



California Regulatory Notice Register

REGISTER 2007, NO. 13-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 30, 2007

PROPOSED ACTION ON REGULATIONS

TITLE 02. STATE CONTROLLER'S OFFICE

California Estate Tax Filing Requirements Change — Notice File No. 07-0314-03 547

TITLE 08. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

General Industry Safety Orders — Notice File No. Z07-0316-01 549

TITLE 16. DENTAL BOARD OF CALIFORNIA

Application for Law Ethics Exam — Notice File No. Z07-0320-06 553

TITLE 16. DENTAL BOARD OF CALIFORNIA

Application for RDHAP — Notice File No. Z07-0320-05 555

TITLE 22. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Safe Drinking Water and Toxic Enforcement Act (Prop 65) — Chemicals Causing Reproductive Toxicity —
Notice File No. Z07-0320-01* 557

GENERAL PUBLIC INTEREST

BOARD OF OPTOMETRY

Notice of Extension of Public Comment Period 560

FISH AND GAME COMMISSION

*(Continuation of California Notice Register 2007, No. 7Z, and Meeting of February 2 and
March 2, 2007)* 560

FISH AND GAME COMMISSION

*(Continuation of California Notice Register 2007, No. 9Z, and Meetings of February 2, 2007 and
March 2, 2007)* 563

(Continued on next page)

***Time-
Dated
Material***

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

(Please see above "PROPOSED ACTION ON REGULATIONS," under Title 22)

DISAPPROVAL DECISIONS

DEPARTMENT OF FOOD AND AGRICULTURE	567
DEPARTMENT OF INSURANCE	567

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	568
Sections Filed, October 18, 2006 to March 21, 2007	571

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson-West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. STATE CONTROLLER'S OFFICE

NOTICE OF PROPOSED RULEMAKING

The State Controller's Office proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The State Controller's Office (SCO) has not scheduled a public hearing on this proposed action. However, the SCO will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the SCO. The written comment period closes on May 14, 2007. The SCO will only consider comments received at its offices by that date. Submit comments to:

Michael Coleman
 Bureau of Tax Administration
 3301 C Street, Suite 712
 Sacramento, CA 95816

AUTHORITY AND REFERENCE

California Revenue And Taxation Code Sections 14101–14104 authorize SCO to adopt the proposed regulations, which would implement, interpret, or make specific Revenue and Taxation Code sections 13501 and 13550.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

SCO proposes to amend California Code of Regulations, Title 2, Division 2, Chapter 2, Subchapter 6.5, Article 3, Section 1138.30 and Article 5.5, Section 1138.72. The proposed amendments are necessary in order to bring existing regulations into compliance with recent statutory changes regarding the requirement to file a California Estate Tax Return (Form ET-1) and regarding the interest rate charged with respect to delinquent payments.

The Economic Growth and Tax Relief Reconciliation Act of 2001 phased out the state death tax credit over a four-year period beginning January 2002. Effective January 1, 2005, the state death tax credit has been eliminated. Consequently, California no longer requires the filing of a California Estate Tax Return. However, Revenue and Taxation Code Section 13501 requires the filing of a California Estate Tax Return with our office whenever a federal estate tax return is required. The proposed amendments to Section 1138.30 will specify that filing a California Estate Tax Return is no longer required with respect to estates of persons whose deaths occur, or have occurred, after December 31, 2004.

Chapter 363, Statutes of 2000, amended Revenue and Taxation Code Section 13550 to modify the interest rate charged on delinquent Estate Tax payments from 12 percent annually to the same rate charged pursuant to Internal Revenue Code Section 6621(a)(2). Section 1138.72 currently provides that delinquent Estate Tax Payments shall be charged at a rate of 12 percent annually, which conflicts with the current statutory language of Revenue and Taxation Code Section 13550. The proposed amendment to Section 1138.72 brings the regulation into conformity with the current wording of the statute.

DISCLOSURES REGARDING THE PROPOSED ACTION

The SCO has made the following initial determinations:

- ◆ Mandate on local agencies and school districts: *None*
- ◆ Cost or savings to any state agency: *None*
- ◆ Costs or savings in federal funding to the state: *None*
- ◆ Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: *None*
- ◆ Other nondiscretionary costs or savings imposed on local agencies: *None*

- ◆ Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: *None*
- ◆ Cost impacts on a representative private person or business. The SCO is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- ◆ Adoption of these regulations will not:
 1. Create or eliminate jobs within California,
 2. Create new businesses or eliminate existing businesses within California, or
 3. Affect the expansion of businesses currently doing business within California.
- ◆ Significant effect on housing costs: *None*

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), SCO has determined that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The SCO invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at a scheduled hearing, if requested, or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Dolores Slaton
Bureau of Tax Administration
3301 C Street, Suite 712
Sacramento, CA 95816
(916) 323-2353

If the above contact person is not available, please direct inquiries to:

Steve Sharp
Bureau of Tax Administration
3301 C Street, Suite 712
Sacramento, CA 95816
(916) 324-4009

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The SCO will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at this office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Dolores Slaton or Steve Sharp at the phone numbers and address listed above.

AVAILABILITY OF STATEMENT OF CHANGED OR MODIFIED TEXT

After holding a hearing, if requested, and considering all timely and relevant comments received, SCO may adopt the proposed regulations substantially as described in this notice. If SCO makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before SCO adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Dolores Slaton at the address indicated above. The SCO will accept written comments regarding the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Dolores Slaton at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format can be accessed through our website at www.sco.ca.gov.

SMALL BUSINESS DETERMINATION

The SCO has determined that the proposed regulations would not affect small businesses because the proposed regulations would simply bring existing regulations into conformity with recent statutory changes already in effect. These recent statutory changes concern the requirement to file a California Estate Tax Return, and the interest rate applicable to delinquent payments.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **May 17, 2007**, at 10:00 a.m. in the Council Chambers, Second Floor of the Glendale City Hall
613 E. Broadway,
Glendale, California
91026-4308.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **May 17, 2007**, following the Public Meeting in the Council Chambers, Second Floor of the Glendale City Hall
613 E. Broadway,
Glendale, California
91026-4308.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **May 17, 2007**, following the Public Hearing in the Council Chambers, Second Floor of the Glendale City Hall
613 E. Broadway,
Glendale, California
91026-4308.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **May 17, 2007**.

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 7
New Section 3324
Horizontal Sliding Gates
2. **TITLE 8:** **GENERAL INDUSTRY ORDERS**
Chapter 4, Subchapter 7, Article 109
Section 5189
**Process Safety Management—
Definition of Retail Facility**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
 Chapter 4, Subchapter 7, Article 7
 New Section 3324
Horizontal Sliding Gates

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is initiated a result of a Division of Occupational Safety and Health (Division) memorandum dated November 10, 2004, with attached Request For New or Change In Existing Safety Order (Form 9). The Division has investigated a number of accidents, including fatalities, involving horizontal sliding gates that have fallen on employees. Typically these gates are made of metal and have openings that span 10 to 40 feet into parking lots or other fenced/secured areas. The majority of accidents have occurred when a worker manually slides the gate into the fully open or closed position beyond its upper support or designed stop point leaving the gate's bottom wheels or track as the only support. Without vertical support, the gate is unstable and falls over onto the employee.

The door and gate industry has participated in the development of several national consensus standards that address construction and installation requirements limited in scope to automated gates such as the American Society for Testing Materials (ASTM) Standard F 2200-02 "Standard Specification for Automated Gate Construction." The majority of serious accidents resulting from gates falling onto employees are associated with manually operated gates. The proposal applies to all horizontal sliding gates since automated gates have similar hazards when their automatic door operators are released allowing the gate to be open or closed manually.

This rulemaking action addresses requirements for positive stops that would limit the travel of horizontal sliding gates to the designed, fully open or closed position and, thus mitigate the hazard of a gate falling onto an employee and causing fatal or serious injury.

New Section 3324. Horizontal Sliding Gates

Subsection (a)

Subsection (a) would require all horizontal sliding gates to be equipped with positive stops or devices that limit the gate travel to the designed, fully open and closed positions. The effect of this provision is to ensure that horizontal gates are designed and equipped with positive stops or devices to limit travel of the gate so that it does not reach a point where it is not adequately supported and could fall or topple over onto an employee.

Subsection (b)

Subsection (b) would require that horizontal sliding gates have positive stops or devices that are constructed and installed to resist impact loads in order to safely contain sliding gate components within the designed stop limits. This provision would have the effect of requiring that positive stops or devices are constructed and installed with the durability to safely contain gates within their stop limits.

Subsection (c)

Subsection (c) would require that horizontal sliding gates be inspected by a qualified person to ensure that gates are maintained in safe operating condition. The effect of this subsection is to ensure that positive stops and devices are inspected and checked for signs of wear or deterioration that would compromise their ability to stop the travel of the gate at its designed limit.

Subsection (d)

Subsection (d) would require that employees responsible for operating or inspecting horizontal sliding gates be instructed in the safe operation of such gates. The effect of this provision would provide employees with instructions and awareness of the potential hazards associated with access and egress that require opening and closing large or heavy horizontal sliding gates.

Subsection (e)

Subsection (e) would require that repairs to gate hardware be performed by a qualified person. The effect of this provision is to ensure that repairs are effective and that gate components such as positive stops and devices safely retain gates within designed open and close limits.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. All businesses that own and use horizontal sliding gates would need to ensure that horizontal sliding gates are equipped with positive gate stops or devices and that they are maintained in effective operating condition. Gate stops/devices are already required by the manufacturers of such gates.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant statewide adverse eco-

conomic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers — state, local and private will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. Also, see the rationale under the heading, “Specific Technology or Equipment.”

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 109
Section 5189
**Process Safety Management—
Definition of Retail Facility**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On May 19, 2003, the Board received a CalOSHA Form 9 from the Division of Occupational Safety and Health (Division) requesting the Board to amend the Process Safety Management of Acutely Hazardous Materials (PSM) standard to add a definition for retail facility. This rulemaking was initiated in response to that request.

