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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.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO AMEND AND REPEAL VARIOUS REGULATION SECTIONS, ALONG WITH AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

REGULATION SECTIONS PROPOSED FOR AMENDMENT: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83 AND 1859.104.

REGULATION SECTIONS PROPOSED FOR REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2 AND 1859.93.3.

FORM PROPOSED FOR AMENDMENT: *Application for Funding, Form SAB 50-04*, (Revised 12/41 01/12), referenced in Regulation Section 1859.2

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and repeal the above-referenced Regulation Sections, and to amend an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend and repeal the above-referenced regulation sections under the authority provided by Sections 17070.35, 17072.13, 17075.15

and 17079.30 of the Education Code. The proposal interprets and makes specific reference Sections 17070.35, 17070.51, 17071.25, 17072.10, 17072.12, 17072.13, 17072.15, 17072.20, 17072.30, 17072.32, 17073.15, 17074.10, 17074.15, 17074.16, 17074.25, 17075.10, 17075.15, 17076.10, 17077.10, 17077.40, 17077.42, 17077.45, 17079.30, 17250.30, 17251 and 100420(c) of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its January 25, 2012 meeting, adopted amendments to the SFP Regulations to:

- allow school districts to request fewer than the currently required 101 pupil grants for modernization projects applying for Special Day Class (SDC) pupil grants, and
- establish the Excessive Cost Hardship Grant for SDC Small Size Projects of fewer than 101 pupil grants at four percent of the grant funding, and
- repeal regulation sections and delete references relating to the Small High School Program (SHSP) because the statutory authority for the SHSP has been repealed.

I. Special Day Class — Small Size Projects

Since September 2000, the SFP Regulations have required school districts applying for modernization funding to utilize at least 101 pupil grants, or their remaining modernization pupil grants at the school site if less than 101 grants. The proposed amendments to the SFP Regulations create exceptions for modernization projects for SDC pupils — meaning those with exceptional needs and either “Severely Disabled” or “Non-Severely Disabled.”

Under the current SFP Regulations, without the proposed amendments, school districts requesting SDC modernization grants would have to apply for a minimum of:

- 12 classrooms worth of grants for Severely Disabled pupils and
- eight classrooms worth of grants for Non-Severely Disabled pupils.

The proposed amendments would allow districts to apply for funding for SDC modernization projects for a

minimum of four classrooms worth of pupil grants. This can be expressed as a minimum 36 Severe pupil grants or 52 Non–Severe pupil grants. However, if the remaining pupil grant eligibility at that school site is a lower number, an application may still be submitted if it utilizes all the remaining pupil grants.

School districts have recently had their funding applications denied for SDC modernization projects because of the minimum 101 pupil grant requirement. This minimum threshold was originally adopted (Regulation Section 1859.79.3) to prevent districts from submitting funding requests for multiple small size modernization projects at the same site in an effort to receive an excessive cost hardship grant that would otherwise not be authorized, and from improperly trying to minimize the Division of the State Architect (DSA) review process. Such rationale for the 101 pupil grant minimum would not apply to school districts requesting to submit SDC modernization projects under these proposed regulations.

Part I. Economic Impact. There are two SDC modernization funding applications that will become eligible for funding under the proposed regulatory amendments, representing State funding of approximately \$1 million. In addition, as of January 1, 2012, there are another \$41.7 million of potential applications for SDC Severe and/or Non–Severe modernization funding projects at 73 school sites in 38 school districts. However, it is not known how many other districts may apply for SDC modernization projects.

II. Excessive Cost Hardship Grant — Small Size Projects

The Excessive Cost Hardship Grant for small size projects [Regulation Section 1859.83(b)] provides an additional grant for projects that house no more than 200 pupils, calculated as a percentage of the base grant amount. The Section does not mention SDC projects. The Section provides “In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district.” “Small size projects” are included for this additional grant because they generally cannot achieve the cost economies of larger projects.

The proposed regulations add subsections specifically for SDC Severely and Non–Severely Disabled pupil projects to qualify for the excessive cost hardship grant. Such SDC projects between 36 to 200 Severely Disabled pupils and between 52 to 200 Non–Severely Disabled pupils would be eligible for the existing four percent small size project grant increase because they are commensurate in scope and base grant amount to projects in that four percent category.

Part II. Economic Impact. *Existing* Regulation Section 1859.83(b) authorizes four percent additional grants for SFP small size projects. The proposed regulations allowing SDC projects represent a commitment of \$40,000 in State school bond funds for the small size project additional grants for the two SDC modernization funding applications that will become eligible for funding under the proposed regulatory amendments. It is not known how many other districts may apply for SDC modernization projects.

III. Small High School Program

Assembly Bill 1465, Chapter 894, Statutes of 2004 (Chan) amended Education Code Sections 17072.10, 17072.30, 17072.32, and 17074.32 to establish the SHSP. These Sections were repealed effective January 1, 2008, pursuant to the same statute. Because the statutory authority was repealed, the proposed regulatory amendments would remove the references to the SHPS in the SFP Regulations and bring the regulations current.

The purpose of the SHSP was to provide State funds to school districts to reconfigure existing high schools and to build new high schools with 500 or fewer pupils attending in order to encourage districts to build smaller high schools. A total of \$20 million for New Construction and \$5 million for Modernization were allocated for the SHSP from the Kindergarten–University Public Education Facilities Bond Act of 2004.

Part III. Economic Impact. There is no economic impact from this portion of the proposed regulatory amendments because the SHSP ended four years ago upon the expiration of the statutory authority, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

The regulatory amendments addressing the three different issues noted above as I, II, and III are therefore consistent and compatible with State laws and regulations.

The specific benefits anticipated by these proposed regulatory amendments promote fairness and social equity, and provide openness and transparency in business and government.

The proposed amendments and repealed sections are as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments delete three definitions pertaining to the SHSP — “Reconfiguration,” “Small High School,” and “Small High School Program,” because the statutory authority for the SHSP was repealed effective January 1, 2008.

Existing Regulation Section 1859.61 sets forth criteria for making adjustments to a school district’s mod-

ernization baseline eligibility, including subsection (j) requiring an adjustment as a result of the Reconfiguration of an existing high school under the SHSP. The proposed amendments delete subsection (j) because the statutory authority for the SHSP was repealed effective January 1, 2008. In addition, the subsections following it are re-lettered as (j), (k), and (l) for the purpose of maintaining the consistency and continuity of the SFP Regulations.

Existing Regulation Section 1859.70.3 set aside \$20 million of new construction funding to construct small high schools pursuant to Education Code Section 17072.10(c), and made \$5 million of modernization funding available to assist in reconfiguring large high schools pursuant to Education Code Section 17074.32. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.71.5 provides a 20 percent increase to the per-pupil grant for SHSP projects funded pursuant to Regulation Sections 1859.93.2 and 1859.93.3, and other funding increases authorized by these Regulations to ensure that Apportionments represent 60 percent of the total project cost. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.74 authorizes an additional grant to school districts for site acquisition costs for approved SFP new construction projects, according to specific criteria. The last paragraph of this section limits the site acquisition funding for SHSP projects on a prorated basis for sites that exceed the recommended site size for a small high school (500 pupils or fewer). The proposed amendments delete this final sentence because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.77.1 requires that for SFP new construction projects, school districts must make a matching share contribution for any State funding provided under these Regulations, including subsection (b) that for SHSP projects the required district matching share must be equal to at least 40 percent of the total project cost. The proposed amendments delete subsection (b) and delete Education Code Section 17074.32 from the list of "Reference Sections" because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modern-

ization Programs. In addition, a non-substantive change is made by deleting subsection "(a)" so that its words remain in sentence format rather than as a stand-alone subsection. This is for the purpose of maintaining consistency and continuity of the SFP Regulations.

Existing Regulation Section 1859.78.9 authorizes an additional modernization grant apportionment, not to exceed an aggregate of \$500,000, for each approved SHSP Reconfiguration project submitted by September 30, 2007 and meeting other listed criteria. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.79 requires that for SFP modernization projects, school districts must make a matching share contribution equal to at least 20 percent (for applications on or before April 29, 2002) or 40 percent (for applications after April 29, 2002) of the total project cost. The proposed amendments 1) delete the reference to modernization grants for SHSP Reconfiguration projects in the introductory sentence, 2) delete the final sentence of this Section referring to costs of SHSP Reconfiguration projects, and 3) delete Education Code Section 17074.32 from the list of "Reference Sections," because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.79.2 specifies the permissible and impermissible uses of Modernization grant funds. The proposed amendments delete subsection (e) referring to costs of SHSP Reconfiguration projects, and delete Education Code Section 17074.32 from the list of "Reference Sections," because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.79.3 requires applications for Modernization grant funding to submit Form SAB 50-04 for at least 101 pupil grants or for the remaining modernization eligibility at the school site if less than 101 grants. The proposed amendments letter the introductory sentence as "(a)" and authorize SDC modernization applications for "any one of the following:

- (1) at least 52 Non-Severe grants, or
- (2) at least 36 Severe grants, or
- (3) at least 101 grants, or
- (4) the remaining modernization eligibility at the school site if less than the grants in (1), (2), or (3)."

The purpose of the proposed amendments is to allow school districts to apply for funding for smaller size

SDC modernization projects for the benefit of disabled pupils and to meet the needs of some districts for smaller size SDC projects. In addition, the proposed amendments letter the final sentence of the Section as subsection “(b)” for the purpose of maintaining consistency and continuity of the SFP Regulations.

Existing Regulation Section 1859.83 sets forth district eligibility criteria for excessive cost hardship grant funding as a result of specified unusual circumstances, including subsections (b) — Excessive Cost Hardship Grants for small size projects (no more than 200 pupils), and (c)(3) — New Construction Excessive Cost Hardship Grants for Small High School projects.

- Regarding subsection (b), the proposed amendments add clauses to (b)(1) and (b)(2) and add new (b)(5) to specify that SDC modernization projects for at least 52 Non–Severe pupil grants or at least 36 Severe pupil grants, but less than 101 pupil grants, are eligible for an Excessive Cost Hardship Grant equal to four percent of the modernization grant funding. The purpose for extending this Hardship Grant to such SDC projects is to help applicant districts offset the project costs because small size projects generally cannot achieve the cost economies of larger projects, and because such SDC projects are commensurate in scope and base grant amount to other projects in that four percent category.
- Regarding subsection (c), the proposed amendments delete the reference to SHSP new construction projects in (c)(1), and delete subsection (c)(3) regarding SHSP new construction projects because the statutory authority for the SHSP was repealed effective on January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.
- In addition, Education Code Section 17250.30 is added to the list of “Reference Sections” at the end of the Regulation Section.

Existing Regulation Section 1859.93.2 establishes the application criteria for school districts to apply for new construction grant funding for the SHSP. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.93.3 sets forth the criteria by which SHSP projects will be prioritized and funded. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of

unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.104 sets forth document submittal requirements for school districts receiving funds under the Leroy F. Greene School Facilities Act of 1998, including subsection (e) for apportionments made under the SHSP. The proposed amendments delete subsection (e) because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs. In addition, the subsections following it are re–lettered as (e) and (f) for the purpose of maintaining consistency and continuity of the SFP Regulations.

Existing Form SAB 50–04, *Application for Funding*, is submitted by school districts to apply for State funding for new construction or modernization projects, including funding for SHSP New Construction projects and SHSP Modernization Reconfiguration projects. The proposed amendments delete the General Information, Specific Instructions, funding options, data fields, and Certifications regarding the SHSP because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs. Following deleted subsections, certain subsections were re–lettered for the purpose of maintaining consistency and continuity of this Form.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies, school districts, or charter schools to incur additional costs in order to comply with the proposed regulation.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Executive Officer of the SAB has made the following initial determinations concerning the proposed regulations:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- There will be no impact in 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.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There is no requirement that a report be made.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.
- The proposed regulatory action promotes fairness and social equity for disabled California school pupils by permitting SDC modernization projects to qualify for SFP school bond funding — that is, fewer than 12 classrooms for Severely Disabled pupils and fewer than eight classrooms for Non-Severely Disabled pupils.
- There are no benefits to the health and welfare of California residents, worker safety, and the State's environment.

