



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**To:** C. Ray Davenport  
Commissioner  
Virginia Department of Labor and Industry

**From:** Joshua E. Laws  
Assistant Attorney General

**Date:** December 17, 2014

**Subject:** Letter of Assurance for Proposed Regulations – Corrections to 16VAC25-90-1910.269, Electric Power Generation, Transmission, and Distribution, §1910.269; and to Appendices A-2, B, C, D and E to §1910.269; Corrections to 16VAC25-175-1926.960, Working On or Near Exposed Energized Parts, §1926.960; and Corrections to 16VAC25-175-1926.968, Definitions, §1926.968; and to Appendix B to Subpart V

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I have reviewed the Department of Labor and Industry's and Safety and Health Codes Board's proposed Corrections to 16VAC25-90-1910.269, Electric Power Generation, Transmission, and Distribution, §1910.269; and to Appendices A-2, B, C, D and E to §1910.269; Corrections to 16VAC25-175-1926.960, Working On or Near Exposed Energized Parts, §1926.960; and Corrections to 16VAC25-175-1926.968, Definitions, §1926.968; and to Appendix B to Subpart V that were posted on the Virginia Regulatory Town Hall on December 16, 2014. In my view, as counsel to the Department of Labor and Industry and the Safety and Health

Codes Board, these regulations may be promulgated pursuant to Title 40.1 of the Code of Virginia. Further, I certify that all of the proposed changes are exempt from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(4)(c) as the changes are necessary to meet the requirements of federal law or regulations and they do not materially differ from those required by federal law or regulation.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.