The PSM standard contains requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable or explosive chemicals. The standard is intended to eliminate to a substantial degree, the risks to which employees are exposed in petroleum refineries, chemical plants, and other facilities. The state standard is substantially the same as its federal counterpart, 29 CFR 1910.119, Process Safety Management of Highly Hazardous Materials.

The PSM standard applies to a process which involves a chemical at or above the specified threshold quantities listed in appendix A or a process which involves a flammable liquid or gas as defined in subsection (c). The standard provides an exception which exempts retail facilities, oil or gas well drilling or servicing operations, and normally unoccupied remote facilities from application of the standard. The standard provides a definition for “normally unoccupied remote facility” but it does not define “retail facility”.

The proposed revision adds a definition for retail facility that is derived from the definition of retail trade contained in the 2002 edition of the U.S. North American Industrial Classification System (NAICS) Manual. It is necessary to define retail facility in the standard because a number of facilities that handle more than 10,000 pounds of anhydrous ammonia, the threshold quantity that triggers application of the PSM standard, assert that because they sell to end users, i.e. farms, they are retail facilities and are not required to comply with the standard; although the NAICS Manual indicates that these facilities are engaged in wholesale trade. Worst-case predictions for a catastrophic release of 10,000 pounds of anhydrous ammonia estimate a concentration of 200 ppm of ammonia gas approximately one mile from the release. The exposure to employees working much closer to the release would be far greater. The National Institute for Occupational Safety and Health (NIOSH) recommends a guideline of 300 ppm as the Immediately Dangerous to Life and Health (IDLH) concentration for ammonia. The proposed definition would help to distinguish retail facilities, which are organized to sell merchandise in small quantities directly to the general public, from wholesale facilities that supply institutional and industrial clients and are generally organized to handle products in larger containers that expose employees to a greater risk of injury from chemical releases which the PSM standard is intended to prevent.

The following actions are proposed:

Section 5189. Process Safety Management of Acutely Hazardous Materials

Section 5189(c). Definitions

Subsection (c) contains definitions for terms used in the standard however it contains no definition for retail facility. The proposed amendment adds a definition for retail facility that is substantially the same as the definition of retail trade contained in the NAICS Manual, which aids in distinguishing retail trade from wholesale trade. The definition of retail facility has bearing on the application of the standard since the exception contained in section (b)(1) exempts retail facilities from the requirements of the standard. The effect of the proposed revision is to provide guidance to employers to help

them determine whether a facility is a retail facility to ensure the exemption for retail facilities is appropriately applied to establishments in the retail trade sector where chemicals tend to be in small volume packages, containers and allotments making a large release unlikely.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal merely adds a definition for retail facility that is consistent with the general use of that term and the intent of the standard to clarify the scope and application of the standard regarding retail facilities. The proposal does not impose any additional requirements on employers.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur addi-

tional costs in complying with the proposal. Furthermore, the standard does not constitute a “new program or higher level of service of existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendment to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s

Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than May 11, 2007. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on May 17, 2007, will not be considered by the Board unless the Board announces extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board’s notice and other materials associated with this proposal on the Standards Board’s homepage/website address which is <http://www.dir.ca.gov/oshsb>). Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board’s website or by calling the telephone number listed above.

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in

the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Blvd, Hearing Room S-102, Sacramento, California, 95834, at 10:00 a.m., on May 15, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on May 14, 2007 or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1628, 1628.5, 1629, 1632, 1632.5, and 1634.1 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Title 16 of the California Code of Regulations, Sections 1021, 1028 and add Sections 1028.1, 1028.4, 1028.5 and 1028.6

Existing law authorizes the board to regulate the issuance of dental licenses and specifies the methods of qualification for applicants for licensure. These regulations will update current regulations to allow dental school students to apply to take the California law and ethics examination at any time two years prior to graduation according to the provisions of SB 683.

Senate Bill 683, (Chapter 805 in the 2006 Legislative session), changed existing statutes by requiring that the board provide a separate application for the law and ethics examination. Prior to this change, applicants for the California clinical board examination or applicants qualifying through WREB examination were given opportunity to take the law and ethics examination as scheduled at any of the clinical examination sites either as a component of their California clinical board exam or of their WREB clinical examination.

Due to the required separation of the law and ethics application, current applicants are unable to take or re-take the law and ethics examination, which is required for dental licensure in California. Emergency regulations are also in process to enable applicants to complete the law and ethics examination and be issued a California dental license.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

These regulations do not affect businesses, but will allow applicants considering dental licensure to take and re-take the California law and ethics examination at any time two years prior to their graduation from dental school, without any requirements other than filing an application or re-application and paying an exam or re-exam fee. These regulations provide clarity and separation of the two examination pathways to dental licensure, and subsequent registration of place of practice.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. It is possible that newly licensed dentists may create new businesses, or expand existing businesses, however it is not possible to determine the number of businesses that may be created or expanded.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations will not affect small businesses. The proposed regulations only affect dental licensure applicants.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below [**or by accessing the website listed below**].

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Donna Kantner
 Address: 1432 Howe Avenue, Suite 85
 Sacramento, CA 95825
 Telephone No.: (916) 263-2300 x2308
 Fax No.: (916) 263-2140
 E-mail Address: Donna_Kantner@dca.ca.gov

The backup contact person is:

Name: Richard L. Wallinder, Executive Officer
 Address: 1432 Howe Avenue, Suite 85
 Sacramento, CA 95825
 Telephone No.: (916) 263-2300
 Fax No.: (916) 263-2140
 E-mail Address: Rick_Wallinder@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.dbc.ca.gov.

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Blvd., Sacramento, California, at 1:00 p.m., on May 15, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on May 14, 2007 or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1614 and 1767 of the Business and Professions Code, and to implement, interpret or make specific Section 1774 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Amend Title 16 of the California Code of Regulations,
Section 1079.2

Business and Professions Code Section 1774 specifies the requirements for licensure as a registered dental hygienist in alternative practice (RDHAP). One of the requirements (subdivision (a)(1)(A)) is that he or she has been “engaged in clinical practice as a dental hygienist for a minimum of 2,000 hours during the immediately preceding 36 months.”

At the time that Section 1774 was enacted (January 1, 1998—AB 560), there was no statutory definition of what constitutes the practice of dental hygiene. Section 1760.5 which defines the practice of dental hygiene was enacted several years later (January 1, 2003 — SB 2022). Due to Legislative oversight Section 1774 was not amended at the same time to include the comprehensive definition of dental hygiene practice.

The purpose of the proposed change is to clarify the meaning of the term “clinical practice” as it pertains to the requirements that a person must meet to obtain a registered dental hygienist in alternative practice (RDHAP) license.

The amendments would clarify that the term “clinical practice” is not limited to private practice in dental offices. This change is necessary because there has been inconsistency and confusion as to what duties in the practice of registered dental hygiene are considered “clinical” for purposes of accruing hours to qualify for licensure as an RDHAP. This amendment would clarify that registered dental hygienists (RDHs) who provide dental hygiene services in all settings, including public health settings and educational programs, may apply the hours that they practice dental hygiene, as defined in Business and Professions Code Section 1760.5, towards the required 2,000 hours of clinical practice required for licensure as a RDHAP.

The proposed changes would also eliminate the provision that allows credit for 1,000 hours of hygiene clinical instruction toward the 2,000 hours of practice required for RDHAP licensure because it would no longer be necessary based on the above-described amendment.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

These regulations will affect only a small number of Registered Dental Hygienists who are currently working as educators or in the public health field and may potentially seek future licensure as RDHAP.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would not affect small businesses unless those small businesses were dental offices. If a dental office that is a small business intended to employ an RDHAP, there may be a slight increase in the number of potential RDHAP licensees that can be considered for employment.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below [or by accessing the website listed below].

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Donna Kantner
Address: 1432 Howe Avenue, Suite 85
Sacramento, CA 95825
Telephone No.: (916) 263-2300 x2308
Fax No.: (916) 263-2140
E-mail Address: Donna_Kantner@dca.ca.gov

The backup contact person is:

Name: Elizabeth Ware, COMDA
Executive Officer
Address: 1428 Howe Avenue, Suite 58
Sacramento, CA 95825
Telephone No.: (916) 263-2595
Fax No.: (916) 263-2709
E-mail Address: Elizabeth_Ware@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.comda.ca.gov.

**TITLE 22. OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENT**

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

TITLE 22, CALIFORNIA CODE OF
REGULATIONS

AMENDMENT TO SECTION 12805
SPECIFIC REGULATORY LEVELS:
CHEMICALS CAUSING REPRODUCTIVE
TOXICITY

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment proposes to establish specific regulatory levels having no observable effect for three chemicals: ethylene glycol monoethyl ether (EGEE), ethylene glycol monoethyl ether acetate (EGEEA) and potassium dimethyldithiocarbamate, and amend Title 22, California Code of Regulations, Section 12805¹.

PUBLIC PROCEEDINGS

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 p.m. on **Monday, May 14, 2007**, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action can be sent by e-mail, mail or by fax addressed to:

Susan Luong
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P.O. Box 4010
Sacramento, California 95812-4010
FAX: (916) 323-8803
Telephone: (916) 445-6900
sluong@oehha.ca.gov

Comments sent by courier should be delivered to:

Susan Luong
Office of Environmental Health Hazard Assessment
1001 I Street, 19th Floor
Sacramento, California 95814

¹ All further regulatory references are to Title 22 of the California Code of Regulations unless otherwise indicated.

It is requested but not required that written statements or arguments be submitted in triplicate.

A public hearing to present oral comments will be scheduled only upon request. Such request must be submitted in writing no later than 15 days before the close of the comment period, which is on May 14, 2007. The written request must be sent to OEHHA at the address listed below no later than Monday, April 30, 2007. A notice for the public hearing, if one is requested, will be mailed to interested parties who are on the Proposition 65 mailing list for regulatory public hearings and posted on the OEHHA web site at least ten days in advance of the public hearing date. The notice will provide the date, time, location and subject matter to be heard.

If a hearing is scheduled and you have special accommodation or language needs, please contact Susan Luong at (916) 445-6900 or sluong@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the substance and processing of the action described in this notice to Susan Luong, in writing at the address given above, or by telephone at (916) 445-6900. Ms. Cynthia Oshita is a back-up contact person for inquiries concerning processing of this action and is available at the same telephone number.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq. and commonly known as Proposition 65 (hereinafter Proposition 65 or the Act), prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual (Health and Safety Code section 25249.6). The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water (Health and Safety Code section 25249.5).