There is a fiscal impact to the State from the proposed regulatory amendments, with an initial expected impact of \$1 million of State bond funds for two Severely Disabled and Non-Severely Disabled SDC modernization projects that would become eligible for small size project funding. These two projects represent an additional commitment of \$40,000 in State bond funds for the small size project additional grants. This would cause a corresponding decrease upon the remaining \$401.8 million balance of Modernization bond authority under Propositions 47, 55, and 1D. It is not known how many other districts may apply for SDC modernization projects. Approval of the regulatory amendments could potentially create and preserve jobs involved in school classroom modernization projects while stimulating the State's economy.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption/repeal of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school

districts and charter schools for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than June 18, 2012, at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young,
Regulations Coordinator

Mailing Address: Office of Public School
Construction
707 Third Street, Room 1–430
West Sacramento, CA 95605

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 376–5332

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375–5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376–1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts/repeals/amends the regulation.

The modified regulation(s) will be made available and provided to: all persons who testified at and who

submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulation for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), a rulemaking agency must determine that no reasonable alternative considered by the agency 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

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 **June 21, 2012**, at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California.

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 **June 21, 2012**, following the Public Meeting, in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California.

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 **June 21, 2012**, following the Public Hearing, in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California.

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, Construction Safety Orders, Electrical Safety Orders and General Industry Safety Orders as indicated below, at its Public Hearing on **June 21, 2012**.

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 4
 Article 3, Section 1512
ELECTRICAL SAFETY ORDERS
 Division 1, Chapter 4, Subchapter 5
 Group 1, Article 3, Section 2320.10
 (Low-Voltage Electrical Safety Orders)
 Group 2, Article 36, Section 2940.10
 (High-Voltage Electrical Safety Orders)
First Aid for Electrical Workers — Application & Scope

2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 7
 Article 109, Section 5189,
 Appendix A — Mandatory
 Section 5192(a)(3) and
 Section 5198(j)(2)(D)(2)
CONSTRUCTION SAFETY ORDERS
 Division 1, Chapter 4, Subchapter 4
 Section 1532.1(j)(2)(D)(2)
Federal OSHA Amendments and Technical Corrections
3. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 4
 Article 12, Section 1600
 Article 15, Sections 1610.1, 1610.3,
 1610.4, 1610.9, 1611.1, 1612.3, 1613,
 1613.2, 1613.10, 1616.1, 1617.1,
 1617.2, 1617.3, 1618.1, 1619.1 and
 New Sections 1613.11 and 1613.12
GENERAL INDUSTRY SAFETY ORDERS
 Division 1, Chapter 4, Subchapter 7
 Article 91, Section 4885
 Article 98, Section 4999
Cranes & Derricks in Construction (Clean-Up)
 Descriptions of the proposed changes are as follows:
1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 4
 Article 3, Section 1512
ELECTRICAL SAFETY ORDERS
 Division 1, Chapter 4, Subchapter 5
 Group 1, Article 3, Section 2320.10
 (Low-Voltage Electrical Safety Orders)
 Group 2, Article 36, Section 2940.10
 (High-Voltage Electrical Safety Orders)
First Aid for Electrical Workers — Application & Scope

INFORMATIVE DIGEST OF PROPOSED
 ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) adopted the subject sections of the Construction and Electrical Safety Orders pursuant to Labor Code Section 142.3, which mandates that the Board adopt standards at least as effective as federal standards addressing occupational safety and health issues.

Federal 29 CFR 1910.269(b) prescribes medical and first-aid requirements for electrical workers in electric power generation, transmission and distribution. The original rulemaking was initiated when it was discovered that there was currently no equivalent safety standard for electrical workers in the California Electrical Safety Orders (ESO). The original rulemaking placed the federal requirements into the ESO. Although the ESO is a horizontal standard, applicable to both construction and general industry unless otherwise noted, informative notes were placed in Construction Safety Orders (CSO) Section 1512 and General Industry Safety Orders (GISO) Section 3400 to alert users to additional requirements for electrical workers in the ESO.

The rationale for the original adoption into both construction and general industry standards was stated that although the GISO and CSO contain generic safety standards, they did not adequately address the specific needs of electrical workers who are exposed to the hazards of burns and electrical shock, injuries which are very different and usually much more severe than the hazards that other workers are exposed to. Because of the potential severity of these injuries and the remote locations where electrical workers are often sent to work, immediate medical aid is necessary to stabilize the injured worker until emergency medical technicians or higher level care can be provided.

The proposed standards were adopted using an accelerated (Horcher) rulemaking process which limited public comment to those issues unique to California and to the proposed effective date, and thus the public did not have the opportunity to comment on whether it was appropriate or necessary for the proposal to extend the federal standards to the construction industry.

Subsequent to the Horcher adoption, a stakeholder brought to the Board's attention that the scope of the federal standard, 29 CFR 1910.269, subparagraph (a), excluded construction. Thus the stakeholder opined that, because the state rulemaking applied to both construction and general industry, the original proposal over-reached the limits established for the Horcher process. This matter of unintended overreach did not come to the attention of the Board until after the original proposal was adopted and became effective October 27, 2011.

This rulemaking is therefore proposed to limit the extent of the medical services and first aid requirements for electrical workers to those limits set by the federal standards; i.e. to employees engaged in electric power generation, transmission and distribution work (not including construction). This rulemaking is being noticed as a conventional rulemaking to afford the public opportunity to comment on this proposed action before proceeding further. This regulatory proposal is intended

to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is "the only agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirrors the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Has been amended to be substantially equivalent to corresponding federal standards.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative because proposed amendments will limit the extent of these additional medical services and first aid requirements to electrical workers engaged in electric power generation, transmission and distribution work; i.e., the same limits set by the federal standards.

Section 1512. Emergency Medical Services.

This section contains requirements for providing first aid and medical services on a construction project. The original proposal added a second informative note that medical services and first aid provisions for electrical workers were also to comply with the provisions of ESO Sections 2320.10 and 2940.10 as applicable. It is proposed to strike that informative note as the federal counterpart standards do not apply to construction work. The effect of this change will be to return requirements for first aid and medical services for construction work to what applied prior to October 27, 2011.

Section 2320.10. Medical Services and First Aid.

This was a new section, adopted as part of the October 27, 2011, rulemaking. It is proposed to amend the title to read: "Medical Services and First Aid — Additional Requirements for Power Generation, Transmission and Distribution." The effect of this amendment will be to clarify the scope of application of this section.

New subsections (a) and (b) are proposed to clarify the scope of application of these standards for medical

services and first aid. The effect of these amendments will be to limit the scope of requirements for medical services and first aid in the Low-Voltage Electrical Safety Orders to the same extent as in the model federal standard [29 CFR 1910.269(a)].

Section 2940.10. Medical Services and First Aid.

This was a new section, adopted as part of the October 27, 2011, rulemaking. It is proposed to amend the title to read: “Medical Services and First Aid — Additional Requirements for Power Generation, Transmission and Distribution.” The effect of this amendment will be to clarify the scope of application of this section.

New subsections (a) and (b) are proposed to clarify the scope of application of these standards for medical services and first aid. The effect of these amendments will be to limit the scope of requirements for medical services and first aid in the High-Voltage Electrical Safety Orders to the same extent as in the model federal standard [29 CFR 1910.269(a)].

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/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

This proposal will not result in a significant, state-wide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

No significant adverse economic impacts are anticipated because changes are principally modifications of recently adopted standards to be consistent with the limitations of the Horcher rulemaking process and with existing federal standards.

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 standards do 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, these standards do 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.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do 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.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated because this proposal will limit the extent of the medical services and first aid requirements for electrical workers to those limits set by

the federal standards. Therefore, the proposed regulations will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of California businesses.

ALTERNATIVES STATEMENT

The Board 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Division 1, Chapter 4, Subchapter 7
Article 109, Section 5189,
Appendix A — Mandatory
Section 5192(a)(3) and
Section 5198(j)(2)(D)(2)

CONSTRUCTION SAFETY ORDERS

Division 1, Chapter 4, Subchapter 4
Section 1532.1(j)(2)(D)(2)

Federal OSHA Amendments and Technical Corrections

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On December 27, 2011, Federal OSHA promulgated in Federal Register, Vol. 76, No. 248 pages 80735–80741 technical corrections and amendments to 16 OSHA standards addressing process safety management, permit-required confined spaces, medical services and first aid, servicing multi-piece and single piece rim wheels, mechanical power presses, pulp paper and paperboard mills, sawmills, grain handling facilities, commercial diving operations, carcinogens, lead, bloodborne pathogens and air contaminants.

OSHA stated it is correcting typographical errors in, and making nonsubstantive technical amendments to, the aforementioned 16 standards. The Federal Standard became effective December 27, 2011. The Board is mandated under the Labor Code Section 142.3(a)(2) to adopt standards at least as effective as the federal standards for all issues for which federal standards have been promulgated under Section 6 of the Occupational Safety and Health Act of 1970. Board staff identified

four amendments that need to be made to ensure California standards are editorially and technically correct. Two of the proposed amendments are non-substantive (e.g. typographical in nature). The other two pertain to California’s GISO and CSO lead standards and affect existing employer action thresholds for employee notification of lead exposure, and temporary medical removal with medical removal protection benefits. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Has no alternative that would be more effective; as effective and less burdensome, or more cost effective since the content of the proposal is determined by the wording of corresponding Federal regulations.
- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirrors the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Has no substantial difference from an existing Federal regulation or statute.

Section 5189. Process Safety Management (PSM) of Acutely Hazardous Materials, Appendix A to Section 5189 — List of Acutely Hazardous Chemicals, Toxics and Reactives (Mandatory)

Mandatory Appendix A consists of a list of acutely hazardous chemicals, toxics and reactives with chemical name, chemical abstract service number (CAS) and threshold quantity (TQ) in pounds (the amount necessary to trigger employer action under the process safety management (PSM) standard). These substances under the PSM standard are believed to present a potential for a catastrophic event at or above the TQ. A revision is proposed, consistent with the federal standard, to correct CAS number for Oleum from 8014-94-7 to

8014–95–7. The proposed amendment will prevent any confusion on the part of the employer consulting Appendix A as to the correct identifying CAS number for Oleum.

Section 5192. Hazardous Waste Operations and Emergency Response.

This standard addresses various requirements to ensure the safety and health of workers who conduct uncontrolled hazardous waste site clean-up operations, corrective actions related to clean-up operations, voluntary clean-up operations, and hazardous waste operations involving treatment, storage and disposal facilities and who respond to hazardous material spills (hazardous substance clean-up operations). Section 5192(a)(3) contains various definitions to clarify the meaning and application of the standards contained therein. The term “hazardous substance” is defined as any substance that is designated or listed in subsections (A) through (D) among which, (A) states any substance that is defined under Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or under Sections 25316 and 25317 of the California Health and Safety Code.

An amendment is proposed to correct the CERCLA Section reference from 101(14) to 103(14). The proposed amendment will clarify to the employer seeking to understand the definition of hazardous material under Section 5192, the correct CERCLA section number for accurate reference purposes.

Section 5198. Lead.

This section contains various standards pertaining to the control of lead exposure in general industry which includes, but is not limited to, definitions, exposure monitoring, compliance, respiratory protection and housekeeping. Subsection (j)(2)(D)(2) addresses employee notification of exposure to lead as established by blood lead levels and the employer’s duty to notify the employee that the standard requires temporary medical removal with medical removal benefits when the employee numerical blood lead levels exceed the numerical criterion for medical removal established in subsection (k)(1).

An amendment is proposed to change the wording in subsection (D)(2) to delete the word “exceeds” for replacement by “is at or above.” The proposed amendment is needed in order to make the State standard at least as effective as the corresponding Federal standard.

Section 1532.1 Lead.

This section contains various standards pertaining to the control of lead exposure in the construction industry. Subsection (j)(2)(D)(2) addresses employee notification of exposure to lead as established by blood lead

levels and the employer’s duty to notify the employee that the standard requires temporary medical removal with medical removal benefits when the employee numerical blood lead levels exceed the numerical criterion for medical removal established in subsection (k)(1)(A).

An amendment is proposed to change the wording in (D)(2) to delete the word “exceeds” for replacement by “is at or above.” The proposed amendment is needed in order to make the State standard at least as effective as the corresponding Federal standard.

