townhall.virginia.gov>, or copies will be sent upon request.

## BOARD FOR OPTICIANS

### Notice of Periodic Review

The Board for Opticians invites public comment on 18VAC100-20, Board for Opticians Regulations. This review is being conducted under Executive Order 36 (2006). The board welcomes written comments on the performance and effectiveness of this regulation in achieving the following goals:

To ensure that only regulations that are necessary to interpret the law or to protect the public health, safety and welfare have been promulgated; regulate the branch pilot profession in the most efficient and cost effective manner possible; and ensure that the regulations are clearly written and easily understandable by the individuals and entities affected.

Copies of the regulation may be obtained from the board. Written comments will be received until 5 p.m. on Wednesday, February 18, 2009. Comments or questions should be sent to William H. Ferguson, II, Executive Director, Board for Opticians, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (804) 527-4295, or email [opticians@dpor.virginia.gov](mailto:opticians@dpor.virginia.gov).

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# General Notices/Errata

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## VIRGINIA CODE COMMISSION

### Notice to State Agencies

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219.

### Filing Material for Publication in the Virginia Register of Regulations

Agencies are required to use the Regulation Information System (RIS) when filing regulations for publication in the Virginia Register of Regulations. The Office of the Virginia Register of Regulations implemented a web-based application called RIS for filing regulations and related items for publication in the Virginia Register. The Registrar's office has worked closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

The Office of the Virginia Register is working toward the eventual elimination of the requirement that agencies file print copies of regulatory packages. Until that time, agencies may file petitions for rulemaking, notices of intended regulatory actions and general notices in electronic form only; however, until further notice, agencies must continue to file print copies of proposed, final, fast-track and emergency regulatory packages.

## ERRATA

### TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

#### STATE CORPORATION COMMISSION

Titles of Regulations: 20VAC5-200. Public Utility Accounting (repealing 20VAC5-200-30).

20VAC5-201. Rules Governing Utility Rate Increase Applications, Annual Informational Filings, Optional Performance-Based Regulation Applications, Biennial Review (adding 20VAC5-201-10, 20VAC5-201-20, 20VAC5-201-30, 20VAC5-201-40, 20VAC5-201-50, 20VAC5-201-60, 20VAC5-201-70, 20VAC5-201-80, 20VAC5-201-85, 20VAC5-201-90, 20VAC5-201-95, 20VAC5-201-100, 20VAC5-201-110).

20VAC5-403. Rules Governing Small Investor-Owned Telephone Utilities (amending 20VAC5-403-70).

Publication: 25:9 VA.R. 1765-1816 December 19, 2008.

### Correction to Final regulation:

Page 1765, change the date of the Order Adopting Regulations from January 29, 2008, to December 16, 2008. The text of the Order is correct as published.

VA.R. Doc. No. R08-1134