For chemicals known to the state to cause reproductive toxicity, an exemption from the warning requirement is provided by the Act when a person in the course of doing business is able to demonstrate that an exposure for which the person is responsible produces no observable reproductive effect, assuming exposure at 1,000 times the level in question (Health and Safety Code sections 25249.9, 25249.10 and 25249.11). The maximum dose level at which a chemical has no observable reproductive effect is referred to as the no observable effect level (NOEL). The Act also provides an exemption from the prohibition against discharging a listed chemical into sources of drinking water if the amount discharged does not constitute a "significant amount," as defined, and the discharge is in conformity with all other laws and regulatory requirements (Health and Safety Code sections 25249.9 and 25249.11). Thus, these exemptions apply when the exposure or discharge in question is at a level that does not exceed the NOEL divided by 1,000.

Regulations previously adopted by the Office of Environmental Health Hazard Assessment (OEHHA) provide guidance for determining whether an exposure to, or a discharge of, a chemical known to cause reproductive toxicity meets the statutory exemption (Title 22, California Code of Regulations, sections 12801-12821). These regulations provide three ways by which a person in the course of doing business may make such a determination: (1) by conducting a risk assessment in accordance with the principles described in Section 12803 to derive a NOEL, and dividing the NOEL by 1,000; or (2) by application of the specific regulatory level adopted for the chemical in Section 12805; or (3) in the absence of such a level, by using a risk assessment conducted by a state or federal agency, provided that such assessment substantially complies with Section 12803(a). The specific regulatory levels in Section 12805 represent one one-thousandth of the NOEL.

This proposed regulation sets forth maximum allowable dose levels (MADLs) for adoption into Section 12805 that were derived using scientific methods outlined in Section 12803.

Details on the basis for the proposed levels are provided in the references cited below, which are also included in the rulemaking record. The references are risk assessment documents prepared by OEHHA describing and summarizing the derivation of the regulatory levels listed below.

The proposed regulation would adopt the following regulatory levels for three chemicals known to cause reproductive toxicity into Section 12805:

Chemical	MADL, in units micrograms per day	Reference
Ethylene glycol monoethyl ether (EGEE)	750 (oral exposure) 960 (inhalation exposure)	OEHHA (2007a)
Ethylene glycol monoethyl ether acetate (EGEEA)	1,100 (oral exposure) 1,400 (inhalation exposure)	OEHHA (2007a)
Potassium dimethyldithiocarbamate	720	OEHHA (2007b)

The risk assessments which were used by the Office of Environmental Health Hazard Assessment to determine the stated levels are as follows:

Office of Environmental Health Hazard Assessment (OEHHA, 2007a). Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Ethylene Glycol Monoethyl Ether (EGEE) and Ethylene Glycol Monoethyl Ether Acetate (EGEEA). OEHHA Reproductive and Cancer Hazard Assessment Section, California Environmental Protection Agency, Sacramento, February 2007.

Office of Environmental Health Hazard Assessment (OEHHA, 2007b). Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Potassium Dimethyldithiocarbamate. OEHHA Reproductive and Cancer Hazard Assessment Section, California Environmental Protection Agency, Sacramento, February 2007.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

**IMPACT ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

OEHHA has determined the proposed regulatory action would not pose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Office of Environmental Health Hazard Assessment has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

**EFFECT ON FEDERAL FUNDING
TO THE STATE**

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE**

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**IMPACT ON THE CREATION, ELIMINATION,
OR EXPANSION OF JOBS/BUSINESSES**

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any requirements on small business. Rather, the proposed regulation will assist small businesses subject to the Act in determining whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the critical information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, a copy of the text of the regulation and copies of the risk assessments which were used by OEHHA to determine the MADLs are available upon request from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such changes. Copies of the notice and the changed regulation will also be available at the OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

BOARD OF OPTOMETRY

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the Board of Optometry is extending the public comment period concerning the amendment of Section 1523 of Title 16 of the California Code of Regulations relating to the application for licensure as an out-of-state licensed optometrist, as described in the Notice published in the *California Regulatory Notice Register*, No. 2007, on March 9, 2007, OAL File No. Z-07-0226-01. Attached is a copy of the proposed regulations for your reference. These proposed regulations are also available in the board's website: www.optometry.ca.gov

Any interested person, or his or her authorized representative, may submit written comments no later than 5:00 p.m. on May 14, 2007 to:

Name	Gary Randolph
Board	State Board of Optometry
Address	2420 Del Paso Road, Suite 255 Sacramento, CA 95834
Telephone:	(916) 575-7170
Fax:	(916) 575-7292
E-mail Address:	gary_randolph@dca.ca.gov

The board does not intend to hold a hearing on this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received at the board's office no later than 5:00 p.m. on April 27, 2007.

FISH AND GAME COMMISSION

(Continuation of California Notice Register 2007, No. 7-Z, and Meetings of February 2 and March 2, 2007)

NOTE: The Fish and Game Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See the text of this notice—changes are shown in **bold type**.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing.

**UPDATED INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean fishing regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan (FMP). The PFMC is responsible for adopting annual recommendations for the management of sport and commercial ocean fisheries in the Federal fishery management zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. These recommendations are subsequently implemented as ocean fishing regulations by the National Marine Fisheries Service (NMFS).

The State's recreational fishing regulations will need to conform to the new Federal rules. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport fishery in State waters (0 to 3 miles offshore) which are consistent with Federal fishery management goals and are effective at the same time.

The text in bold below replaces the text from original Initial Statement of Reasons (ISOR) and Informative Digest. This text was replaced since the PFMC March recreational season options shown below allow for better fishing opportunities than portrayed in the original ISOR.

Since the development of the ISOR, the PFMC released its *Preseason Report I: Stock Abundance Analysis for 2007 Ocean Salmon Fisheries* which predicts a higher than previously expected Klamath River Fall Chinook (KRFC) ocean abundance for 2007. This projection provides for increased recreational fishing opportunities from the 2006 season.

At its meeting March 5-9, 2007 in Sacramento, California, the PFMC proposed three 2007 season options for public review which provide a range of nine to 13 percent increase overall in the available fishing days as compared to 2006. The final PFMC regulation recommendations will be made on April 6, 2007 in Seattle, Washington.

Under all three options, the season structure is similar to 2006 regulations except as follows:

Option 1

Seasons: For north of Horse Mountain and Humboldt Bay (Klamath Management Zone), the open season is May 1 to September 4 (70 more days). The area between Horse Mountain and Point Arena is open from February 17 to November 11 (20 more days). The area between Point Arena and Pigeon Point (below San Francisco) is open from April 7 to November 11 (three fewer days). The area south of Pigeon Point is open from April 7 to October 7 (seven more days).

Option 2

Seasons: For north of Horse Mountain and Humboldt Bay, the open season is May 26 to September 5 (46 more days) with an eight fish in seven consecutive days weekly bag limit. The area between Horse Mountain and Point Arena is open from February 17 to November 11 (20 more days). The area between Point Arena and Pigeon Point is open from April 7 to November 11 (three fewer days). The area south of Pigeon Point is open from April 7 to October 7 (seven more days).

Option 3

Seasons: For north of Horse Mountain and Humboldt Bay, the open season is May 26 to July 4 and July 15 to September 9 (40 more days) with a six fish in seven consecutive days weekly bag limit. The area between Horse Mountain and Point Arena is open from February 17 to November 11 (20 more days). The area between Point Arena and Pigeon Point is open from April 7 to November 11 (three fewer days). The area south of Pigeon Point is open from April 7 to October 7 (seven more days).

For all options, the 2008 opening dates between Horse Mountain (above Shelter Cove) and Point Arena (below Fort Bragg) will be February 16, and April 5 south of Point Arena. Additional minor changes were made to the regulations for clarity.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the UC Davis, Bodega Bay Marine Laboratory, Lecture Hall, 2099 West Side Road, Bodega Bay, California, on Friday, April 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April

9, 2007. All comments must be received no later than April 13, 2007, at the hearing in Bodega Bay, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct inquiries to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Mr. Gary Stacey, Manager, Marine Region, Department of Fish and Game, phone (562) 342–7108, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The 2007 ocean recreation salmon regulations may range from a 9.1 to 13.4 percent increase in available ocean salmon angling days as compared to 2006. Depending on which option is finally adopted by the PFMC, the incremental impacts to total economic output, from the proposed 2007 ocean recreation salmon regulations, could be as much as a \$2.1 million increase in output for industry that provide goods and services to ocean salmon anglers. Industry output projections for each Option 1, 2, 3 are \$2,121,400, \$1,579,800, and \$1,444,400, respectively. Consequently, the range of proposed actions for the 2007 salmon regulations would not have an adverse impact to businesses, relative to year 2006. It is unlikely that this would affect the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Depending on which 2007 options are finally adopted by the PFMC, the incremental economic impacts to jobs within the State may increase by 17 to 25 new full–time job equivalents. Likewise impacts to total personal earnings could be an increase by \$1,095,300, \$815,700, or \$745,800, for Option 1, 2, or 3, respectively.

- (c) Cost Impacts on a Representative Private Person or Business:

There are no new or additional reporting requirements called for in the proposed regulations. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: **None.**

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

(Continuation of California Notice Register 2007, No. 9–Z, and Meetings of February 2, 2007 and March 2, 2007.)

NOTE: The Fish and Game Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption.

(NOTE: See Updated Informative Digest changes shown in **bold face** type.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 206, 215 and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River sportfishing regulations.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Klamath River System, which consists of the Klamath and Trinity river basins, is managed through a cooperative system of State, Federal, and tribal management agencies. Salmonid regulations developed

through this system are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport and commercial, river sport, and tribal fisheries.

The Klamath River Fall Chinook (KRFC) salmon harvest and spawning escapement levels are established by the *Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California Commencing in 1978* adopted by the Pacific Fishery Management Council (PFMC) for the U.S. Department of Commerce. The KRFC salmon harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The PFMC is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River System sport fisheries which are consistent with federal fishery management goals. The Department of Fish and Game Director is authorized by Fish and Game Code to conform commercial salmon fishing regulations in State waters to federal fishery management goals.