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/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

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.

The proposed amendments are technical corrections without regulatory effect, correcting typographical errors to Sections 5189 and 5192 references to CAS and CERCLA section numbers. The proposed amendments to the general industry and construction lead standards thresholds for employee notification and medical removal benefits are not expected to result in any significant added cost to what is essentially an administrative element of the employer’s lead medical monitoring/surveillance program in terms of a significant increase in the number of employees who require such notification.

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 regulations do 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 these regulations do 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.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do 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 regulations do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated because two of the proposed amendments are typographical in nature and the other two amendments pertain to California’s existing lead standards for employee notification of lead exposure. Therefore, the proposed regulations will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of California businesses.

ALTERNATIVES STATEMENT

The Board 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

3. **TITLE 8: CONSTRUCTION SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 4
Article 12, Section 1600
Article 15, Sections 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613, 1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1 and New Sections 1613.11 and 1613.12

GENERAL INDUSTRY SAFETY ORDERS

Division 1, Chapter 4, Subchapter 7
Article 91, Section 4885
Article 98, Section 4999

Cranes & Derricks in Construction (Clean-Up)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On August 9, 2010, the U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA) promulgated standards revising the Cranes and Derricks Standard found primarily in the federal Construction Standard, 29 CFR Part 1926, to update and specify industry work practices necessary to protect employees during the use of cranes and derricks in construction. California is required to adopt standards at least as effective as federal standards within 6 months of federal promulgation. In order to accomplish this task, an expedited rulemaking process known as a “Horcher Rulemaking” was undertaken, wherein the Board adopted standards which are substantially the same as the federal standards, except for editorial and format differences, or where existing state standards provided a higher level of safety. Board staff was unable to make any other revisions or amendments during the expedited process. Certain issues were identified during the rulemaking, and certain coordination issues with General Industry Safety Orders (GISO) crane standards have subsequently been identified. These items are now proposed to be addressed in this “clean-up” rulemaking process. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirrors the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal standards, in that certain California standards for cranes and derricks in general industry have been identified that are more protective than federal standards for cranes and derricks in construction. Furthermore, certain subjects have been identified where adoption of the federal construction standards created inconsistencies with state standards for general industry. Since the same cranes can and are often used in both general industry and in construction, sometimes in the same day, it is important that construction and general industry standards for cranes and derricks be harmonized.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative. This rulemaking proposal was developed with the assistance of an advisory committee which included management (crane owners/operators/lessors, AGC, Cal Chamber, contractors’ associations, public and investor-owned utilities), labor (Operating Engineers, IBEW, Ironworkers, Laborers), subject matter experts, other interested parties, and government agencies. Rather than generating sets of competing alternatives, that proceeding was synergistic and resulted in consensus standards that are the basis of this proposal.

Section 1600. Pile Driving.

Subsection (g), Sheet Pile Access, currently provides that a crane-suspended personnel platform may be used for access to sheet piling if used in accordance with GISO, Section 5004. The recently adopted Construction Safety Orders (CSO), Article 15 for cranes and der-

ricks in construction contains more specific requirements for hoisting personnel for pile driving operations in Section 1616.1(p) which are based on federal provisions found in 29 CFR 1926.1431(p). It is, therefore, proposed to change the reference from GISO, Section 5004 to CSO, Section 1616.6(p). The effect of this proposal will be to prescribe safety in personnel hoisting operations at least as effective as federal standards.

Section 1610.1. Scope, Subsection (c), Exclusions.

Subsection (c) excludes certain specified equipment from the scope of Article 15. Subsection (c)(14) currently excludes “roustabouts” from the provisions of Article 15. There has been much confusion about what a “roustabout” is in this context. It is proposed to change the exclusion to “Unpowered, rolling material lifts with hand-powered winches (roustabouts).” The effect of this change will be to clarify this exclusion.

Section 1610.3. Definitions.

This section defines terms used in Article 15. It is proposed to add definitions for “accessory gear,” “dedicated drilling rig,” “designated person,” and “registered professional engineer (RPE).” The effect of these amendments will be to add greater clarity in the application of Article 15.

Section 1610.4. Design, Construction and Testing.

Section 1610.4 contains requirements applicable to equipment that has a rated hoisting/lifting capacity of more than 2,000 pounds; however, it currently contains no requirements for examinations and proof load testing as required for cranes in general industry by GISO, Section 5022. It is, therefore, proposed to add a new subsection (f) to require that proof load testing and examinations of cranes and derricks in construction be conducted as required by the GISO. The effect of this amendment will be to provide consistent testing of cranes and derricks, regardless of whether they are currently being used in construction or in general industry related activities.

Section 1610.9. Equipment Over Three Tons Rated Capacity.

This section provides that cranes and derricks used in lifting service, exceeding three tons rated capacity, and their accessory gear shall not be used until the employer has ascertained that such equipment has been certificated as evidenced by current and valid documentation. Subsection (a)(2) requires that certificates attesting to current compliance with testing and examination standards be maintained in a form acceptable to the Division. It is proposed to amend this requirement with a new sentence which will require that a copy of such certificate shall be available with each crane and derrick or at the project site. The effect of this amendment will be to clarify where the documentation required by subsection (a)(2) shall be maintained (i.e., on-site).

Section 1611.1. Assembly/Disassembly — Selection of Manufacturer or Employer Procedures.

This section provides that when assembling or disassembling equipment (or attachments), the employer must comply with all applicable manufacturer prohibitions and follow either manufacturer or employer-developed procedures. Minor clarifications are proposed to change “must” to “shall” wherever the word appears and to clarify a note for subsection (b). The effect of this proposal will be to make the regulation easier to understand and apply.

Section 1612.3. Power Line Safety (All Voltages) — Equipment Operations Closer Than the Table A Zone.

This section currently prohibits equipment operations in which any part of the equipment, load line, or load will be closer to an energized power line than the minimum approach distance under Table A of Section 1612.1. It is proposed to add a new subsection (b) to prohibit operations above energized overhead high-voltage lines. The effect of this amendment will be to provide consistency with High-Voltage Electrical Safety Orders, Section 2946(b) and to clarify that operations above energized power lines are prohibited regardless of the clearance distance.

Section 1613. Inspections.

A non-substantive amendment is proposed to change the title of this section to “Inspections and Repairs.” The effect of this revision will be to more accurately reflect the subject matter of its subsections within this section heading and to enable users to locate requirements more easily.

Section 1613.2. Inspections — Repaired/Adjusted Equipment.

Subsection (a) currently provides that equipment that has had a repair or adjustment that relates to safe operation (such as a repair or adjustment to a safety device or operator aid or repairs to a critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism), shall be inspected by a certifying agency after such a repair or adjustment has been completed and prior to initial use. Two revisions are proposed: (1) to strike “load-sustaining structural components” from the parenthetical clause and add a new note stating that load-sustaining structural components shall be repaired and inspected in accordance with (new) Sections 1613.11 and 1613.12; and (2) to replace “certifying agency” wherever it appears in this section with “qualified person.”

The effect of the first revision will be to require repair of load-sustaining members consistent with GISO, Sections 5034 and 5035, which are more protective than

the federal standard. The effect of the change from “certifying agency” to “qualified person” will be to harmonize the state standard with federal verbiage.

Section 1613.10. Inspections — Wire Rope.

If a Category II deficiency is identified, subsection (a)(4)(B) requires that wire rope be removed from service until: (1) the employer complies with the wire rope manufacturer’s established criteria for removal from service, or (2) the wire rope is replaced, or (3) the deficiency is localized and the problem is corrected by severing the wire rope in two and repairing it subject to specific provisions. It is proposed to delete the option of complying with the wire rope manufacturer’s established criteria for removal from service. The effect of this amendment will be to make CSO criteria for removing wire rope from service consistent with the criteria of the GISO, Section 5031.

New Section 1613.11. Repairs.

This new section will require that repairs to load-sustaining members and other critical crane and derrick parts be performed in accordance with the provisions of GISO, Section 5034(e) and (f). The effect of this amendment will be to make CSO requirements for repairs to load-sustaining members consistent with the GISO.

New Section 1613.12. Damaged Booms.

This new section will require that boom sections or boom suspension components that have been damaged be repaired as prescribed by GISO, Section 5035 prior to further use. The effect of this amendment will be to make CSO requirements for repairs to damaged booms consistent with the GISO.

Section 1616.1. Operation.

Subsection (o).

This subsection currently provides that “the boom or other parts of the equipment shall not contact any obstruction.” It is proposed to revise this subsection to add more specificity to its requirements. The effect of these amendments will be to clarify the intent of the standard.

Subsection (x).

This subsection currently provides that “the operator shall obey a stop (or emergency stop) signal, irrespective of who gives it.” It is proposed to relocate the substance of this provision to Section 1617.1(b)(2), Signals — General Requirements. The effect of this relocation into a signaling section will be to clarify the use of and response to signals and to better organize these safety orders.

New Subsection (x).

A new subsection is proposed to require that riggers be trained and capable of safely performing the rigging operation and that trainees be under the direct visual supervision of a qualified person (rigger). The effect of

this amendment will be to ensure that CSO requirements for riggers are consistent with GISO, Section 4999(a).

New Subsection (aa).

A new subsection is proposed to require that the use, care and maintenance of slings shall be in accordance with GISO, Article 101. The effect of this amendment will be to provide for consistent use, care and maintenance of slings used in construction and general industry.

Section 1617.1. Signals — General Requirements.

Subsection (a)(1).

This subsection provides that a signal person shall be provided when the point of operation, meaning the load travel or the area near or at load placement, is not in full view of the operator. An amendment is proposed to require that a signal person be provided when the point of operation is not in full and direct view of the operator. The effect of this amendment will be to make the requirement for a signal person equivalent to GISO, Section 5001(a).

Subsection (b).

This subsection provides that only qualified persons shall be permitted to give signals, with an exception that a stop signal may be given by any person. It is proposed to add requirements regarding operator response to signals. The effect of these amendments will be to consolidate qualifications for signal persons and the operator’s response to signals into one standard.

Subsection (i).

This subsection currently provides that anyone who becomes aware of a safety problem must alert the operator or signal person by giving the stop or emergency stop signal. It is proposed to delete this subsection and relocate the substance to subsection (b), as discussed above. The effect of this amendment will be to consolidate requirements for emergency stop signaling into subsection (b).

Section 1617.2. Signals — Radio, Telephone or Other Electronic Transmission of Signals.

It is proposed to add a new subsection (d) which will require that the signal person audibly or visually signal the operator if the signal person becomes aware that communication with the operator has been interrupted during hoisting operations and that the operator safely stop operations upon being made aware of the break in communications. The effect of this amendment will be to improve safety when using electronic transmission of signals.

Section 1617.3. Signals — Voice Signals — Additional Requirements.

Subsection (b) currently provides in part that one component of a voice signal is “distance.” This proposal would allow the “distance” command to be “approximate.” The effect of this amendment will be to clarify the intent of the standard and to allow the standard to be complied with realistically.

Section 1618.1. Operator Qualification and Certification.

This section prescribes requirements for certification of crane operators. There are two options for certification in California: Option (1), certification by an accredited crane operator certifying entity, and Option (2), licensing by a government entity. Currently, Option 2 requirements, which are based on the federal standard, are less stringent than Option 1 and do not require the candidate to pass a physical examination and substance abuse test. This is inconsistent with the requirements for operator certification in the GISO. It is proposed to amend subsection (c)(2) licensing criteria for Option 2 to have the same requirements for a physical examination and substance abuse testing as for Option 1. The effect of this amendment will be to assure worker and public safety regardless of whether the crane is being operated in construction or in general industry and regardless of whether the operator is licensed by a private or government entity.

Section 1618.1. Operator Qualification and Certification, Exceptions.

Currently, CSO crane operator’s qualification and certification are not required for: (1) operation of derricks, side boom cranes or equipment with a maximum hoisting/lifting capacity of 2000 pounds or less, and (2) operation of articulating/knuckle–boom cranes having a boom length of less than 25 feet or a maximum rated load capacity of less than 15,000 pounds when used to deliver material to a construction site. It is proposed to add a third exception which will exempt operators of electric line trucks (digger derrick trucks) subject to the same restrictions that apply to general industry under Exception 2 of GISO, Section 5006.1. The effect of this amendment will be to provide consistent application of crane operator qualification and certification standards both in construction and in general industry.

