



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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January 17, 2007

Roger L. Burkhardt, Chair
Safety and Health Codes Board
c/o C. Ray Davenport, Commissioner
Virginia Department of Labor & Industry
13 South Thirteenth Street
Richmond, Virginia 23219

Re: Authority to Amend Regulations on Fire Protection in Shipyard Employment,
Final Rule; §§ 1915.5, 1915.505 and 1915.507; Corrections & Technical
Amendments

Dear Mr. Burkhardt:

I have reviewed the above-referenced regulatory amendment updating and applying national consensus standards for providing fire protection in shipyard employment. It is my opinion that the Safety and Health Codes Board has authority to promulgate such amendments under applicable law, including Chapter 3 of Title 40.1 of the *Code of Virginia*. Based upon your agency's representations, it is my opinion that under *Va. Code* § 2.2-4006.A.4(c), the regulations are excluded from Article 2 of the *Virginia Administrative Process Act* because they are necessary to meet the requirements of federal law or regulations.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alfred B. Albiston".

Alfred B. Albiston
Assistant Attorney General

c: Reba O'Connor