The Klamath River System also supports Native American subsistence and occasional tribal commercial fisheries which are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by the Hoopa and Yurok tribes.

River Sport Fishery Management:

Currently subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, regulates the allowable Chinook salmon sport harvest in the Klamath River System by an annual basin quota divided into sub areas and the distribution of the catch by seasons, and daily and weekly bag and possession limits.

The 2006 basin quota for the Klamath River System allowable sport harvest was zero adult KRFC salmon. A 300 adult KRFC salmon catch and release allowance was instituted to enable a sub-adult KRFC salmon, steelhead and trout fishery. The projections of the 2007 abundance of adult KRFC salmon will not be available from the PFMC until late February 2007 and the 2007 basin quota will be recommended by the PFMC and adopted by the Commission at their respective April 2007 meetings.

For public notice requirements, the Department recommends the Commission consider a range of 0 — 15,000 adult KRFC salmon quota in the Klamath River basin for the river sport fishery. This recommended range encompasses the historical range of the Klamath River basin quotas to allow for PFMC or Commission adjustments during the 2007 regulatory cycle. Annual adjustment of the Klamath River basin quota by the PFMC is necessary to meet natural and hatchery escapement needs for KRFC salmon stocks, while providing equitable harvest opportunities for ocean sport and commercial, river sport, and tribal fisheries.

The Commission may modify the Klamath River basin quota which is normally 15% of the non-tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan otherwise harvest opportunities may be reduced in the California ocean fisheries by the NMFS.

Present regulations have no adult Chinook salmon retention in specific areas after August 15 in the Lower Klamath River and after April 1 in the Upper Klamath and Trinity rivers. The trout daily bag limit is 1 hatchery trout or 1 hatchery steelhead, and 1 brown trout. The salmon daily bag limit is 3 Chinook salmon, of which no more than 1 may be over 22 inches total length when the take of salmon over 22 inches total length is allowed. The possession limits are:

1. No more than 2 Chinook salmon over 22 inches total length may be retained in any 7 consecutive days when the take of salmon over 22 inches total length is allowed and
2. No more than 12 Chinook salmon may be possessed, of which no more than 2 may be over 22 inches total length when the take of salmon over 22 inches total length is allowed.

The Department is proposing the following changes to current regulations:

Basin Quota Management:

The annual Klamath River basin quota will be split evenly, with 50% of the quota allocated to the Klamath River downstream of the Highway 96 Bridge at Weitchpec and 50% to the remainder of the Klamath River System upstream of the Highway 96 Bridge at Weitchpec, including the Trinity River Basin. This division ensures equitable harvest of adult KRFC salmon in the upper and lower Klamath River System.

The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth), is proposed to close to all fishing after 15% of the Klamath River basin quota has been taken downstream of the Highway 101 bridge. This provision only applies if the Department projects that the total Klamath

River basin quota will be met. This closure is designed to prevent excessive take near the mouth when fish are concentrated in this small area and provide equitable distribution of KRFC salmon with upper river anglers.

The area upstream of the Highway 96 Bridge at Weitchpec is further divided into three sub quotas:

1. 17% from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec,
2. 16.5% for the Trinity River from Hawkins Bar to the confluence with the Klamath River, and
3. 16.5% for the Trinity River from Old Lewiston Bridge to Cedar Flat.

These sub area divisions are based upon historical angler effort distributions and ensure equitable harvest of adult KRFC salmon in the upper Klamath and Trinity rivers.

During its March 5–9, 2007 meeting in Sacramento, California, the PFMC proposed three KRFC harvest allocation options for public review. The options provide a range of 8,000 to 12,800 adult KRFC for the 2007 in-river sport fishing quota. These options fall within the range originally sent out for public notice. The final PFMC KRFC harvest allocation recommendation will be determined on April 6, 2007 in Seattle, Washington.

The quota system requires the Department to monitor angler harvest of adult KRFC salmon in each sub-quota area. All sub-quota areas will be monitored on a real-time basis except for the following area:

Trinity River above Willow Creek: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the Trinity River above Willow Creek for the 2007 season. The Department has reviewed all available Trinity River Chinook salmon harvest and run-timing data for this area. Based on this review, the Department developed a Harvest Predictor Model (HPM) which incorporates creel data from the Klamath River from Iron Gate Dam downstream to the confluence with the Pacific Ocean and the Trinity River from Lewiston Dam downstream to the confluence with the Klamath River. The HPM is driven by the positive relationship between the KRFC salmon harvested in the lower Klamath and Trinity rivers and KRFC salmon harvested in the upper Trinity River in past years. The HPM will be used by the Department to implement fishing closures to ensure that anglers do not exceed established quota targets.

There are two proposed exceptions to the harvest quota in the basin. Both apply to terminal fisheries in the vicinities of Iron Gate Hatchery and Trinity River Hatchery. Chinook salmon over 22 inches total length may be retained from 3,500 feet downstream of Iron Gate Dam to the Interstate 5 bridge when the Depart-

ment determines that the adult fall–run Chinook salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish. Chinook salmon over 22 inches total length may be retained downstream of the Old Lewiston Bridge to the mouth of Indian Creek when the Department determines that the adult fall–run Chinook salmon spawning escapement at Trinity River Hatchery exceeds 4,800 fish.

These exceptions are intended to provide angling opportunity after hatchery mitigation egg–take goals have been met. Both reaches are located in areas where natural spawning is limited and harvest will be composed primarily of excess hatchery stock.

Daily Bag Limit and Possession Limit:

No retention of adult Chinook salmon is proposed for the following areas, once the sub quota has been met:

1. Klamath River from Iron Gate Dam to Weitchpec from September 1 through November 30,
2. Klamath River from Weitchpec to the mouth of the Klamath River from August 15 through November 30,
3. Trinity River from Old Lewiston Bridge to Cedar Flat from September 15 through November 30,
4. Trinity River from Hawkins Bar to the mouth of the South Fork Trinity River from September 1 through November 30, and
5. Trinity River from the South Fork Trinity River mouth to the confluence with the Klamath River from September 1 through November 30.

These staggered openings and closures are designed to meet natural and hatchery escapement needs for KRFC salmon stocks, while providing equitable harvest opportunities under a quota system for all river areas.

The following measures are proposed regardless of the quota level:

No adult Chinook salmon may be retained in the following areas:

1. Klamath River from Iron Gate Dam to Weitchpec from April 1 through August 31, and
2. Trinity River from the South Fork Trinity River mouth to the confluence with the Klamath River from April 1 through August 31.

These closures would provide protection for naturally produced Spring Chinook salmon while providing sport harvest opportunity on the hatchery component of the Spring Chinook salmon in the lower Klamath River.

No fish may be retained on the Trinity River from Cedar Flat to Hawkins Bar from September 1 through November 30. This complete closure is designed to protect migrating salmon. An impediment in this area to salmon migration, Gray’s Falls, causes salmon to accumu-

late in this area at some flow levels, where they are excessively vulnerable to take by illegal methods.

In response to the PFMC recommended options and public requests, the Department recommends the Commission consider a daily bag limit of 3 Chinook salmon, of which no more than 0–2 may be over 22 inches total length when the take of salmon over 22 inches is allowed. *The Department’s preferred daily bag limit is 3 Chinook salmon, of which no more than 2 may be over 22 inches total length when the take of salmon over 22 inches is allowed.*

The Department recommends the Commission consider the following possession limits:

1. **No more than 0–4 Chinook salmon over 22 inches total length may be retained in any 7 consecutive days when the take of salmon over 22 inches total length is allowed. *The Department’s preferred option is no more than 4 Chinook salmon over 22 inches total length may be retained in any 7 consecutive days when the take of salmon over 22 inches total length is allowed.***
2. **No more than 12 Chinook salmon may be possessed, of which no more than 0–4 may be over 22 inches total length when the take of salmon over 22 inches total length is allowed. *The Department’s preferred option is no more than 12 Chinook salmon may be possessed, of which no more than 4 may be over 22 inches total length when the take of salmon over 22 inches total length is allowed.***

Non–native brown trout have become well established in the Klamath River System, particularly in the Trinity River Basin. Brown trout are highly piscivorous and prey upon juvenile Chinook salmon, coho salmon and steelhead trout. The Department is proposing increasing the brown trout bag limit up to five fish per day with 10 fish in possession. This proposed change will reduce predation on juvenile salmon and steelhead and align these regulations with statewide regulations.

The name Trinity River South Fork is proposed to be changed to South Fork Trinity River to reflect the name used on U.S. Geologic Survey maps. Other minor changes are proposed to improve the clarity and consistency of the regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in UC Davis, Bodega Marine Laboratory Lecture Hall, 2099 Westside Road, Bodega Bay, California, on April 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **Hubbs–**

Sea World Research Institute, Shedd Auditorium, 2595 Ingraham Street, San Diego, California, on May 4, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 27, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 30, 2007. All comments must be received no later than May 4, 2007, at the hearing in San Diego, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Neil Manji, Fisheries Branch Chief, Department of Fish and Game, phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address

above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed regulations are projected to have an unknown impact on the net revenues to businesses servicing sport fishermen. This is not likely to affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has

otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

DEPARTMENT OF FOOD AND AGRICULTURE

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

In re:
DEPARTMENT OF FOOD AND AGRICULTURE

REGULATORY ACTION:
Title 3, California Code of Regulations

ADOPT SECTIONS 1371, 1371.1, 1371.2

DECISION OF PARTIAL DISAPPROVAL OF REGULATORY ACTION

(Gov. Code, sec. 11349.3)

OAL File No. 07-0131-02S

SUMMARY OF REGULATORY ACTION

Sections 885 and 43003 of the Food and Agricultural Code declare that, in lieu of civil prosecution, the Secretary of Food and Agriculture and the County Agricultural Commissioners are authorized to levy civil penalties against any person violating Division 1, Part 1, Chapter 8, Agriculture Theft Prevention or Division 17, Fruit and Vegetable Standards. The penalties range from \$500 or \$3,000 for first violations, as specified; to

penalties up to \$1,000, \$3,000, or \$5,000 for subsequent or other violations as specified. Additionally, they further set forth basic guidelines for the civil penalty and hearing processes. This regulatory action outlines the requirements for the notice of proposed action (civil penalty), provides hearing guidelines, defines “minor”, “moderate”, and “serious” violations, and provides a listing specifying the type of violation, associated section of the Food and Agricultural Code, the severity of the violation, and gives a penalty range.