Section 1619.1. Tower Cranes.

Subsection (b) applies to erection, climbing (up and down) and dismantling of fixed tower cranes. Subsection (b)(3) requires that tower crane foundations and structural supports be designed by the manufacturer or a certified agent. It is proposed to add clarifying subsections as follows: (A) the foundation and structural support are to be installed in accordance with the manufacturer’s or certified agent’s instructions, (B) compliance

with the criteria is to be documented, and (C) the foundation and fasteners are to be maintained accessible and visible for inspection at all times. The effect of these amendments will be (1) to clarify responsibilities for quality assurance in the installation of tower crane foundations and structural supports and (2) to clarify that these critical items must be accessible and visible for inspection at all times.

Section 4885. Definitions.

This section contains definitions for GISO, Group 13, Cranes and Other Hoisting Equipment. It is proposed to add a definition of “accessory gear” to this section. The effect of this amendment will be to define a term used in, but not yet defined in, the GISO and to ensure that the definition for “accessory gear” is consistent with the definition proposed for CSO, Section 1610.3.

Section 4999. Handling Loads.

This section currently prescribes that, during hoisting, inadvertent contact with obstructions shall be prevented. A revision is proposed to provide that the load, boom, or other parts of the equipment shall not contact any obstruction in a way which could cause falling material or damage to the boom. The effect of this amendment will be to clarify the intent of the standard and to harmonize the GISO with CSO, Section 1616.1(o).

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/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

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.

California recently adopted standards for cranes and derricks in construction as required to be at least as effective as recently adopted federal standards. This proposed rulemaking will harmonize general industry standards for cranes and derricks with those construction standards. Since the same cranes can be used in both construction and in general industry, sometimes in the same day, it is important that construction and general industry standards for cranes and derricks be harmonized to create regulatory uniformity, thus simplify-

ing compliance and reducing costs. This rulemaking was developed with the assistance of an advisory committee. The committee was of the opinion that none of the proposed amendments will significantly impact the cost of doing business in California.

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 standards do 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 these standards do 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.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do 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.)

These proposed standards do not impose unique requirements on local governments. All employers —

state, local and private — will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no adverse economic impact is anticipated. The proposal harmonizes construction and general industry standards for cranes and derricks, creating regulatory uniformity and thus simplifying compliance for businesses of all sizes. Consistent and uniform standards will also promote worker safety at places of employment in California. Therefore, the proposed regulations will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of California businesses.

ALTERNATIVES STATEMENT

The Board 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

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 June 15, 2012. 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 June 21, 2012, will not be considered by the Board unless the Board announces an 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 and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based is 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 Marley Hart, Executive Officer, or Mike 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 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 156.00 and 156.01 in Chapter 1, Division 1, Article 3.0 of Title 13, California Code of Regulations, relating to Clean Air Vehicle Decals.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to

the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., June 18, 2012, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section(s) 5205.5 and 21655.9.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (department) proposes to amend Sections 156.00 and 156.01 in Article 3.0, Chapter 1, Division 1 of Title 13, California Code of Regulations, relating to Clean Air Vehicle Decals.

In the Statutes of 1999, the Legislature enacted Vehicle Code Sections 5205.5 and 21655.9 to allow specified vehicles to use high-occupancy vehicle (HOV) lanes with fewer than the required occupants. The enabling legislation was very specific about which vehicles are eligible for this exemption: only vehicles meeting California's stringent emission standards would qualify.

Senate Bill (SB) 535 (Chapter 215; Statutes of 2010) requires the department to issue up to 40,000 decals to vehicles that meet California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard. Enhanced AT PZEV vehicles are the cleanest type of car available and are categorized by two different technologies: 1) Zero Emission Vehicles, powered by an advanced technology battery or a hydrogen fuel cell, or 2) Plug-In Hybrid Electric Vehicles, powered by a battery that is charged by plugging it into a wall outlet or through the use of solar panels.

As required by Vehicle Code section 5205.5, the department has developed a green identifier, or decal, that will ensure enhanced AT PZEV vehicles are easily identifiable when using the HOV lane. Because the decals are issued statewide, regulations are necessary to ensure the decal holders are affixing the decals consistently. This proposed regulatory action provides instructions on where to affix decals on the vehicles and also updates the form required when applying for decals.

The purpose of this regulation is to provide instructions to use green decals in a consistent manner statewide. Absent regulations providing instruction on proper decal placement, decal holders will affix clean air ve-

hicle decals in different areas of the vehicle's exterior. When decals are not easily identifiable, the likelihood increases that the driver will have contact with law enforcement due to a perceived HOV lane violation.

Vehicles displaying decals consistently will be easier to identify by law enforcement. Easier identification by law enforcement will decrease the likelihood of a driver being stopped unnecessarily for driving in an HOV lane with fewer than the required number of passengers. This proposed action will benefit drivers and law enforcement by ensuring the decal is easily identifiable and, in turn, decreasing the likelihood of unnecessary traffic stops.

This proposed action is both consistent and compatible with existing state regulations, and there are no comparable state or federal regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Application for Clean Air Vehicle Decals, Form REG 1000 (Rev. 8/2011)

This document will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, this document is readily available to interested parties on the department's website or by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effects on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact: This proposed action does not appear to impact small business. These

regulations only impact individuals with vehicles that allow them access to the HOV lane with fewer than the required number of passengers. If an applicable vehicle is owned by a business and operated by its employees, the provisions of this regulation will not impact any part of the business operations.

- Potential significant statewide adverse economic impact: The proposed regulatory action 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.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department states the following results of its Economic Impact Assessment per Gov. Code sec. 11346.3(b):

- 1) The creation or elimination of jobs within the State of California.
 - The proposed regulation will neither create nor eliminate jobs within the State of California.
- 2) The creation of new businesses or the elimination of existing businesses within the State of California.
 - The proposed regulation will neither create new business nor eliminate existing business within the State of California.
- 3) The expansion of businesses currently doing business within the State of California.
 - This proposed regulation will not expand businesses currently doing business within the State of California.
- 4) The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
 - The proposed regulatory action has no impact on health and welfare of residents or worker safety, however, there may be a benefit to the state's environment.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

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

Debbie Swank Cockrill, Regulations Analyst
 Department of Motor Vehicles
 Legal Affairs Division
 P.O. Box 932382, MS C-244
 Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-6469
 Facsimile: (916) 657-1204
 E-mail: LRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Randi Calkins, Regulations Coordinator
 Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, the revised handbook and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

**TITLE 14. FISH AND GAME
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355 and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, relating to waterfowl hunting.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the four proposals contained herein, the U.S. Fish and Wildlife Service (Service), after analysis of the waterfowl population survey and other data, may change federal regulations; if this occurs, changes in existing and proposed regulations in California may be necessary. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Item 1 requires changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 13, 2012. Item 4 (including the table below) provides a proposed range of season dates and bag limits for waterfowl. The Service will consider recommendations from the Flyway Council at their meeting on July 27, 2012. At this time, the California Waterfowl Breeding Population Survey has not been conducted and the Service

has not established federal regulation “frameworks” which will occur in August after the analysis of the current waterfowl population survey, other data, input from the Flyway Council and the public. Also, minor editorial changes are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

The benefits of the proposed regulations are concurrence with Federal law and sustainable management of the waterfowl resources. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2012–2013.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

The Department’s proposals are as follows:

1. Increase the possession limit to triple the daily bag limit for brant, ducks, and geese in all zones.
2. Amend the language in the Balance of State Zone Late Season goose hunt. To clarify the language as requested by the Fish and Game Commission’s August 3 meeting and to maintain consistency, the Department proposes to add “During the Late Season, hunting is not permitted on wildlife areas listed in Sections 550–552 EXCEPT Type C wildlife areas in the North Central Region.”
3. Amend the language in the North Coast and Imperial County Special Management areas (SMA) Late Season goose hunt. To clarify the language as requested by the Fish and Game Commission’s August 3 meeting and to maintain consistency, the Department proposes to add “During the Late Season, hunting is not permitted on wildlife areas listed in Sections 550–552”.
4. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth waterfowl hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Federal regulations require that California’s hunting regulations conform to those of Arizona in the Colorado River Zone. See table below for season and bag limit ranges.

Summary of Proposed Waterfowl Hunting Regulations			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots and Moorhens	Concurrent w/duck season	25/day. 25 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards but no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/day, which may include: 6 white geese, 6 dark geese no more than 2 Large Canada geese. Possession limit double-triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/day, which may include: 6 white geese, 6 dark geese. Possession limit double-triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/day, up to 6 white geese, up to 3 dark geese. Possession limit double-triple the daily bag.
Colorado River Zone	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	Between 101 & 105 days	6/day, up to 6 white geese, up to 6 dark geese. Possession limit double-triple the daily bag.

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AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards but no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	Early Season: 5 days (CAGO only) Regular Season: 100 days Late Season: 5 days (whitefronts and white geese)	8/day, which may include: 6 white geese, 6 dark geese. Possession limit double-triple the daily bag.
SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which can not exceed 100 days or extend beyond the last Sunday in January.	6/day, only 1 may be a Large Canada goose. Possession limit double-triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec. 14-21	2/day. Possession limit double-triple the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov. 16	
Northern Brant	Black Brant	From Nov. 7 for 30 days	2/day. Possession limit double-triple the daily bag.
Balance of State Brant	Black Brant	From the second Saturday in November for 30 days	2/day. Possession limit double-triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	102 days	6/day. Possession limit double-triple the daily bag.

YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/day, possession limit 6-9
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	Between 38 and 107 days	

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in the Mountainside Conference Center, 1 Minaret Road, Mammoth Lakes, California, on Wednesday, June 20, 2012, at 10:00 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, on all actions relevant to this action at a hearing to be held in the Crowne Plaza Ventura Beach, Santa Rosa Room, 450 Harbor Boulevard, Ventura, California, on Wednesday, August 8, 2012 at 10:00 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 August 1, 2012, 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 August 6, 2012. All comments must be received no later than August 8, 2012, at the hearing in Ventura, 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, Sonke Mastrup, 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 Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Programs Branch, phone (916) 445-3555, 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 the agency program staff.

Impact of Regulatory Action/Results of Economic Impact Analysis

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 Businesses, 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 proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed waterfowl regulations will set the 2012-13 waterfowl hunting season dates and bag limits within the federal frameworks. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2012-13. This is based on a 2006 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. The report estimated that hunters contributed about \$188,600,000 to small businesses in California during the 2007 waterfowl hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to maintain or increase waterfowl, subsequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide additional recreational opportunity to the public.

The Commission anticipates benefits to the environment by the sustainable management of California’s waterfowl resources.

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

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, Government Code: 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2080-2012-004-05**

Project: Planning Area 39
Location: Orange County
Applicant: The Irvine Company,
ATTN: Mr. Dean Kirk
Notifier: Robert Uram, Sheppard Mullin
Richter & Hampton LLP

Background

The Irvine Company (Applicant) proposes to construct the Planning Area 39 Project (Project) including development activities on 398 acres of undeveloped land (Project Area) for housing (construction of 3,700 homes at medium-high density (0-25 dwelling units/acre)) and associated roads, utilities, fuel modification zones, landscaping, and open space. Of the 398 acres, 146 acres will be preserved as natural open space. The Project area is roughly bounded by the San Diego Freeway (I-405) to the north, Planning Area 18, Verizon Amphitheater and Laguna Canyon Road to the west, Planning Area 18 and Lake Forest Drive/Bake Parkway to the south, and Irvine Center Drive to the east. San Diego Creek bisects the Project area, draining through it in a northwesterly direction.

The Project will be constructed in two phases, identified as Phases I & II. Phase I involves activities on the northern half of the Project Area. Associated with Phase I, a trail crossing will be located in San Diego Creek adjacent to Caltrans' drainage easement along I-405. A low-flow structure will be provided using four 24-inch reinforced concrete pipes. Phase I clearing and grubbing of vegetation was initiated on September 15, 2011. Construction of the trail crossing over San Diego Creek was initiated on September 20, 2011. Construction of Phase I is currently ongoing, and has been continuous since September 15, 2011. Phase II will consist of the development of the southern half of the site and is not scheduled to occur until 2017 or later, following expiration of the Verizon Amphitheater lease.

