



California Regulatory Notice Register

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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. FAIR POLITICAL PRACTICES
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: Yucaipa-Calimesa Joint Unified School District School Project for Utility Rate Reduction (SPURR)
Napa Vallejo Waste Management Authority

A written comment period has been established commencing on **December 5, 2008**, and closing on **January 19, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention: Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **January 19, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.6, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Gypsy Moth Eradication Area as an emergency action that was effective on September 2, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 2, 2009.

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 Department 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 Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 19, 2009.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any

portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.6, subsection (a), was amended and established Alameda County as an eradication area for the gypsy moth, *Lymantria dispar*. The effect of this action was to establish authority for the State to conduct eradication activities in Alameda County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.6 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.6 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

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

COST IMPACT ON AFFECTED PRIVATE
PERSON OR BUSINESSES

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.

ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations

would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture 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 actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3591.6, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3591.6, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESSES

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/phpps/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department 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 amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PLUG-IN HYBRID ELECTRIC VEHICLE TEST PROCEDURE AMENDMENTS AND AFTERMARKET PARTS CERTIFICATION REQUIREMENTS ADOPTION

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider amendments to motor vehicle test procedures for exhaust emissions, evaporative emissions, and refueling emissions, and new requirements for certification of aftermarket conversion systems for plug-in hybrid electric vehicles.

DATE: January 22, 2009

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 22, 2009, and may continue at 8:30 a.m., January 23, 2009. This item may not be considered until January 23, 2009. Please consult the agenda for the meeting, which will be available at least ten days before January 22,

2009, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document and other related material can be made available in Braille, large print, audiocassette, or computer disk. For assistance, please contact ARB's Reasonable Accommodations/Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services, or go to <http://www.arb.ca.gov/html/ada/ada.htm>.

If you are a person with limited English and would like to request interpreter services to be available at the Board meeting, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to California Code of Regulations, title 13, section 1961, and the following test procedure incorporated by reference: "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted August 5, 1999, as last amended May 2, 2008; section 1962 and the following test procedure as renamed and incorporated by reference: "California Exhaust Emission Standards and Test Procedures for 2005 through 2008 Model Zero-Emission Vehicles, and 2001 through 2008 Model Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes," adopted August 5, 1999, as last amended December 19, 2003; section 1962.1 and the following test procedure as renamed and incorporated by reference: "California Exhaust Emission Standards and Test Procedures for 2009 and Subsequent Model Zero-Emission Vehicles, and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes,"; section 1976 and the following test procedure incorporated by reference: "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," adopted August 5, 1999, as last amended May 2, 2008; and section 1978 and the following test procedure incorporated by reference: "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," adopted August 5, 1999, as last amended May 2, 2008; and the adoption of a new section 2032, title 13, California Code of Regulations, and the incorporated "California Certification and Installation Procedures for Off-Vehicle Charge Capable Conversion Systems for 2000 and Subsequent Model Year Hybrid Electric Vehicles."

Background:

In 1990, the California Air Resources Board (ARB or the Board) adopted an ambitious regulation to significantly reduce the environmental impact of light-duty vehicles through the commercial introduction of zero emission vehicles (ZEV) into the California fleet. Over the years, the ZEV program has evolved to include hybrid electric vehicle (HEV) technologies among compliance options. The regulation includes certification standards and test procedures for HEV and ZEV technologies. The most recent changes to the ZEV regulation, considered in March 2008 included provisions that strongly encourage commercialization of plug-in HEVs (PHEV) or off vehicle charge capable (OVCC) HEVs. OVCC HEVs may charge on or off the electric power grid. In this hearing notice and the staff report, the term PHEV is used to refer to OVCC HEVs, that is, vehicles capable of charging on or off the grid.

This rulemaking focuses on adapting the current test procedures to address new configurations of PHEVs. Additional amendments in this rulemaking address HEV conversions and ZEV range testing. Aftermarket PHEV conversion system manufacturers (Conversion System Manufacturers) have developed products to convert existing HEVs to PHEVs. Certification requirements for PHEV conversion systems are proposed, as is an alternative all electric range (AER) determination for fuel cell vehicles (ZEV Range Test Procedures for Fuel Cell Electric Vehicles), based on fuel consumption.