Date: March 20, 2007

CRAIG S. TARPENNING
Senior Staff Counsel

for: **LINDA C. BROWN**
Deputy Director

Original: A.G. Kawamura, Secretary
cc: Susan Shelton/Kevin Masuhara

DEPARTMENT OF INSURANCE

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

AGENCY: DEPARTMENT OF INSURANCE

ACTION: Adopt sections 2538.1, 2538.2, 2538.3, 2538.4, 2538.5, 2538.6, 2538.7, and 2538.8 of Title 10 of the California Code of Regulations

DECISION OF DISAPPROVAL OF REGULATORY ACTION

(Government Code section 11349.3)

OAL File No. 06-1130-03 S

BACKGROUND

The Department of Insurance (Department) proposed the adoption of regulations to make specific the obligation of health insurers under Insurance Code sections 10133.8 and 10133.9, to develop a language assistance program and provide translation of documents and interpretation assistance to insured persons who have limited English proficiency in accordance with the program. On November 30, 2006, the regulations were submitted to OAL for review in accordance with the

Administrative Procedure Act (APA) and on January 16, 2007, OAL disapproved them. This Decision of Disapproval explains the reasons for OAL's action.

Date: January 23, 2007

David Potter
Senior Staff Counsel

For William L. Gausewitz
Director

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF BARBERING AND COSMETOLOGY
Continuing Education/Instructors

This nonsubstantive change deletes sections 942 through 949, 950.6, 950.7 and 966 of Title 16 because all rulemaking authority (except the underlying authority of the Board to promulgate regulations) has been repealed effective January 1, 2005. The regulations govern the requirements of instructors and providers of continuing education to Board certified cosmetologists.

Title 16
California Code of Regulations
REPEAL: 942, 943, 944, 945, 946, 947, 948, 949, 950.6, 950.7, 966
Filed 03/19/07
Effective 03/19/07
Agency Contact: Paul Cobb (916) 445-8893

BOARD OF BEHAVIORAL SCIENCES
Delegation of Authority to Executive Officer

This rulemaking action would delegate to the Executive Officer of the Board of Behavioral Sciences, the authority to order an evaluation of a licensee's or registrant's physical or mental condition as part of an investigation of a complaint.

Title 16
California Code of Regulations
AMEND: 1803
Filed 03/20/07
Effective 04/19/07
Agency Contact: Christy Berger (916) 323-6832

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**
Permit Implementation Regulation

This regulatory action is to implement and make specific the statutory amendments of AB 1497 (Chapter 823 of the Statutes of 2003). This action defines the phrase "significant change in the design or operation of the solid waste facility that is not authorized by the existing permit." It also establishes a methodology for enforcement agencies to follow when an operator requests to make changes to their solid waste facilities permit, including use of a "modified permit" to authorize non-significant or "minor" modifications, which are also clearly defined in the regulation. This action also implements a new statutorily-required "informational meeting" with additional noticing and hearing requirements for report of facility information amendments and for modified, revised or new permits.

Title 14, 27
California Code of Regulations
ADOPT: 21660.1, 21660.2, 21660.3, 21660.4, 21666 AMEND: 17388.3, 17388.4, 17388.5, 18077, 18083, 18104.1, 18104.2, 18104.7, 18105.1, 18105.2, 18105.9, 21563, 21570, 21580, 21620, 21650, 21660, 21663, 21665, 21675, 21685 REPEAL: 17383.10, 17388.6
Filed 03/14/07
Effective 04/13/07
Agency Contact: Robert Holmes (916) 341-6376

CALIFORNIA STATE UNIVERSITY
Student Code (Hazing)

By this action, the California State University is amending a regulation concerning the definition of "hazing" to include prospective and former students.

Title 5
California Code of Regulations
AMEND: 41301
Filed 03/19/07
Effective 03/19/07
Agency Contact:
Deanna L. Thompson (562) 951-4495

CALIFORNIA STATE UNIVERSITY
Educational and Preventive Information Regarding Sexual Violence

By this action, the California State University is adopting a regulation that requires each campus to pro-

vide educational and preventive information regarding sexual violence as part of each orientation.

Title 5
 California Code of Regulations
 AMEND: 41550
 Filed 03/19/07
 Effective 03/19/07
 Agency Contact:
 Deanna L. Thompson (562) 951-4495

DEPARTMENT OF FOOD AND AGRICULTURE
 Standardization Penalty Guidelines and Matrix

Sections 885 and 43003 of the Food and Agricultural Code declare that, in lieu of civil prosecution, the Secretary of Food and Agriculture and the County Agricultural Commissioners are authorized to levy civil penalties against any person violating Division 1, Part 1, Chapter 8, Agriculture Theft Prevention or Division 17, Fruit and Vegetable Standards. The penalties range from \$500 or \$3,000 for first violations, as specified; to penalties up to \$1,000, \$3,000, or \$5,000 for subsequent or other violations as specified. Additionally, they further set forth basic guidelines for the civil penalty and hearing processes. This regulatory action outlines the requirements for the notice of proposed action (civil penalty), provides hearing guidelines, defines “minor”, “moderate”, and “serious” violations, and provides a listing specifying the type of violation, associated section of the Food and Agricultural Code, the severity of the violation, and gives a penalty range.

Title 3
 California Code of Regulations
 ADOPT: 1371, 1371.1, 1371.2
 Filed 03/15/07
 Effective 04/14/07
 Agency Contact: Susan Shelton (916) 445-2180

DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth Eradication Area

This emergency regulatory action designates the entire counties of Alameda and Contra Costa as “eradication areas” with respect to the light brown apple moth (*Epiphyas postvittana*). This new regulatory section identifies the pest, its hosts, possible carriers of the pest (i.e. farm equipment and green waste), as well as the means and methods of eradication of the pest in these two counties.

Title 3
 California Code of Regulations
 ADOPT: 3591.20
 Filed 03/21/07
 Effective 03/21/07
 Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Phase I Environmental Site Assessments (Proposed New & Expanding School Sites)

This is a re-adoption of an emergency to add organochlorine pesticides (OCPs) to the chemicals for which the environmental review can be a streamlined process (Phase I Addendum) that minimizes costs, but is only allowed on properties considered unlikely to have contamination. It eliminates the need for a more-intensive and costly Preliminary Endangerment Assessment (PEA). These changes bring the DTSC regulations in compliance with the American Society for Testing and Materials (ASTM) E1527-05, which is the nationally recognized standard for conducting Phase Is. This is required for certain funding protections.

Title 22
 California Code of Regulations
 ADOPT: 69106 AMEND: 69100, 69101, 69102, 69103, 69104, 69106 (renumber to 69107), 69107 (renumber to 69108)
 Filed 03/20/07
 Effective 03/20/07
 Agency Contact: Laura Hayashi (916) 322-6409

EMPLOYMENT DEVELOPMENT DEPARTMENT
 Taxable Value of Meals and Lodging

This amendment of regulation sections 926-3, 926-4 and 926-5 of Title 22 increases the taxable value of food and lodging provided to employees from employers for 2007 based upon inflation. (EDD makes this computation each year based upon the cost of living for the previous year. The computations are based upon the U.S. Dept. of Labor, Bureau of Labor Statistics. The amendments to the regulations reflect, in substantially the same ratios, the increases in the retail food price index and residential rent index.)

Title 22
 California Code of Regulations
 AMEND: 926-3, 926-4, 926-5
 Filed 03/20/07
 Effective 01/01/07
 Agency Contact: Laura Colozzi (916) 654-7712

FAIR POLITICAL PRACTICES COMMISSION
 Revolving Door; Local Officials

This regulatory action is to implement and make specific Government Code section 87406.3 regarding

communications and appearances of local officials. It also defines terms used in the statute. It conforms with the form and style prescribed by the Secretary of State.

Title 2
California Code of Regulations
ADOPT: 18746.3
Filed 03/20/07
Effective 03/20/07
Agency Contact: Brian G. Lau (916) 322-5660

FISH AND GAME COMMISSION
Klamath River Sport Fishing

Current regulations restrict the take of Chinook salmon on the Klamath River downstream of Iron Gate Dam to the Highway 96 Bridge at Weitchpec and on the Trinity River main stem from the mouth of the Trinity River South Fork downstream to the confluence with the Klamath River. Under those regulations, no salmon over 22 inches total length may be retained from April 1 through November 30, 2006. These protective measures have been in place each year since 2002, but will not be effective this year on April 1 due to the addition of the year for these two areas in the 2006 regulations. This emergency regulatory action will strike the year off the ending date of current regulations for these areas to continue the present protections until the 2007 Klamath Basin regulations are adopted and in place by July 2007.

Title 14
California Code of Regulations
AMEND: 7.50
Filed 03/21/07
Effective 03/21/07
Agency Contact: Sherrie Koell (916) 653-4899

OFFICE OF SPILL PREVENTION AND RESPONSE
Contingency Plans

The regulatory action deals with Contingency Plans and also incorporates by reference Shoreline Protection Tables dated July 17, 2006. (Prior OAL file 06-1208-04S.)

Title 14
California Code of Regulations
AMEND: 790, 815.01, 815.02, 815.03, 815.04, 815.05, 815.06, 815.07, 815.08, 815.09, 816.01, 816.02, 816.03, 816.04, 816.05, 816.06, 817.02, 817.03, 818.01, 818.02, 818.03, 819.01, 819.02, 819.03, 819.04, 819.06, 819.07, 820.01, 825.03, 825.05, 825.07, 826.01, 826.02, 826.03, 826.04, 826.05, 826.06, 827.01, 827.02
Filed 03/20/07
Effective 05/01/07
Agency Contact:
Joy D. Lavin-Jones (916) 327-0910

OFFICE OF THE INSPECTOR GENERAL
Conflict of Interest Code Amendment

The California Office of the Inspector General is amending its conflict of interest code found at title 2, div. 8, ch. 102, section 59100, California Code of Regulations. These changes were approved for filing by the Fair Political Practices Commission on January 8, 2007.