The Project activities described above, when conducted within riparian habitat on the Project site, are expected to incidentally take¹ least Bell's vireo (*Vireo bellii pusillus*) (vireo). The vireo is listed as an endangered species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act (CESA) (Fish and Game Code § 2050 *et seq.*). (See Cal. Code Regs., tit. 14, § 670.5, subd. (a)(5)(1)). The Phase I Project development activities are expected to result in impacts to part of an occupied vireo territory, but occupied territory will not be completely removed, and vireo may be able to shift their use to undisturbed portions of the territory. Phase II will commence no sooner than 2017 and is expected to result in mortality, incidental to the Project, of vireo due to loss of a substantial amount of habitat use area and insufficient availability of alternative on-site and regional breeding areas. Additional vireo may suffer reduced fitness and productivity due to increased competition and crowding that will require adjusting their habitat use areas. In particular, vireo could be incidentally taken as a result of the proposed project modifications and construction activities that will occur during the vireo breeding season adjacent to occupied vireo habitat. This change will result in an increased potential for construction-related effects to vireo from noise, human activity, and dust. All other project-related effects in the BO remain unchanged.

Vireo individuals are documented as present within the 30.38 acres of protected southern willow scrub/riparian habitat upstream of the Project area established as compensatory mitigation for the Lake Forest Drive and Bake Parkway Extension Project (DFG Ref. No.

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill." See also Environmental Protection Information Center v. California Department of Forestry and Fire Protection (2008) 44 CAL. 4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' . . . means to catch, capture or kill").

2080–2008–001–05). Additionally, there is occupied vireo habitat within the 35.55 acres of southern willow scrub/riparian habitat within Project area. The presence of occupied vireo habitat adjacent to and within the Project site caused the United States Fish and Wildlife Service (Service) to determine that Project activities are expected to result in the incidental take of vireo. The Project will permanently remove 1.71 acres and temporarily impact 0.33 acres of vireo habitat.

Because the Project has the potential to take a species listed under ESA, the U.S. Army Corps of Engineers (Corps) consulted with the Service. On June 9, 2009, the Service issued a biological opinion (BO) (Service Ref. No. FWS–OR–07B0079–08F0333). The BO describes the Project, including project alterations and conservation measures developed to minimize impacts to vireo, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and sets forth measures to mitigate any remaining impacts to vireo and its habitat. The BO also requires the Applicant to implement and adhere to measures contained within the Habitat Mitigation Monitoring Plan (HMMP) and Long–Term Management Plan (LTMP).

On September 2, 2009, the Director of the Department of Fish and Game (DFG) received notification from Glenn Lukos Associates, on behalf of the Applicant, requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS, are consistent with CESA for purposes of the Project and the anticipated incidental take of vireo (Cal. Reg. Notice Register 2009, No. 42–Z, p. 1816.). A determination was issued on October 1, 2009, that the BO and its related ITS were consistent with CESA for purposes of the Project (DFG Ref. No. 2080–2009–013–05).

On March 6, 2012, the Service received a request from the Corps for reinitiation of formal consultation in accordance with section 7 of the ESA, as amended (16 U.S.C. § 1531 *et seq.*), for the Project. The Applicant was proposing to modify the conservation measures in the BO to allow construction to occur between March 15 to September 15, during the vireo breeding season, in areas less than 250 feet from occupied vireo habitat.

On March 15, 2012, the Service issued an amendment (Service Ref. No. FWS–OR–07B0079–08F0333–R001) via official mail authorizing changes to the project description of the BO. Subsequently, on March 19, 2012, DFG’s Director received notice from Sheppard Mullin Richter & Hampton LLP requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO, as amended (Amended BO) and its related ITS are consistent with CESA for purposes of the Project and vireo. (Cal. Reg. Notice Register 2012, No. 15–Z, p. 493.)

Determination

DFG has determined that the Amended BO and related ITS are consistent with CESA as to the Project and the anticipated incidental take of vireo because the mitigation measures contained in the Amended BO and ITS, as well as the conditions in the HMMP and LTMP, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA–listed species. This determination supersedes and replaces the prior determination (DFG Ref. No. 2080–2009–013–05) issued by DFG on October 1, 2009. Specifically, DFG finds that: (1) take of vireo will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the Amended BO, related ITS, HMMP, and LTMP will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of vireo. The mitigation measures in the Amended BO, related ITS, HMMP, and LTMP include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- Noise Minimization: Applicant shall implement noise minimization prior to initiation of construction occurring between March 15–September 15, to limit disturbance to vireo. Applicant shall construct a sound wall along the entire length of San Diego Creek. Applicant shall erect a temporary sound barrier approximately 12 feet in height made of plywood or stacked straw–bales between the Project’s impact area and adjacent riparian habitat. Noise–generating stationary equipment shall be located as far as possible from habitat currently or historically occupied by vireo and shall be shut off when not in use. All equipment shall have functioning mufflers and shield paneling as recommended by manufacturers.
 - Applicant shall conduct noise monitoring within vireo habitat in San Diego Creek adjacent to the project site to ensure that noise levels within vireo habitat do not exceed 60 dBA L_{eq}^2 during construction. The Applicant shall report the results of the noise monitoring effort to the Service and DFG.
- Nest Avoidance: All construction–related clearing and vegetation removal in riparian habitat shall occur outside of the vireo breeding season (March

² dBA is the sound level recorded as an A–frequency–weighted decibel, L_{eq} (energy level equivalent) is the averaged sound level.

15 to September 15) to avoid direct impacts to vireo nests and nestlings. If Project activities are necessary within 250 feet of suitable vireo habitat during the breeding season, a project biologist approved by both the Service and DFG shall perform weekly surveys in the area to determine whether any nesting vireos are present. If no nesting activity is observed, work may continue. If nests are observed, Applicant shall implement nest monitoring as described below.

- Nest Monitoring: If construction occurs within 250 ft. of suitable vireo habitat during the vireo breeding season (March 15 through September 15), the Project biologist shall perform weekly surveys in the area to determine the distribution and breeding behavior of any vireos within 250 ft. of the project limits. The Project biologist shall monitor the vireos to assess potential disturbance to vireo breeding activities from construction-related activities on the Project site. The Project biologist shall have the authority to stop construction if any unanticipated impacts to nesting vireo are observed as a result of construction-related activities. Information on the distribution and breeding behavior of vireo, including any observed effects of construction-related activities, shall be included in weekly reports from the Applicant.
- Habitat Compensation: Applicant shall mitigate Project-related impacts to riparian habitat used by vireo by restoration and enhancement of riparian habitat that DFG and the Service have determined to be important to vireo. To meet this obligation, Applicant shall:
 - Restore and enhance the 35.55 acres, identified as Long-Term Management Area (LTMA) in Exhibit 4 of Applicant's September 2, 2009 request, by removing 4.66 acres of invasive plants within the LTMA limits. Applicant shall conduct initial removal of 4.66 acres of invasive plants at least 12 months prior to commencement of impacts associated with Phase II. Applicant shall provide evidence to DFG and the Service that the initial removal has occurred prior to conducting Phase II activities. Phase II activities shall not commence until DFG and the Service concur that the initial removal has been successfully carried out.
 - Permanently protect the LTMA (35.55 acres of willow riparian habitat). Applicant shall submit a draft Conservation Easement (CE) (or other DFG-approved legal instrument) to the Corps, DFG, and the Service for review

and approval no fewer than 90 days prior to Phase I impacts. Applicant shall record a CE (or other DFG-approved legal instrument) over the LTMA within 30 days of Service and DFG approval of the Long-Term Management Plan (see below) and CE.

Monitoring and Reporting Measures

- Compliance Monitoring: the Project biologist shall be onsite during all riparian vegetation clearing and grubbing, and shall have the authority to stop or redirect activity determined to disrupt vireo nesting behavior. The Project biologist shall ensure compliance with conservation measures and perform required surveys, oversee fence installation and inspection, monitor dust suppression activities, and perform worker-awareness training.
- Disposition of Dead Species: If the Project biologist determines that a vireo was killed by project activities or otherwise finds a dead specimen of a vireo, a written report shall be sent to the Service, Corps, and DFG within five calendar days. The report shall include the date, location, time of finding, and the circumstances of the occurrence along with a reason why the species could not be avoided, if known. Only the Project biologist shall collect and freeze vireo carcasses, and the Service and DFG will be promptly contacted to determine the ultimate disposition of the remains.
- Habitat Mitigation and Monitoring Plan: Applicant shall offset permanent impacts to 1.71 acres of vireo habitat by removing 4.66 acres of invasive vegetation from the 35.55-acre LTMA in accordance with a 5-year Habitat Mitigation and Monitoring Plan (HMMP) to be approved by the Corps, DFG, and the Service. The HMMP shall be implemented within one year following initiation of Phase I activities. Applicant shall provide the HMMP to the Corps, DFG, and the Service for approval within 60 days of issuance of the 404 Permit and Streambed Alteration Agreement.
- Long-Term Management Plan: Upon completion of the HMMP, Applicant shall implement a Long-Term Management Plan (LTMP), approved by the Service, DFG, and Corps, for the long-term management of the LTMA.

Financial Assurances

- Ensured Funding: Applicant shall fund a non-wasting endowment at the future equivalent of \$315,000 (in 2009 dollars) to finance the LTMP. The endowment shall be adjusted for inflation, based on the cumulative annual or part thereof California Consumer Price Index (CA CPI) for the

period subsequent to issuance of the 404 permit, Streambed Alteration Agreement, and BO/Consistency Determination, and ceasing when the endowment is funded. The endowment must be funded prior to impacts associated with Phase II. Applicant shall submit a request for a proposed third-party endowment holder no fewer than 12 months before funding the endowment. Interest on the endowment shall fund perpetual management activities in the LTMP that shall include: a.) removal of non-native invasive plants species on an annual basis as needed, b.) removal of trash as necessary, and c.) other management activities as needed. No further monetary obligations will be required of Applicant or the endowment fund manager.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of vireo, provided the Applicant implements the Project as described in the Amended BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Amended BO and ITS and the HMMP and LTMP. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service further amends or replaces the BO or ITS the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). This determination replaces DFG's prior determination (DFG Ref. No. 2080-2009-013-05) issued by DFG on October 1, 2009.

DEPARTMENT OF FISH AND GAME

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Center Parkway Bridge Repair at Elder Creek
(2080-2012-006-02)
Sacramento County**

The Department of Fish and Game (Department) received a notice on April 12, 2012, that the City of Sacramento proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project would place rock armor on slopes beneath and adjacent to an existing bridge crossing over a 110-foot length of Elder Creek, and pave slopes over a 25-foot length of south abutment median along the south bank of the creek. The

proposed project will occur in Sacramento, Sacramento County, California.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (Service File No. 81420-2008-F-1848-1)(BO) and incidental take statement (ITS) to the Army Corps of Engineers on September 19, 2008 which considered the effects of the project on the state and federal threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code Section 2080.1, the City of Sacramento is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed project. If the Department determines the BO and ITS are consistent with CESA for the proposed project, the City of Sacramento will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Eagle Mountain Pumped Storage
Hydroelectric Project
(2080-2012-008-06)
Riverside County**

The Department of Fish and Game (Department) received a notice on April 13, 2012, that the Eagle Crest Energy Company proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action is the Federal Energy Regulatory Commission's issuance of a license authorizing Eagle Crest Energy Company's proposal for the construction, operation, and maintenance of a 2,527-acre, 1,300-MW hydroelectric project. The proposed project will occur near the community of Desert Center, Riverside County, California.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (Service File No. FWS-ERIV-08B0101-11F0266)(BO) and incidental take statement (ITS) to the Federal Energy Regulatory Commission on April 10, 2012, which considered the effects of the project on the state and federal threatened desert tortoise (*Gopherus agassizii*).

