

January 26, 2009

Jane D. Chaffin, Registrar of Regulations  
Division of Legislative Services  
910 Capitol St., 2nd Floor  
Richmond, Virginia 23219

**Proposed Amendment to Regulations for Increased Controls and Fingerprinting Regarding Possession of Radioactive Sources**

Dear Ms. Chaffin:

After reviewing the Department of Health's proposed amendment of regulation 12 VAC 5-481-451, based on a comment submitted by the Nuclear Regulatory Commission, I find that the Board of Health has the legal authority to amend the regulation. The amendment, the addition of NRC Headquarters and address and telephone number, appears to be a correction of a technical error, an initial omission, pursuant to Virginia Code § 2.2-4006 (A)(3), and may be qualified for exemption from the Administrative Process Act.

Sincerely,

Karri B. Atwood  
Assistant Attorney General

cc: Robert W. Hicks, Director, Office of Environmental Health Services  
Michael Welling, Assistant Director, Division of Radioactive Materials