



COMMONWEALTH of VIRGINIA
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MEMORANDUM

To: C. Ray Davenport
Commissioner of Labor and Industry

From: William A. Diamond
Assistant Attorney General

Date: August 24, 2004

Subject: Proposed Regulations – Standard for Boiler and Pressure Vessel Operator Certification

At your request, I have reviewed the proposed amendments to the Standard for Boiler and Pressure Vessel Operator Certification regulations, Sections 16 VAC 25-40-10 et seq. of the Virginia Administrative Code.

These proposed regulations are exempt from the provisions of Article 2 of the Administrative Process Act pursuant to Section 2.2-4006A(3) of the Code of Virginia.

In my view, as counsel to your agency, the Safety and Health Codes Board possesses the statutory authority to promulgate the aforesaid regulations under § 40.1-51.6 of the Code of Virginia.