Pursuant to California Fish and Game Code Section 2080.1, the Eagle Crest Energy Company is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed project. If the Department determines the BO and ITS are consistent with CESA for the proposed project, the Eagle Crest Energy Company will not be required to obtain an incidental

take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Feather River Boulevard Interchange Project
(2080–2012–007–02)
Yuba County**

The Department of Fish and Game (Department) received a notice on April 13, 2012, that the County of Yuba proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves removing the temporary at-grade intersection and creating an elevated roadway to allow Feather River Boulevard to cross State Route 70. The improved intersection will include a four-lane overcrossing of State Route 70 and five interchange ramps. Feather River Boulevard will be reconstructed just north of its existing location. The proposed project will occur in Olivehurst, Yuba County, California.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (Service File No. 81420–2011–F–0716–1)(BO) and incidental take statement (ITS) to the California Department of Transportation on November 16, 2011 which considered the effects of the project on the state and federal threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code Section 2080.1, the County of Yuba is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed project. If the Department determines the BO and ITS are consistent with CESA for the proposed project, the County of Yuba will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Watsonville Municipal Airport Taxiway
Reconstruction Project
(2080–2012–009–03)
Santa Cruz County**

The Department of Fish and Game (Department) received a notice on April 23, 2012, that the City of Wat-

sonville proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves reconstructing Taxiway C and a portion of the northwest area of the general aviation apron of the Watsonville Municipal Airport in order to improve aircraft operational safety. The proposed project will occur in Watsonville, Santa Cruz County, California.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (Service File No. 81440–2011–F–0146)(BO) and incidental take statement (ITS) to the Federal Aviation Administration on March 28, 2012, which considered the effects of the project on the state endangered and federal threatened Santa Cruz tarplant (*Holocarpha macradenia*) and the state and federal endangered Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*).

Pursuant to California Fish and Game Code Section 2080.1, the City of Watsonville is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed project. If the Department determines the BO and ITS are consistent with CESA for the proposed project, the City of Watsonville will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

**PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Lost River Sucker and Shortnose Sucker
in Clear Lake Reservoir**

The Department of Fish and Game (“Department”) received a project proposal from Torrey Tyler, Chas Kyger, Brock Phillips, James Ross, Darin Taylor, and Alex Wilkens of U.S. Bureau of Reclamation (Reclamation) requesting authorization to conduct research capturing Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*), Fully Protected Fishes, to determine entrainment losses at Clear Lake Dam, and ultimately improve survival of these fish, consistent with the protection and recovery of the species.

The applicants have a valid USFWS Section 10 Permit and Biological Opinion (BO), and have applied for a Memorandum of Understanding (MOU) to permit them to collect Lost River sucker and shortnose sucker (suckers), Fully Protected Species. The proposed research is being conducted by the U.S. Bureau of Reclamation in support of the ongoing study for the recovery of the endangered suckers in the Klamath Basin. The applicants propose to use fyke nets, trammel nets, and

plankton drift nets to capture entrained suckers at Clear Lake Dam. Entrainment measurements at Clear Lake have not been conducted for larval suckers and Reclamation suspects that the fish screen on Clear Lake Dam may still entrain larval suckers. Quantifying entrainment at different project locations will help determine the number of suckers lost due to entrainment at each location and help to identify possible sites of future actions aimed at reducing sucker entrainment. Identifying the times when entrainment is most likely to occur can also provide insights into managing water conveyance operations to reduce entrainment of suckers.

Adult and juvenile suckers will be identified, measured, enumerated and scanned for PIT tags (Passive Integrated Transponders). If no PIT tag is present, one will be implanted so that recruitment into the adult spawning population can be monitored in future years. Larval suckers captured during entrainment studies will be collected for laboratory identification.

Only experienced personnel will conduct sampling. Detailed prescriptions for sampling and handling suckers will be included in the applicant's Fully Protected Species MOU, if issued. Additional locations and/or methods may be authorized by the Department for future projects.

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected Fish after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected Fish, it would issue the authorization in the form of a MOU on or after June 2, 2012 for an initial term through July 17, 2015, when the current Section 10 permit expires. This MOU may be renewed through March 31, 2018, the duration of the biological opinion, as long as the Section 10 permit is renewed and the State research MOU permit is current.

Contact: Region 1, 1625 S. Main Street Yreka, CA 96097, Attn: Jennifer Bull.

DEPARTMENT OF FISH AND GAME

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Breeding Population Studies of California Least Tern Nesting Colonies

The Department of Fish and Game (Department) received a proposal on April 17, 2012, from David Murray requesting authorization to take the California

least tern (*Sternula antillarum browni*) (least tern), Fully Protected bird, for research purposes consistent with protection and recovery of the subspecies, in southern California and the central coast from San Diego County to San Luis Obispo County.

The applicant is in the process of obtaining the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include visiting least tern nesting areas to gather data used for monitoring nesting status and conducting population studies. Data would be collected by observation and monitoring with binoculars/spotting scopes in or near potential and known breeding habitat, and locating nests on foot. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. As these birds are also federally-listed endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species Recovery Permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after June 4, 2012, for an initial and renewable term of two years. Contact: California Department of Fish and Game, Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Esther Burkett.

DISAPPROVAL DECISION

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

In re:

California Victim Compensation and Government Claims Board

Regulatory Action: Title 2 California Code of Regulations

Amend section: 649.32

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL File No. 2012-0316-01 SR

SUMMARY OF REGULATORY ACTION

In this regulatory action, the California Victim Compensation and Government Claims Board (Board) proposed to amend section 649.32 of Title 2 of the California Code of Regulations (CCR) to enhance income loss verification requirements and reduce fraud in the processing of crime victim compensation claims.

DECISION SUMMARY

On March 16, 2012, the Board resubmitted to the Office of Administrative Law (OAL) proposed amendments to section 649.32 of Title 2 of the CCR after having withdrawn the amendment of that section from OAL review in rulemaking action file number 2011-0520-06 on June 30, 2011. On April 11, 2012, OAL notified the Board that OAL disapproved the proposed amendment of section 649.32 for failure of the Board to comply with specified standards and procedures of the California Administrative Procedure Act (APA).

Date: April 24, 2012

_____/s/_____
 Dale P. Mentink
 Senior Staff Counsel
 FOR: Debra M. Cornez
 Director

Original: Julie Nauman, Executive Officer
 Copy: Geoff Feusahrens

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.

File# 2012-0316-04
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS
 Fees

This rulemaking action by the Board for Professional Engineers, Land Surveyors, and Geologists amends section 3005 of title 16 of the California Code of Regulations. This amendment adjusts the fees for various examinations and removes a provision that allows appli-

cants who have previously failed certain examinations to reapply without paying an application fee.

Title 16
 California Code of Regulations
 AMEND: 3005
 Filed 04/23/2012
 Effective 05/23/2012
 Agency Contact: Larry Kereszt (916) 263-2240

File# 2012-0308-03
CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE
 SB 1064 Amendments

This rulemaking action by the California Institute of Regenerative Medicine (CIRM) amends sections 100607 and 100608 of title 17 of the California Code of Regulations. These amendments, made to harmonize sections 100607 and 100608 with SB 1064 (eff. 1/1/2011), clarify terminology and requirements regarding the use of patented CIRM-funded technologies and inventions, as well as "access plans" to drugs created using CIRM-funded research. Section 100607 also includes a new provision for waiver of access plan requirements if certain conditions are met.

Title 17
 California Code of Regulations
 AMEND: 100607, 100608
 Filed 04/18/2012
 Effective 04/18/2012
 Agency Contact: C. Scott Tocher (415) 396-9136

File# 2012-0308-04
CALIFORNIA SCHOOL FINANCE AUTHORITY
 Charter School Facilities Credit Enhancement Grant Program

This regulatory action adopts a new Article 3, sections 10192-10199, that establish the Charter School Facilities Credit Enhancement Grant Program (Program). Program funds may be applied toward providing credit enhancement to facilitate the purchase, construction, and/or renovation of facilities for California public charter schools. These regulations establish application and eligibility requirements, eligible uses of Program funds, criteria for evaluation and selection, and internal controls to ensure the integrity of the Program.

Title 4
 California Code of Regulations
 ADOPT: 10192, 10193, 10194, 10195, 10196, 10197, 10198, 10199
 Filed 04/19/2012
 Effective 05/19/2012
 Agency Contact:
 Katrina Johantgen (213) 620-2305

File# 2012-0316-05

COMMISSION ON TEACHER CREDENTIALING
Fingerprint Submissions

This regulatory action requires that individuals re-submit their fingerprints if they have not held a valid credential, certificate, permit, waiver or other type of authorizing document for more than eighteen months. In addition, if fingerprints are submitted prior to filing an application form, the application form must be filed within eighteen months to be valid.

Title 5

California Code of Regulations
AMEND: 80028, 80301, 80442

Filed 04/25/2012

Effective 05/25/2012

Agency Contact:

Tammy A. Duggan (916) 323-5354

File# 2012-0312-01

DEPARTMENT OF INSURANCE

Revising Ineffective Language, Adding Cross-Reference, Renumbering

This Section 100 action makes a variety of nonsubstantive changes to two regulations in Title 10 governing the title insurance statistical plan and income statement reporting.

Title 10

California Code of Regulations
AMEND: 2355.1, 2355.2

Filed 04/23/2012

Agency Contact: Alec Stone (916) 492-3567

File# 2012-0309-04

DEPARTMENT OF MOTOR VEHICLES

Schools for Traffic Violators — Application and Curriculum Requirement

This regulatory action implements application procedures and curriculum standards for home study and on-line traffic violator school programs. It provides requirements for owners, operators and instructors.

Title 13

California Code of Regulations
ADOPT: 345.31, 345.32, 345.42

AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.34, 345.36 (renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41

REPEAL: 345.17, 345.21, 345.25, 345.26

Filed 04/19/2012

Effective 05/19/2012

Agency Contact: Randi Calkins (916) 657-8898

File# 2012-0406-02

FAIR POLITICAL PRACTICES COMMISSION
Identifying Funding Sources for Contributions

This action by the Fair Political Practices Commission adopts Title 2, section 18412 and amends sections 18215 and 18413 of the California Code of Regulations. This rulemaking establishes rules governing organizations that are formed and operate as tax exempt organizations as well as federal or out-of-state political organizations which make contributions or independent expenditures totaling \$1,000 or more from their general treasuries to support or oppose a candidate or ballot measure in California.

Title 2

California Code of Regulations
ADOPT: 18412

AMEND: 18215, 18413

Filed 04/19/2012

Effective 05/19/2012

Agency Contact:

Virginia Latteri-Lopez (916) 322-5660

File# 2012-0322-01

FAIR POLITICAL PRACTICES COMMISSION

Materiality Standard: Economic Interest in Personal Finances

This action amends an existing FPPC regulation defining the materiality standard for a reasonably foreseeable financial effect on a public official's or family's personal finances by codifying an exception allowing a public official to participate in a government decision involving appointment as an officer of the body of which the public official is a member under specified circumstances.

Title 2

California Code of Regulations
AMEND: 18705.5

Filed 04/23/2012

Effective 05/23/2012

Agency Contact:

Virginia Latteri-Lopez (916) 322-5660

File# 2012-0402-03

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Amendment to Section 554.3 Nomination of Candidates

This change without regulatory effect amends one section in Title 2 of the California Code of Regulations (CCR). This amendment re-organizes a form printed in the CCR and corrects minor grammatical errors in the text.

Title 2
 California Code of Regulations
 AMEND: 554.3
 Filed 04/23/2012
 Agency Contact: Christina Nutley (916) 795-2397

Title 5
 California Code of Regulations
 AMEND: 18013, 18054, 18111
 REPEAL: 18006, 18200, 18201, 18202, 18203,
 18205, 18206, 18207
 Filed 04/20/2012
 Agency Contact: Cynthia Olsen (916) 319-0584

File# 2012-0320-01
 STATE WATER RESOURCES CONTROL BOARD
 San Jacinto Upper Pressure GMZ TDS, N03-N
 WQOs BPA

This action is SWRCB's approval of the Santa Ana Regional Water Quality Control Board's amendments of the Santa Ana Water Quality Control Plan. On October 29, 2011, the Santa Ana Regional Water Quality Control Board adopted Resolution R8-2010-0039 amending the Water Quality Control Plan for the Santa Ana Region (Basin Plan) by establishing a second set of Total Dissolved Solids and nitrate-nitrogen objectives for the San Jacinto Upper Pressure Management Zone. This second, less stringent set of objectives is based on the finding that water quality consistent with "maximum benefit to the people of the State" will be maintained provided that specific water and wastewater projects and programs are implemented by the principal agency that oversees water supply and wastewater collection and treatment. On February 7, 2012, the State Water Resources Control Board approved this amendment under Resolution No. 2012-0006.