Proposed Amendments and Adoptions:

Amend the Exhaust Test Procedures for Hybrid Electric Vehicles: To specifically address PHEVs, a new section is being included in the renamed "California Exhaust Emission Standards and Test Procedures for 2009 and Subsequent Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes" (Exhaust Test Procedures). This section includes a determination of an equivalent all electric range (EAER) and provides test procedures for more advanced PHEVs.

While the current Exhaust Test Procedures are appropriate for testing current HEVs and battery electric vehicles (EV), additional amendments are needed to clarify requirements for conventional HEVs and to provide for equivalency in results from EV and PHEV AER tests. In addition, current procedures are not adequate for testing PHEVs. The proposed changes more accurately determine the contribution of the electric drive and vehicle emissions from PHEVs.

Allow Alternative AER Test Procedures for Fuel Cell EVs: Staff proposes to supplement the current AER test for electric vehicles, which was designed for battery EVs, with a procedure more appropriate for fuel

cell EVs. Staff's proposal incorporates the newly revised Society of Automotive Engineers (SAE) J2572 "Recommended Practice for Measuring Fuel Consumption and Range of Fuel Cell and Hybrid Fuel Cell Vehicles Fueled by Compressed Gaseous Hydrogen." This SAE Recommended Practice addresses both hydrogen measurement challenges and decreases the duration of the current AER Test Procedures by calculating the vehicle range based on fuel consumption.

Amend the Evaporative Emission and Refueling Related Test Procedures for PHEVs: HEVs are currently certified to comply with ARB's evaporative emission standards according to the "California Evaporative Emission Standards and Test Procedures For 2001 and Subsequent Model Motor Vehicles" (Evap Test Procedures), and the "California Refueling Emission Standards and Test Procedures For 2001 and Subsequent Model Motor Vehicles" (ORVR Test Procedures). Much like the Exhaust Test Procedures, these procedures are adequate for testing current HEVs, but do not address the unique characteristics of PHEV technologies. The ability to recharge batteries without internal combustion (IC) engine operation offers exhaust emission benefits; however, the accurate determination of evaporative emissions decreases with decreased IC engine use. Accordingly, staff is proposing amendments to the current Evap and ORVR Test Procedures to ensure that the evaporative emissions of PHEVs are reasonably characterized for certification purposes to demonstrate compliance with the applicable evaporative emission standards.

Create a New Set of Certification Procedures for PHEV Conversion Systems: Staff is proposing to create a separate set of certification procedures to address conversions of HEVs to PHEVs. Certification of PHEV conversion systems will follow the same Exhaust, ORVR and Evap Test Procedures as described above. The addition of PHEV conversion requirements will ensure that the converted vehicle continues to meet the original emission standards under the warranty provided to the consumers.

COMPARABLE FEDERAL REGULATIONS

Currently, there are no comparable federal test procedures for PHEVs. There are no federal certification procedures for aftermarket PHEV conversion systems. There are no federal test procedures specific to fuel cell EV range.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regula-

tory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Initial Statement of Reasons for Proposed Rulemaking for Off-Vehicle Charge Capable Hybrid Electric Vehicles: Modifications to Test Procedures and Aftermarket Parts Certification Requirements."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on January 22, 2009.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Ms. Lesley Crowell, Air Resources Engineer, by email to lcrowell@arb.ca.gov or by phone at (916) 323-2913, or to Ms. Elise Keddie, Manager, ZEV Implementation Section, by email to ekeddie@arb.ca.gov or by phone at (916) 323-8974.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Ms. Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2008/phev09/phev09.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would create costs or savings to any state agency or in federal funding to the state, costs or mandate to any lo-

cal agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies. Under the proposal, ARB will incur costs for conducting the Exhaust and Evap Test Procedures for compliance testing of PHEVs. A detailed assessment of the cost impacts of the proposed regulatory action can be found in the ISOR.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action may affect small businesses. Independent testing facilities may need to upgrade equipment to perform additional testing. However, the costs associated with any upgrades would be passed along to manufacturers using the facilities.

The incremental costs associated with producing and certifying PHEVs is likely to be passed on to the consumer. Staff estimates the incremental cost to be less than \$5 to \$10 per vehicle.