Title 2
California Code of Regulations
AMEND: div. 8, ch. 102, section 59100
Filed 03/15/07
Effective 04/14/07
Agency Contact:
Ann Bordenkircher (916) 830-3648

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
San Francisco Bay Area Seaport Plan

In this regulatory action, the San Francisco Bay Conservation and Development Commission amends the San Francisco Bay Area Seaport Plan to delete the "port priority use area designation" from approximately six acres of land in the Port of Oakland, as adopted in Bay Plan Amendment No. 1-06. This regulatory action is subject to limited Administrative Procedure Act applicability and limited Office of Administrative Law review pursuant to Government Code section 11354.1.

Title 14
California Code of Regulations
AMEND: 11945
Filed 03/20/07
Effective 03/20/07
Agency Contact: Sara Polgar (415) 352-3645

STATE PERSONNEL BOARD
DMV — Special Examination and Appointment

This rulemaking amends regulation section 549.80 pursuant to legislative action that gave the Department of Motor Vehicles broader flexibility in special examination and appointment procedures.

Title 2
California Code of Regulations
AMEND: 549.80
Filed 03/19/07
Effective 01/09/07
Agency Contact:
Dorothy Bacskai Egel (916) 653-1403

STATE WATER RESOURCES CONTROL BOARD
Concise Summary of the Water Quality Control Policy for Guidance on Development of Regional Toxic Hot Spot Cleanup Plans

This is an amendment to 23 CCR 2913, Concise Summary of the Consolidated Toxic Hot Spots Cleanup Plan that included three pesticide related cleanup plans prepared by the Central Valley Regional Water Quality Control Board. On March 13, 2003, Central Valley Water Board adopted revised cleanup plans for the three pesticide toxic hot spots and on January 22, 2004, the State Water Resources Control Board approved the Plan and adopted Resolution No. 2004-0002.

Title 23
California Code of Regulations
AMEND: 2913
Filed 03/20/07
Agency Contact: Chris Beegan (916) 341-557

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN OCTOBER 18, 2006 TO
MARCH 21, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

03/20/07 ADOPT: 18746.3
03/15/07 AMEND: div. 8, ch. 102, section 59100
03/14/07 AMEND: div. 8, ch. 73, section 56200
03/01/07 AMEND: 21922
02/28/07 AMEND: 714
02/16/07 AMEND: 1859.2, 1859.76, 1859.83,
1859.163.1, 1859.167, 1859.202, 1866
02/02/07 AMEND: 2561, 2563, 2564, 2565, 2566,
2567
01/26/07 ADOPT: 599.550, 599.552, 599.553,
599.554 AMEND: 599.500
01/19/07 ADOPT: 18531.62, 18531.63, 18531.64
AMEND: 18544
01/11/07 AMEND: 1894.4, 1896.12
01/09/07 AMEND: 18707.1
01/09/07 ADOPT: 18530.3
01/09/07 ADOPT: 18534
01/08/07 ADOPT: 1859.106.1 AMEND: 1859.106
12/22/06 AMEND: 21906
12/18/06 AMEND: 1859.2, 1859.70.1, 1859.71.3,
1859.78.5
12/18/06 AMEND: 18703.4, 18730, 18940.2,
18942.1, 18943

12/18/06 AMEND: 18312, 18316.5, 18326,
18401, 18521, 18537.1, 18704.5,
18705.5, 18730, 18746.2
12/18/06 AMEND: 18545
12/18/06 ADOPT: 18421.3
12/14/06 ADOPT: 18707.10
12/13/06 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.37, 20108.38,
20108.40, 20108.45, 20108.50,
20108.51, 20108.55, 20108.60,
20108.65, 20108.70, 20108.75, 20108.80
11/06/06 AMEND: 18216, 18421.1
11/03/06 AMEND: 1859.73.2
10/31/06 AMEND: 559.500, 559.501, 559.503,
559.504, 559.505, 559.507, 559.508,
559.509, 559.510, 559.511, 559.512,
559.513, 559.515, 559.516, 559.517

Title 3

03/21/07 ADOPT: 3591.20
03/15/07 ADOPT: 1371, 1371.1, 1371.2
03/07/07 AMEND: 3423(b)
03/06/07 AMEND: 3700(c)
02/15/07 ADOPT: 499.5, 513, 513.5 AMEND:
498, 499, 500, 501, 502, 504, 505, 509,
510, 511, 512, 512.1, 512.2, 514, 515,
516, 517, 525, 551, 552, 553, 554, 604.1
REPEAL: 499.5, 503, 506, 508, 512.3,
527, 536, 537, 538, 539, 540, 541, 543,
544, 546, 547, 550
02/14/07 AMEND: 3700(c)
02/08/07 AMEND: 3433(b)
02/08/07 AMEND: 6170, 6172, 6200
02/07/07 AMEND: 6170, 6172, 6200
01/31/07 AMEND: 3591.12(a)
01/24/07 AMEND: 3591.13(a)
01/18/07 AMEND: 3423(b)
01/18/07 AMEND: 3433(b)
01/18/07 AMEND: 3800.1, 3800.2
01/18/07 AMEND: 3433(b)
01/09/07 AMEND: 3433(b)
01/08/07 AMEND: 3591.6(a)
01/08/07 AMEND: 3591.2(a)
01/05/07 AMEND: 3406(b)
01/05/07 AMEND: 6625
01/05/07 AMEND: 3433(b)
01/03/07 AMEND: 3424(b)
12/20/06 AMEND: 3423(b)
12/20/06 AMEND: 3433(b)

CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 13-Z

12/19/06 ADOPT: 6310, 6312, 6314 AMEND:
6170
12/06/06 AMEND: 3700(c)
12/06/06 AMEND: 3591.6
11/30/06 ADOPT: 6128 AMEND: 6130
11/16/06 AMEND: 3433(b)
11/13/06 AMEND: 3423(b)
11/08/06 AMEND: 3591.2(a)
10/27/06 ADOPT: 765 AMEND: 760.4, Article
3.5
10/19/06 AMEND: 3591.6(a)

Title 4

03/13/07 ADOPT: 7075, 7076, 7077, 7078, 7079,
7080, 7081.7082, 7083, 7084, 7085,
7086, 7087, 7088, 7089, 7090, 7091,
7092, 7093, 7094, 7095, 7096, 7097,
7098, 7099 REPEAL: 7000, 7001, 7002,
7003, 7004, 7005, 7006, 7007, 7008,
7009, 7010, 7011, 7012, 7013, 7014,
7015, 7016, 7017
02/08/07 ADOPT: 12550, 12552, 12554, 12556,
12558, 12560, 12562, 12564, 12566,
12568, 12572
02/08/07 ADOPT: 12341
01/31/07 AMEND: 12590
01/30/07 AMEND: 12101, 12301.1, 12309
01/30/07 ADOPT: 12460, 12461, 12462, 12463,
12464, 12466
01/30/07 AMEND: 12358
01/26/07 AMEND: 1433
01/17/07 ADOPT: 523
01/11/07 AMEND: 1536
12/05/06 AMEND: 1582
11/22/06 AMEND: 1544 & 1658
11/16/06 ADOPT: 2422.1
11/03/06 AMEND: 10152, 10153, 10155, 10159,
10160, 10161, 10162
10/24/06 AMEND: 1486

Title 5

03/19/07 AMEND: 41550
03/19/07 AMEND: 41301
03/01/07 AMEND: 19816, 19851, 19852, 19853
02/28/07 AMEND: 80028, 80487
02/16/07 ADOPT: 11987, 11987.1, 11987.2,
11987.3, 11987.4, 11987.5, 11987.6,
11987.7
02/08/07 ADOPT: 1000, 1000.1, 1000.2, 1000.3,
1000.4, 1000.5, 1000.6, 1000.7
01/17/07 ADOPT: 55151, 55151.5 AMEND:
55002, 55150, 58160
01/17/07 ADOPT: 58707 AMEND: 58704, 58770,
58771, 58773, 58774, 58776, 58777,
58779 REPEAL: 58706, 58775

01/10/07 AMEND: 55806
11/13/06 AMEND: 18013, 18054
11/08/06 AMEND: 850, 851, 852, 853, 854, 855,
857, 858, 859, 861, 862, 863, 864, 864.5,
865, 866, 867, 870 REPEAL: 850.5, 880,
881, 882, 883, 884, 886, 887, 888, 890,
891, 892, 893, 894, 895, 896, 897, 898,
899, 901
10/26/06 AMEND: 30023(c)
10/23/06 ADOPT: 11991, 11991.1, 11991.2

Title 8

03/06/07 AMEND: 1529, 1532, 1532.1, 1535,
5144, 5190, 5198, 5200, 5202, 5207,
5208, 5210, 5211, 5213, 5214, 5217,
5218, 5220, 8358
03/02/07 ADOPT: 1731 AMEND: 1730
03/01/07 AMEND: 1541
02/28/07 AMEND: 9789.40
02/21/07 AMEND: 9780, 9783
02/15/07 AMEND: 9789.11
12/29/06 AMEND: 1598, 1599
12/27/06 AMEND: 3385
12/21/06 AMEND: 5031
12/15/06 AMEND: 5006.1
11/14/06 AMEND: 6368
11/14/06 AMEND: 3482, 5161, 5178
11/08/06 AMEND: 17000 Appendix
11/02/06 AMEND: 3650
10/18/06 AMEND: 9768.5, 9768.10, 9788.11,
9788.31, 9789.33