Title 23
 California Code of Regulations
 ADOPT: 3979.4
 Filed 04/23/2012
 Effective 04/23/2012
 Agency Contact: Hope Smythe (951) 782-4493

File# 2012-0309-02
 SUPERINTENDENT OF PUBLIC INSTRUCTION
 School Age Community Child Care Services Program
 (Latch Key)

The State Superintendent of Public Instruction amended sections 18013, 18054, and 18111 and repealed sections 18006, 18200, 18201, 18202, 18203, 18205, 18206, and 18207 of title 5 of the California Code of Regulations to remove any reference to the School Age Community Child Care Services (Latch Key) Program as a change without regulatory effect. The 2009-2010 Budget revision bill ABX4 1 eliminated the Latch Key program and trailer bill ABX4 2 removed the statutory authority for the program.

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN November 30, 2011 TO
 April 25, 2012**

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
 04/23/12 AMEND: 18705.5
 04/23/12 AMEND: 554.3
 04/19/12 ADOPT: 18412 AMEND: 18215, 18413
 04/10/12 ADOPT: 18215.3
 04/09/12 ADOPT: 59710
 03/26/12 AMEND: 1859.2, 1859.71.4, 1859.78.1,
 1859.79.2, 1859.82, 1859.83, 1859.106,
 1859.125, 1859.125.1, 1859.145,
 1859.163.1, 1859.163.5, 1859.193
 03/13/12 AMEND: 1859.2, 1859.82
 03/06/12 ADOPT: 589.11
 03/06/12 AMEND: 1189.10
 03/02/12 AMEND: 560
 02/16/12 AMEND: 18401.1
 02/13/12 AMEND: 18943
 01/31/12 ADOPT 260.1, 261.1 AMEND 258, 260,
 262
 01/31/12 AMEND 640
 01/26/12 AMEND 37000
 01/23/12 ADOPT: 1880
 01/23/12 ADOPT: 18940.1, 18942.2, 18942.3
 AMEND: 18940, 18940.2, 18941,
 18942, 18942.1, 18943, 18944.1,
 18944.2, 18944.3, 18945, 18945.1,
 18945.2, 18946, 18946.1, 18946.2,
 18946.3, 18946.4, 18946.5 REPEAL:
 18941.1, 18943, 18945.3, 18946.5
 01/18/12 AMEND: Div. 8, Ch. 35, Sec. 52400
 01/10/12 AMEND: 18423, 18539, 18550
 01/05/12 ADOPT: 18404.2
 01/05/12 ADOPT: 18227.5, 18247.5 REPEAL:
 18247.5

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12/28/11 AMEND: 1859.76
 12/21/11 AMEND: 1859.90.2, 1859.81
 12/07/11 ADOPT: 18316.6, 18361.11 AMEND:
 18360, 18361, 18361.4

Title 3

04/16/12 AMEND: 3591.19
 04/16/12 AMEND: 3439
 04/12/12 AMEND: 3591.21(b)
 04/12/12 ADOPT: 3435(c)
 04/12/12 AMEND: 3434(b)&(c)
 04/03/12 ADOPT: 3639
 04/03/12 ADOPT: 3439
 04/02/12 AMEND: 480.9, 498, 499, 499.5, 500,
 501, 576.1, 623, 755.2, 756.2, 760.2, 790,
 790.2, 791, 791.1, 796.2, 797, 799, 820.1,
 821.2, 900, 900.1, 900.2, 901.3, 901.8,
 901.9, 901.11, 902, 902.15, 907.3, 909.3,
 910.4, 910.7, 913, 913.1, 1180, 1180.11,
 1200, 1204, 1205, 1210, 1235, 1242,
 1246, 1246.14, 1247, 1256, 1266, 1268,
 1269, 1271, 1300.1, 1310.1
 03/20/12 AMEND: 1430.5, 1430.6, 1430.35,
 1430.36, 1430.37, 1430.38
 03/09/12 AMEND: 3436(b)
 03/08/12 AMEND: 3437(b)
 03/07/12 ADOPT: 1180, 1180.20, 1180.22,
 1180.23, 1180.24, 1180.25, 1180.27,
 1180.28, 1180.29, 1180.30, 1180.31,
 1180.32, 1180.33, 1180.34, 1180.35,
 1180.36, 1180.37, 1180.38, 1180.39
 AMEND: 1180.1, 1180.2, 1180.3,
 1180.3.1, 1180.3.2, 1180.13, 1180.14,
 1180.15, 1180.16, 1180.17, 1180.18,
 1180.19, 1180.31, 1180.32, 1180.33,
 1180.34, 1180.35, 1180.36, 1180.37,
 1180.38, 1180.39, 1180.40, 1180.41
 REPEAL: 1180, 1180.21, 1180.22,
 1180.23, 1180.24, 1180.25, 1180.26,
 1180.27, 1180.28, 1180.29, 1180.30
 02/28/12 ADOPT: 2320.1, 2320.2, 2322, 2322.1,
 2322.2, 2322.3, 2323 AMEND: 2300,
 2300.1, 2302, 2303, 2320, 2321
 02/23/12 AMEND: 3700(c)
 02/13/12 AMEND: 3591.2(a)
 02/06/12 AMEND: 3435(b)
 02/02/12 AMEND: 3423(b)
 01/23/12 ADOPT: 588
 01/18/12 ADOPT: 3591.25
 01/06/12 AMEND: 3591.2(a)
 12/29/11 AMEND: 3280
 12/20/11 AMEND: 3407(e)
 12/05/11 AMEND: 1408.6

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04/19/12 ADOPT: 10192, 10193, 10194, 10195,
 10196, 10197, 10198, 10199
 04/17/12 AMEND: 53
 04/12/12 AMEND: 10317, 10325
 04/11/12 AMEND: 10302, 10310, 10315, 10317,
 10322, 10325, 10327, 10328
 04/04/12 AMEND: 5000, 5170, 5200, 5230, 5370,
 5500, 5540
 03/29/12 AMEND: 12008, 12335, 12342, 12345,
 12357, 12359
 03/21/12 AMEND: 12200, 12200.9, 12200.10A,
 12200.11, 12200.13, 12220, 12220.13,
 12342, 12464
 03/08/12 AMEND: 10032, 10033, 10034, 10035
 03/08/12 AMEND: 60, 60.5
 03/06/12 ADOPT: 4075
 03/05/12 AMEND: 10152, 10153, 10154, 10155,
 10157, 10159, 10160, 10161, 10162
 REPEAL: 10156, 10158, 10164
 03/02/12 AMEND: 8070
 02/29/12 AMEND: 8070, 8072, 8073, 8074
 02/22/12 AMEND: 10176, 10177, 10178, 10182,
 10188
 02/16/12 AMEND: 12572
 02/14/12 AMEND: 1844
 02/14/12 AMEND: 1843.3
 02/08/12 AMEND: 66
 02/03/12 AMEND: 5000, 5052
 12/30/11 ADOPT: 4000.1, 4000.2, 4000.3
 12/21/11 ADOPT: 12349
 12/09/11 ADOPT: 5205 AMEND: 5000, 5054,
 5144, 5170, 5190, 5200, 5230, 5350,
 5370 REPEAL: 5133
 12/07/11 AMEND: 1433
 12/05/11 AMEND: 10325(c)(8)

Title 5

04/25/12 AMEND: 80028, 80301, 80442
 04/20/12 AMEND: 18013, 18054, 18111
 REPEAL: 18006, 18200, 18201, 18202,
 18203, 18205, 18206, 18207
 04/11/12 AMEND: 19816, 19816.1, 19845.2
 04/02/12 ADOPT: 27000, 27001, 27002, 27003,
 27004, 27005, 27006, 27007, 27008,
 27009
 04/02/12 ADOPT: 1039.2, 1039.3
 03/26/12 AMEND: 1216.1
 03/26/12 ADOPT: 620, 621, 622, 623, 624, 625,
 626, 627
 03/12/12 AMEND: 41000
 03/06/12 AMEND: 18600
 03/01/12 ADOPT: 30001.5

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02/27/12 AMEND: 42397.2, 42397.6
 02/09/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
 02/09/12 ADOPT: 27100, 27101, 27102, 27103
 01/10/12 AMEND: 9510, 9510.5, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9517.1, 9519, 9520, 9521, 9524, 9525, 18533, 18600
 12/19/11 ADOPT: 30001.5
 12/16/11 AMEND: 53309, 53310
 12/14/11 AMEND: 55150, 55151, 55154, 55155
 REPEAL: 55152, 55153

Title 8

03/14/12 AMEND: 32602, 32603, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 61360(a)
 02/23/12 AMEND: 1905
 02/16/12 AMEND: 5155
 02/08/12 AMEND: 1675, 3276, 3278
 02/08/12 ADOPT: 374.2 AMEND: 350.1, 371, 371.1, 376
 02/01/12 AMEND 1504, 1591, 1597
 01/24/12 AMEND: 5155
 01/19/12 ADOPT: 9708.1, 9708.2, 9708.3, 9708.4, 9708.5, 9708.6
 01/18/12 ADOPT: 1615.3 AMEND: 1532.1, 3361, 5042, 5044, 5045, 5047, 5049, 5144, 5191, 5198, 5209, 8355
 01/05/12 AMEND: 4188
 12/29/11 AMEND: 3276, 3287
 12/29/11 ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604
 12/27/11 AMEND: 343
 12/13/11 ADOPT: 8351, 8356, 8376.1, 8378.1, 8387, 8391.1, 8391.2, 8391.4, 8391.5, 8391.6, 8397.6 AMEND: 5194.1, 8354, 8376, 8378, 8384, 8391, 8391.3, 8397.2, 8397.3, 8397.4, 8397.5
 12/12/11 AMEND: 1541.1
 12/07/11 ADOPT: 16450, 16451, 16452, 16454, 16455 AMEND: 16423, 16433
 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455

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03/22/12 AMEND: 9795, 9800, 9801.5, 9801.6, 9804, 9812, 9816, 9820, 9822, 9829, 9836, 9838, 9846, 9848, 9849, 9851, 9852, 9854, 9858, 9862, 9866, 9867, 9868, 9874, 9876, 9876.5, 9878, 9879, 9884, 9886

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04/23/12 AMEND: 2355.1, 2355.2

04/10/12 AMEND: 260.204.9
 04/09/12 ADOPT: 6400
 03/15/12 AMEND: 2690
 02/16/12 AMEND: 2498.6
 02/13/12 AMEND: 2202
 02/08/12 AMEND: 2222.12
 02/03/12 AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725
 01/24/12 AMEND: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8, 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31
 01/11/12 AMEND: 260.204.9
 01/09/12 AMEND: 2699.6707
 12/19/11 AMEND: 2498.5
 12/19/11 AMEND: 2498.4.9
 12/19/11 AMEND: 2498.6
 12/09/11 AMEND: 2698.302
 12/09/11 AMEND: 2699.301

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04/03/12 AMEND: 1001, 1005, 1007, 1008, 1052, 1055
 03/14/12 AMEND: 1005, 1007, 1008
 01/03/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
 12/28/11 AMEND: 101.1
 12/27/11 AMEND: 4001, 4002, 4003, 4004, 4005, 4006, 4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 5455, 5459, 5469, 5470, 5471, 5473, 5480, 5482, 5483, 5484, 5495, 5499 REPEAL:

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4020, 4038, 4088, 4089, 4143, 5472,
5481, 5470, 5471
12/15/11 AMEND: 101.2
12/08/11 ADOPT: 117.1

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04/19/12 ADOPT: 345.31, 345.32, 345.42
AMEND: 345.02, 345.04, 345.05,
345.06, 345.07, 345.11, 345.13, 345.15,
345.16, 345.18, 345.20, 345.22, 345.23,
345.24, 345.27, 345.28, 345.29, 345.30,
345.34, 345.36(renumbered to 345.33),
345.38 (renumbered to 345.35), 345.39
(renumbered to 345.36), 345.40, 345.41
REPEAL: 345.17, 345.21, 345.25,
345.26
04/10/12 ADOPT: 553.30 AMEND: 553, 553.10,
553.20, 553.50, 553.70, 553.72
02/29/12 AMEND: 553
02/13/12 REPEAL: 158.00
12/14/11 AMEND: 2025
12/14/11 AMEND: 2449, 2449.1, 2449.3
(renumbered to 2449.2), 2775, 2775.1,
2775.2 REPEAL: 2449.2
12/05/11 AMEND: 553.70

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04/05/12 AMEND: 28.29, 52.10, 150.16
04/03/12 ADOPT: 791.6 AMEND: 791.7, 795, 796
03/28/12 AMEND: 11900, 11945
03/26/12 AMEND: 11960
03/22/12 AMEND: 27.80
02/24/12 AMEND: 29.15
02/13/12 AMEND: 29.17, 127
02/08/12 AMEND: 1257
01/31/12 AMEND 29.15
01/26/12 ADOPT 18940, 18941, 18942, 18943,
18944, 18945, 18945.1, 18945.2,
18945.3, 18946, 18947, 18948
01/25/12 AMEND: 18419
01/23/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,
1665.5, 1665.6, 1665.7, 1665.8
01/09/12 AMEND: 7.00, 7.50(b)(68)
01/05/12 ADOPT: 749.7
01/05/12 AMEND: 895.1, 898.1, 1037.3, 1090.17,
1092.18
12/20/11 AMEND: 11900
12/20/11 ADOPT: 4970.24.2 AMEND: 4970.00,
4970.01, 4970.03, 4970.04, 4970.05,
4970.06.1, 4970.07, 4970.07.2, 4970.08,
4970.10.1, 4970.10.2, 4970.10.3,
4970.10.4, 4970.11, 4970.13, 4970.15.1,
4970.15.2, 4970.19, 4970.19.1,
4970.23.1, 4970.23.2, 4970.24,
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12/09/11 AMEND: 15062, 15075, 15094,
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12/08/11 AMEND: 632
12/07/11 AMEND: 870.17, 870.19

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04/11/12 AMEND: 3187, 3188
04/09/12 AMEND: 3172.2
04/05/12 AMEND: 3341.5, 3375.2, 3377.1
04/02/12 ADOPT: 3571, 3582, 3590, 3590.1,
3590.2, 3590.3 AMEND: 3000
03/28/12 ADOPT: 3352.3 AMEND: 3350.1, 3352,
3352.1, 3352.2, 3354, 3354.2, 3355.1,
3358
03/19/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3,
3078.4, 3078.5, 3078.6 AMEND: 3000,
3043, 3075.2, 3097, 3195, 3320, 3323
03/12/12 ADOPT: 3999.11
03/08/12 ADOPT: 8006
03/08/12 AMEND: 3315, 3323
02/22/12 AMEND: 173
02/22/12 ADOPT: 4845, 4849, 4853, 4854,
4939.5, 4961.1, 4977.5, 4977.6, 4977.7,
4983.5 AMEND: 4846, 4847, 4848,
4848.5, 4850, 4852, 4900, 4925, 4926,
4927, 4928, 4929, 4935, 4936, 4937,
4938, 4939, 4940, 4977, 4978, 4979,
4980, 4981, 4982, 4983
01/19/12 ADOPT: 3076.4, 3076.5 AMEND: 3076,
3076.1, 3076.2, 3076.3
01/11/12 REPEAL: 3999.8
01/05/12 AMEND: 3140
12/22/11 AMEND: 3052, 3062
12/20/11 AMEND: 3040.1, 3043, 3043.6, 3044,
3045.1
12/13/11 ADOPT: 3504.1, 3504.2
12/09/11 AMEND: 3000, 3006, 3170.1, 3172.1,
3173.2, 3315, 3323
12/05/11 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1,
1748.5 AMEND: 1700, 1706, 1712,
1714, 1730, 1731, 1740, 1747, 1747.1,
1747.5, 1748, 1751, 1752, 1753, 1754,
1756, 1760, 1766, 1767, 1768, 1770,
1772, 1776, 1778, 1788 REPEAL: 1757
12/01/11 ADOPT: 3571, 3582, 3590, 3590.1,
3590.2, 3590.3 AMEND: 3000

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04/23/12 AMEND: 3005
04/16/12 ADOPT: 2295, 2295.1, 2295.2, 2295.3
AMEND: 2252, 2275, 2284
03/30/12 AMEND: 3340.43, 3394.3, 3394.4,
3394.5, 3394.6, 3394.7
03/29/12 AMEND: 109, 116, 117, 121
03/19/12 AMEND: 4155

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03/08/12	AMEND: 318	01/17/12	AMEND: 50602, 50604, 50607, 50612, 54326
03/07/12	AMEND: 2615, 2620	12/27/11	ADOPT: 54311 AMEND: 54302, 54310, 54314, 54320, 54326, 54332, 54370
03/07/12	AMEND: 1889.2 REPEAL: 1832.5	12/15/11	AMEND: 6020, 6035, 6051, 6065, 6070, 6075
03/07/12	AMEND: 2615, 2620	12/14/11	ADOPT: 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157 AMEND: 95100, 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95108, 95109, 95110, 95111, 95112, 95113, 95114, 95115, 95130, 95131, 95132, 95133 REPEAL: 95125
03/07/12	AMEND: 1889.2 REPEAL: 1832.5	12/13/11	ADOPT: 95801, 95802, 95810, 95811, 95812, 95813, 95814, 95820, 95821, 95830, 95831, 95832, 95833, 95834, 95840, 95841, 95841.1, 95850, 95851, 95852, 95852.1, 95852.1.1, 95852.2, 95853, 95854, 95855, 95856, 95857, 95858, 95870, 95890, 95891, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95921, 95922, 95940, 95941, 95942, 95970, 95971, 95972, 95973, 95974, 95975, 95976, 95977, 95977.1, 95977.2, 95978, 95979, 95980, 95980.1, 95981, 95981.1, 95982, 95983, 95984, 95985, 95986, 95987, 95988, 95990, 95991, 95992, 95993, 95994, 95995, 96010, 96011, 96012, 96013, 96014, 96020, 96021, 96022
02/27/12	AMEND: 2, 8.2, 9.1, 26, 49, 58, 59, 62, 65, 75.4, 87, 87.5, 88, 88.1, 88.2, 89, 90, 94 REPEAL: 5.1, 7, 7.2	12/12/11	ADOPT: 95312 AMEND: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311
02/16/12	AMEND: 1397.60, 1397.61, 1397.62, 1397.63, 1397.64, 1397.65, 1397.66, 1397.67, 1397.68, 1397.69, 1397.70, 1397.71	Title 18	
02/09/12	AMEND: 28 REPEAL: 30	03/26/12	ADOPT: 25137-8.2 AMEND: 25137-8 (re-numbered to 25137-8.1)
02/08/12	ADOPT: 1018.05 AMEND: 1020	02/27/12	ADOPT: 25136-2
02/01/12	ADOPT 3340.16.4 AMEND 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1 3340.16.4 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1	02/07/12	AMEND: 1807, 1828
01/19/12	ADOPT: 1379.40, 1379.42, 1379.44, 1379.46, 1379.48, 1379.50, 1379.52, 1379.54, 1379.56, 1379.58, 1379.68, 1379.70, 1379.72, 1379.78	01/11/12	AMEND: 1616
01/17/12	ADOPT: 1707.6 AMEND: 1707.2	01/09/12	AMEND: 1532, 1533.1, 1534, 1535
01/11/12	AMEND: 109, 117, 121	12/27/11	AMEND: 1570
01/10/12	AMEND: 12, 12.5, 98 REPEAL: 9, 11.5	Title 19	
01/10/12	AMEND: 2328.1	02/16/12	ADOPT: 560.4 AMEND: 557.19, renumber 560.4, 560.5, and 560.6 as 560.5, 560.6, and 560.7, respectively
01/06/12	ADOPT: 3340.38	Title 22	
12/28/11	AMEND: 1399.157, 1399.160, 1399.160.3, 1399.160.6	04/11/12	AMEND: 97174
12/22/11	ADOPT: 601.6, 601.7, 601.8, 601.9, 601.10 AMEND: 600.1	03/15/12	ADOPT: 123000 and Appendices REPEAL: 123000 and Appendices
12/12/11	AMEND: 1361	02/21/12	AMEND: 51003
Title 17			
04/18/12	AMEND: 100607, 100608		
03/28/12	AMEND: 100080		
03/15/12	ADOPT: 58883		
03/15/12	AMEND: 6020, 6035, 6051, 6065, 6070, 6075		
03/12/12	AMEND: 95307		
02/21/12	AMEND: 95486		
02/15/12	AMEND: 95802, 95833, 95841.1, 95852, 95852.1.1, 95852.2, 95870, 95891, 95892, 95914, 95920, 95971, 95974, 95975, 95977.1, 95979, 95980, 95981, 95981.1, 95985, 95986, 95987, 95990, 95993, 95994, 96021 REPEAL: 95893, 95943		
01/26/12	AMEND 6540		

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02/21/12	AMEND: 66261.21(a)(3), 66261.21(a)(4)	Title 23	04/23/12	ADOPT: 3979.4
02/08/12	AMEND: 66261.33, 66268.40		04/10/12	AMEND: 2631
02/06/12	AMEND: 80001, 80075, 83000, 83001, 84001, 84061, 86001, 88001		04/09/12	ADOPT: 3969.1
01/31/12	ADOPT 126010, 126020, 126030, 126040, 126042, 126050, 126055, 126060, 126070, 126072, 126074, 126076, 126090 126010, 126020, 126030, 126040, 126042, 126050, 126055, 126060, 126070, 126072, 126074, 126076, 126090		04/05/12	AMEND: 645
01/26/12	AMEND 50273		03/21/12	ADOPT: 3969
12/28/11	AMEND: 97232, 97240, 97247		03/21/12	ADOPT: 3939.41
12/27/11	AMEND: 51516.1		03/21/12	ADOPT: 3939.44
12/20/11	ADOPT: 69401, 69401.1, 69401.2, 69402, 69402.1, 69402.2, 69402.3, 69402.4, 69402.5, 69402.6, 69403, 69403.1, 69403.2, 69403.3, 69403.4, 69403.5, 69403.6, 69403.7, 69403.8, 69403.9, 69403.10, 69403.11, 69403.12, 69403.13, 69403.14, 69403.15, 69403.16, 69403.17, 69404, 69404.1, 69404.2, 69404.3, 69404.4, 69404.5, 69404.6, 69404.7, 69404.8, 69404.9, 69404.10, 69405, 69405.1, 69405.2, 69405.3, 69405.4, 69405.5, 69405.6, 69405.7, 69405.8, 69406, 69406.1, 69406.2, 69406.3, 69407, 69407.1, 69407.2		03/15/12	ADOPT: 3939.43
			03/12/12	AMEND: 2922
			03/09/12	ADOPT: 3919.11
			02/29/12	ADOPT: 3939.42
			02/27/12	ADOPT: 3919.12
			02/15/12	ADOPT: 20, 21, 22, 23, 24, 25, 26, 27 AMEND: 4, 5, 5.1, 9, 10, 11, 12, 13, 14, 16, 17, 23 (re-numbered to 28), 103, 109, 110, Appendix A REPEAL: 20, 21, 22
			12/29/11	ADOPT: 862
			12/20/11	ADOPT: 3929.8
			12/19/11	ADOPT: 3939.40
		Title 25	03/13/12	ADOPT: 6932 REPEAL: 6932
			02/06/12	ADOPT: 597, 597.1, 597.2, 597.3, 597.4
			02/02/12	ADOPT: 3968
		Title 27	03/26/12	AMEND: 25705
			03/15/12	AMEND: 25705
			01/25/12	AMEND: 27001
			01/09/12	AMEND: 25705
		Title MPP	04/11/12	AMEND: 47-230, 47-240, 47-401
12/06/11	AMEND: 40741		03/15/12	AMEND: 25705