Title 9

12/29/06 ADOPT: 3100 3200.010, 3200.020,
3200.030, 3200.040 3200.050, 3200.060,
3200.070, 3200.080, 3200.090,
3200.100, 3200.110, 3200.120,
3200.130, 3200.140, 3200.150,
3200.160, 3200.170, 3200.180,
3200.190, 3200.210, 3200.220,
3200.230, 3200.240, 3200.250,
3200.260, 3200.270, 3200.280,
3200.300, 3200.310, 3300, 3310, 3315,
3320, 3350, 3360, 3400, 3405, 3410,
3415, 3500, 3505, 3510, 3520, 3530,
3530.10, 3530.20, 3530.30, 3530.40,
3540, 3610, 3615, 3620, 3620.05,
3620.10, 3630, 3640, 3650 REPEAL:
3100 3200.010, 3200.020, 3200.030,
3200.040 3200.050, 3200.060, 3200.070,
3200.080, 3200.090, 3200.100,
3200.110, 3200.120, 3200.130,
3200.140, 3200.150, 3200.160, 3310,
3400, 3405, 3410, 3415
11/21/06 AMEND: 9100

Title 10

03/09/07 AMEND: 2498.6
 03/06/07 AMEND: 260.230, 260.231, 260.236.1, 260.241.4, 260.242 REPEAL: 260.231.2, 260.236.2
 01/23/07 ADOPT: 2183, 2183.1, 2183.2, 2183.3, 2183.4 REPEAL: 2691.18, 2691.19
 01/10/07 AMEND: 3528
 01/08/07 AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
 01/03/07 ADOPT: 2642.4, 2643.8, 2644.24, 2644.25, 2644.26, 2644.27, 2644.50, AMEND: 2642.5, 2642.6, 2642.7, 2643.6, 2644.2, 2644.3, 2644.4, 2644.5, 2644.6, 2644.7, 2644.8, 2644.10, 2644.12, 2644.15, 2644.16, 2644.17, 2644.18, 2644.19, 2644.20, 2644.21, 2644.23, 2646.3, 2646.4, 2648.4 REPEAL: 2642.4, 2643.2, 2644.9, 2644.11
 12/29/06 AMEND: 2222.10, 2222.11, 2222.12, 2222.14, 2222.15, 2222.16, 2222.17, 2222.19 REPEAL: 2222.13
 12/29/06 AMEND: 2052.1, 2052.4
 12/29/06 ADOPT: 5327, 5357.1, 5358, 5358.1 AMEND: 5350, 5352
 12/29/06 AMEND: 2696.1, 2696.2, 2696.3, 2696.5, 2696.6, 2696.7, 2696.9, 2696.10 REPEAL: 2696.4, 2696.8
 12/29/06 AMEND: 2651.1, 2661.1, 2661.3, 2662.1, 2662.3, 2662.5
 12/29/06 AMEND: 2632.5(c)
 12/27/06 AMEND: 2498.6
 12/26/06 ADOPT: 2698.80, 2698.81, 2698.82, 2698.83, 2698.84, 2698.85, 2698.86, 2698.87, 2698.88, 2698.89, 2698.89.1 AMEND: 2698.80, 2698.81, 2698.82, 2698.83, 2698.84, 2698.85, 2698.86
 12/22/06 ADOPT: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8
 12/20/06 ADOPT: 2614, 2614.1, 2614.2, 2614.3, 2614.4, 2614.5, 2614.6, 2614.7, 2614.8, 2614.9, 2614.10, 2614.11, 2614.12, 2614.13, 2614.14, 2614.15, 2614.16, 2614.17, 2614.18, 2614.19, 2614.20, 2614.21, 2614.22, 2614.23, 2614.24, 2614.25, 2614.26, 2614.27
 12/19/06 AMEND: 2690.90, 2690.91, 2690.92, 2690.93, 2690.94
 12/13/06 ADOPT: 2534.40, 2534.41, 2534.42, 2534.43, 2534.44, 2534.45, 2534.46

11/15/06 AMEND: 2697.6, 2697.61
 11/09/06 AMEND: 2534.27, 2534.28
 11/09/06 AMEND: 2498.5
 10/24/06 ADOPT: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25

Title 11

03/06/07 AMEND: 1070, 1082
 02/02/07 ADOPT: 9070, 9071, 9072, 9073, 9076, 9077, 9078 AMEND: 1005, 1018, 1055, REPEAL: 1011
 02/02/07 ADOPT: 999.40
 01/30/07 AMEND: 20
 01/25/07 AMEND: 30.5
 01/25/07 AMEND: 30.1
 01/19/07 AMEND: 1005, 1007, 1080
 12/21/06 AMEND: 1070, 1081, 1082
 12/21/06 ADOPT: 80.3
 12/21/06 AMEND: 48.6

Title 13

02/09/07 AMEND: 2702, 2703, 2704, 2706, 2707, 2709
 01/18/07 AMEND: 1961, 1976, 1978
 01/16/07 ADOPT: 2189 AMEND: 2180, 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2188
 12/27/06 ADOPT: 1300 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425
 12/13/06 AMEND: 553.70
 12/06/06 ADOPT: 2022, 2022.1
 12/01/06 ADOPT: 2479
 11/13/06 AMEND: 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, 2446
 11/13/06 AMEND: 2445.2(a)
 10/30/06 ADOPT: 118.00

CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 13-Z

- 10/27/06 AMEND: 423.00
- Title 13, 17**
- 12/27/06 ADOPT: 93116.3.1 AMEND: 2452, 2456, 2461, 93115, 93116.2, 93116.3
- 12/06/06 ADOPT: 2299.1, 93118
- Title 14**
- 03/21/07 AMEND: 7.50
- 03/20/07 AMEND: 11945
- 03/20/07 AMEND: 790, 815.01, 815.02, 815.03, 815.04, 815.05, 815.06, 815.07, 815.08, 815.09, 816.01, 816.02, 816.03, 816.04, 816.05, 816.06, 817.02, 817.03, 818.01, 818.02, 818.03, 819.01, 819.02, 819.03, 819.04, 819.06, 819.07, 820.01, 825.03, 825.05, 825.07, 826.01, 826.02, 826.03, 826.04, 826.05, 826.06, 827.01, 827.02
- 03/01/07 AMEND: 10121, 11900(a)(5)
- 02/28/07 ADOPT: 5.81, 27.91 AMEND: 1.62, 1.63, 1.67, 2.00, 5.00, 5.80, 7.00, 7.50, 8.00, 27.60, 27.65, 27.90, 27.95, 28.20, 29.70, 29.80, 29.85, 195, 701
- 02/23/07 AMEND: 671.5
- 02/16/07 AMEND: 10214, 10381, 10500, 10620, 11002, 11003, 11005
- 02/13/07 AMEND: 53.03, 149, 149.1
- 02/08/07 AMEND: 880
- 02/05/07 ADOPT: 2990, 2995, 2997 AMEND: 2125, 2518
- 01/18/07 ADOPT: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.48, 28.49, 28.51, 28.52, 28.53, 28.57 AMEND: 1.91, 27.60, 27.65, 27.83 (amend and renumber to 27.51), 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90, 701 REPEAL: 27.67, 27.82
- 12/28/06 ADOPT: 25231
- 12/26/06 AMEND: 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1712, 1714, 1720, 1721, 1721.2, 1721.3, 1721.3.1, 1721.4, 1721.5, 1721.6, 1721.7, 1721.8, 1721.9, 1722, 1722.1.1, 1722.3, 1722.4, 1722.5, 1722.7, 1723, 1723.5, 1723.7, 1723.8, 1723.9, 1724 1724.1, 1724.3, 1724.4, 1724.6, 1724.8, 1724.9, 1724.10, 1740.1, 1740.3, 1740.5, 1741, 1742, 1743, 1744, 1744.2, 1744.3, 1744.4, 1744.5, 1744.6, 1745, 1745.8, 1745.10, 1746.2, 1747, 1747.1, 1747.2, 1747.3, 1747.5, 1747.7, 1747.8, 1747.10, 1748.2, 1748.3, 1760, 1771, 1774, 1776, 1778, 1779, 1821, 1830, 1831, 1832, 1850, 1854, 1855, 1856, 1857, 1858, 1863, 1865, 1881, 1881.5, 1882, 1914, 1920.1, 1920.2, 1920.3, 1931, 1931.1, 1931.2, 1931.5, 1932, 1933.1, 1933.2, 1933.3, 1935.1, 1935.2, 1936, 1937.1, 1941, 1942, 1942.1, 1942.2, 1950.1, 1954, 1960, 1961, 1962, 1963, 1966, 1971, 1981, 1981.2, 1995.1, 1996.8, 1997.1, 1997.2, 1997.3, 1997.4, 1997.5, 1998.2
- 12/19/06 AMEND: 105.1, 120.01, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 231
- 12/05/06 AMEND: 2305, 2310, 2320
- 12/01/06 AMEND: 163, 164
- 11/27/06 ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.34, 18660.35, 18660.36, 18660.37, 18660.38, 18660.39, 18660.41, 18660.42, 18660.43
- 11/27/06 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72
- 11/22/06 AMEND: 939.15, 959.15
- 11/16/06 AMEND: 916.5(e), 936.5(e), 956.5(e), 916.9, 936.9, 956.9
- 11/14/06 AMEND: 5101, 5104
- 11/07/06 AMEND: 11900
- 11/02/06 AMEND: 183
- 10/19/06 AMEND: 632(b)(72)
- Title 14, 27**
- 03/14/07 ADOPT: 21660.1, 21660.2, 21660.3, 21660.4, 21666 AMEND: 17388.3, 17388.4, 17388.5, 18077, 18083, 18104.1, 18104.2, 18104.7, 18105.1, 18105.2, 18105.9, 21563, 21570, 21580, 21620, 21650, 21660, 21663, 21665, 21675, 21685 REPEAL: 17383.10, 17388.6
- Title 15**
- 02/23/07 AMEND: 3000, 3315, 3323, 3341.5
- 02/05/07 ADOPT: 3999.3

CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 13-Z

01/18/07 ADOPT: 4034.0, 4034.1, 4034.2, 4034.3,
4034.4 REPEAL: 4036.0, 4040.0
12/19/06 ADOPT: 3413.1 AMEND: 3413
12/04/06 AMEND: 3041.2, 3053, 3177, 3331,
3375
11/03/06 AMEND: 3084.1
11/03/06 AMEND: 3375.2, 3377.1

Title 16

03/20/07 AMEND: 1803
03/19/07 REPEAL: 942, 943, 944, 945, 946, 947,
948, 949, 950.6, 950.7, 966
02/28/07 ADOPT: 1396.5
02/23/07 REPEAL: 1712.2
02/15/07 ADOPT: 1034.1 AMEND: 1021, 1028,
1034
02/14/07 ADOPT: 1399.360 AMEND: 1399.302
02/08/07 AMEND: 1397.12
02/02/07 AMEND: 3356
02/01/07 AMEND: 70
01/31/07 AMEND: 884
01/23/07 AMEND: 3305, 3306, 3307, 3308, 3309,
3310, 3315, 3316, 3320, 3321
01/11/07 ADOPT: 2475
01/10/07 AMEND: 974
12/27/06 ADOPT: 1713 AMEND: 1717
12/20/06 AMEND: 1397.61(b)
12/18/06 ADOPT: 980.2, 980.3 AMEND: 980.1
12/07/06 ADOPT: 1793.8 AMEND: 1793.7
12/05/06 AMEND: 1397.12
11/16/06 AMEND: 1351.5, 1352
11/16/06 AMEND: 1397.60, 1397.61, 1397.62
11/16/06 ADOPT: 1399.170.20.1 AMEND:
1399.151.1
11/16/06 AMEND: 28
11/15/06 AMEND: 4120, 4121, 4161, 4162
11/15/06 ADOPT: 1034.1 AMEND: 1021, 1028,
1034
11/08/06 AMEND: 4130
11/02/06 AMEND: 3394.6
10/31/06 AMEND: 100, 102, 109, 111, 117, 136
10/26/06 AMEND: 345

Title 17

03/01/07 AMEND: 30346.3, 30350.3
02/28/07 ADOPT: 100500
02/16/07 AMEND: 6540
01/09/07 AMEND: 93000
01/08/07 ADOPT: 2641.56, 2641.57 AMEND:
2641.30, 2641.45, 2641.55, 2643.5,
2643.10, 2643.15 REPEAL: 2641.75,
2641.77

11/27/06 AMEND: 94010, 94011, 94167, and
Incorporated Documents
11/07/06 AMEND: 54342, 56076
11/06/06 AMEND: 1000600, 100601, 100602,
100603, 100604, 100605, 100606,
100607, 100608, 100609, 100610
10/26/06 AMEND: 2500, 2505

Title 18

03/08/07 AMEND: 1602
01/23/07 AMEND: 25110
01/03/07 AMEND: 1610
01/03/07 AMEND: 1705.1
11/13/06 AMEND: 1699, 1802

Title 19

02/28/07 ADOPT: 574.4, 574.5, 574.6 AMEND:
557.1, 561.2, 565.2, 566, 568, 573, 574.1,
574.2, 574.3, 574.4, 574.5, 574.6, 575.1,
575.3, Table 4, 575.4, 578.1, 591.5,
594.3, 595.1, 596.1, 596.2 REPEAL:
574.4, 574.5, 574.6
12/28/06 ADOPT: 574 REPEAL: 597, 597.1,
597.2, 597.3, 597.4, 597.9, 603, 603.1,
603.2, 603.4, 603.5, 604, 604.1, 604.2,
604.3, 604.4, 604.5, 605, 605.2, 606,
606.1, 606.2, 606.4, 607, 607.1, 608,
608.1, 608.2, 608.3, 608.4, 608.5, 608.6,
609, 609.1, 609.2, 609.3, 609.4, 609.5,
609.6, 609.7, 610, 612, 613, 614.2, 614.4
11/14/06 ADOPT: 902.9, 902.19, 906.1, 906.2,
906.3 AMEND: 901, 902, 902.4, 902.11,
902.12, 902.15, 902.18, 904, 904.1,
904.2, 904.7, 905, 905.2, 906 REPEAL:
904.3, 904.4, 904.5, 904.6

Title 20

02/22/07 AMEND: 17.1, 17.4
12/26/06 AMEND: 1.161
12/14/06 AMEND: 1602, 1602.1, 1604, 1605,
1605.1, 1605.2, 1605.3, 1606, 1607,
1608
12/11/06 AMEND: 1605.3

Title 21

03/05/07 ADOPT: 1520.12

Title 22

03/20/07 AMEND: 926-3, 926-4, 926-5
03/20/07 ADOPT: 69106 AMEND: 69100, 69101,
69102, 69103, 69104, 69106 (renumber
to 69107), 69107 (renumber to 69108)
03/12/07 AMEND: 4400(ee) REPEAL: 4407,
4425, 4441.5
02/28/07 AMEND: 92001, 92002, 92003, 92004,
92005, 92006, 92007, 92008, 92009,
92010, 92011, 92012, 92101, 92201,

CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 13-Z

92202, 92301, 92302, 92303, 92304,
92305, 92306, 92307, 92308, 92309,
92310, 92311, 92312, 92313, 92401,
92501, 92601, 92602, 92603, 92604,
92701, 92702

02/23/07 AMEND: 100540
02/22/07 AMEND: 100066, 100079
02/22/07 ADOPT: 51003.1 AMEND: 51003,
51003.3
01/30/07 AMEND: 12705
01/30/07 AMEND: 2601.1
01/29/07 AMEND: 12000
01/22/07 AMEND: 143-1
01/17/07 ADOPT: 86072.1 AMEND: 83064,
83072, 84072, 84079, 84172, 84272,
86072, 89372, 89379
01/03/07 ADOPT: 101115 AMEND: 101115
12/29/06 ADOPT: 66260.202
12/29/06 AMEND: Appendix X of Chapter 11 of
Division 4.5
12/27/06 ADOPT: 66261.9.5, 67386.1, 67386.2,
67386.3, 67386.4
12/13/06 ADOPT: 82003, 82005, 82006, 82007,
82010, 82012, 82017, 82017, 82019,
82019.1, 82020, 82021, 82023, 82024,
82025, 82026, 82027, 82028, 82029,
82030, 82031, 82034, 82035, 82036,
82040, 82042, 82044, 82046, 82051,
82052, 82053, 82054, 82055, 82055.1,
82056
11/28/06 AMEND: 4413, 4445, 4450 REPEAL:
4412.2, 4445.1, 4446
11/27/06 ADOPT: 69106 AMEND: 69100, 69101,
69102, 69103, 69104, 69106
(renumbered to 69107), 69107
(renumbered to 69108)
11/21/06 ADOPT: 97266 AMEND: 90417, 97210,
97227, 97240, 97241, 97244, 97246,
97250, 97260, 97261, 97264
10/24/06 REPEAL: 4428

Title 22, MPP

02/23/07 ADOPT: 86500, 86501, 86505, 86505.1,
86506, 86507, 86508, 86509, 86510,
86511, 86512, 86517, 86518, 86519,
86519.1, 86519.2, 86520, 86521, 86522,
86523, 86524, 86526, 86527, 86528,
86529, 86529, 86531, 86531.1, 86531.2,
86534, 86535, 86536, 86540, 86542,
86544, 86545, 86546, 86552, 86553,
86554, 86555, 86555.1, 86558, 86559,
86561, 86562, 86563, 86564, 86565,
86565.2, 86565.5, 86566, 86568.1,
86568.2, 86568.4, 86570, 86572,

86572.1, 86572.2, 86574, 86575, 86576,
86577, 86578, 86578.1, 86579, 86580,
86586, 86587, 86587.1, 86587.2, 86588,
MPP 11-400c, 11-402, 45-101(c),
45-202.5, 45-203.4, 45-301.1

10/26/06 AMEND: 86500, 86501, 86505,
86505.1, 86506, 86507, 86508, 86509,
86510, 86511, 86512, 86517, 86518,
86519, 86519.1, 86519.2, 86520, 86521,
86522, 86523, 86524, 86526, 86527,
86528, 86529, 86529, 86531, 86531.1,
86531.2, 86534, 86535, 86536, 86540,
86542, 86544, 86545, 86546, 86552,
86553, 86554, 86555, 86555.1, 86558,
86559, 86561, 86562, 86563, 86564,
86565, 86565.2, 86565.5, 86566,
86568.1, 86568.2, 86568.4, 86570,
86572, 86572.1, 86572.2, 86574, 86575,
86576, 86577, 86578, 86578.1, 86579,
86580, 86586, 86587, 86587.1, 86587.2,
86588, MPP 11-400c, 11-402,
45-101(c), 45-202.5, 45-203.4,
45-301.1

Title 23

03/20/07 AMEND: 2913
02/20/07 AMEND: 3671, 3711, 3712, 3713,
3719.18
02/20/07 ADOPT: 3939.24
02/06/07 ADOPT: 3939.23
01/29/07 AMEND: 3833.1
01/18/07 ADOPT: 3917
01/09/07 ADOPT: 3908
01/05/07 ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2,
499.6.3 AMEND: 499.1, 499.2, 499.3,
499.4, 499.4.1, 499.5, 499.6, 499.6.1,
499.7, 499.8, REPEAL: 499.6.2
01/04/07 ADOPT: 3989.4
12/22/06 AMEND: 3912
11/27/06 ADOPT: 3929.2
11/20/06 ADOPT: 3929.1

Title 25

12/26/06 ADOPT: 1433.1 AMEND: 1002, 1016,
1105, 1106, 1110, 1134, 1216, 1254,
1317, 1330, 1338, 1338.1, 1428, 1433,
1498, 1504, 2002, 2016, 2105, 2106,
2110, 2118, 2134, 2216, 2254, 2317,
2330, 2428, 2498, 2504
11/27/06 ADOPT: 8460, 8461, 8462, 8463, 8464,
8465, 8466, 8467 AMEND: 8431
11/08/06 AMEND: 16

Title 28

01/24/07 ADOPT: 1330.67.04 REPEAL:
1300.67.8

Title MPP

02/05/07	AMEND: 30-757, 30-761	22-054, 22-059, 22-061, 22-063,
01/24/07	ADOPT: 22-901 AMEND: 22-001,	22-064, 22-065, 22-069, 22-071,
	22-002, 22-003, 22-004, 22-009,	22-072, 22-073, 22-077, 22-078,
	22-045, 22-049, 22-050, 22-053,	22-085 REPEAL: 22-074, 22-075,
		22-076