Conversion System Manufacturers modifying vehicles outside of the original equipment manufacturer's (OEM) warranty will see a marginal increase in current costs of about \$200 for additional application costs. However, Conversion System Manufacturers modifying vehicles still under OEM warranty will be allowed to use the aftermarket certification process instead of recertifying the vehicle as a small volume manufacturer as currently required. As recertification costs are considerable, the proposed certification process will provide Conversion System Manufacturers with a substantial cost savings.

Cost savings are also anticipated for OEMs producing Fuel Cell EVs due to the reduction of required test cycles. The cost savings are difficult to calculate as they depend on the range of the vehicle: longer range vehicles will see larger cost savings as the number of test cycles is proportional to the range of the vehicle.

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

SUBMITTAL OF COMMENTS

The public may present comments orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written submissions not physically submitted at the meeting must be received **no later than 12:00 noon, January 21, 2009**, and addressed to the following:

Postal mail: Clerk of the Board,
Air Resources Board
1001 I Street, Sacramento,
California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in sections 39500, 39515, 39600, 39601,

39667, 43000, 43006, 43013, 43018, 43101, 43104, 43105, and 43107, Health and Safety Code. The action is proposed to implement, interpret, and make specific sections 39002, 39003, 39500, 39667, 43000, 43006, 43008.6, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43108, 43204, 43205, and 43205.5, Health and Safety Code; and sections 27156 and 39391, Vehicle Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE REGULATION FOR IN-USE OFF-ROAD DIESEL-FUELED FLEETS AND AN UPDATE ON STATUS OF IMPLEMENTATION OF THE REGULATION

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adopting amendments to its regulation for In-Use Off-Road Diesel-Fueled Fleets. This notice summarizes the specific amendments being proposed. At the hearing, the Board will also receive an update from staff on the status of implementation of the regulation, which will include a technology update report regarding diesel emission control strategies that have been verified by ARB. The staff report (Initial State-

ment of Reasons) presents the proposed amendments and information supporting the adoption of the amendments in greater detail, as well as the update.

DATE: January 22, 2009

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 22, 2009, and may continue at 8:30 a.m., January 23, 2009. This item may not be considered until January 23, 2009. Please consult the agenda for the meeting, which will be available at least 10 days before January 22, 2009, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document and other related material can be made available in Braille, large print, audiocassette, or computer disk. For assistance, please contact ARB's Reasonable Accommodations/Disability Coordinator at 916-323-4916 by voice or through the California Relay Services at 711, to place your request for disability services, or go to <http://www.arb.ca.gov/html/ada/ada.htm>.

If you are a person with limited English and would like to request interpreter services to be available at the Board meeting, please contact ARB's Bilingual Manager at 916-323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to California Code of Regulations, title 13, sections 2449(d)(4)(A), 2449(g)(1)(D), 2449(h)(8), 2449.1(a)(2)(A)5., and 2449.2(a)(2)(A)2.a.i., the regulation for In-Use Off-Road Diesel Vehicles.

Background:

At its July 26, 2007, public hearing, the Air Resources Board (Board or ARB) approved the regulation for In-Use Off-Road Diesel-Fueled Fleets (the in-use off-road regulation or regulation) with the adoption of California Code of Regulations, title 13, sections 2449 through 2449.3. The regulation is intended to reduce emissions of diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) from in-use off-road diesel vehicles that operate in California. The regulation will significantly reduce diesel PM and NOx emissions from the nearly 180,000 off-road diesel vehicles that operate in California, which is necessary to meet state and federal air quality standards. The regulation re-

quires fleet owners to accelerate turnover to cleaner engines and install exhaust retrofits. The regulation also supports the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, which was adopted by the Board on September 30, 2000.

On October 24, 2008, the Board released public notice that it would consider at its December, 2008 hearing two minor changes to the regulation as part of the regulatory package for the Proposed Regulation for In-Use On-Road Diesel Vehicles. As part of the regulatory package for the Proposed Regulation for In-Use On-Road Diesel Vehicles, staff has proposed to make two minor changes to the regulation: (1) clarify the low-use provisions, and (2) add all two engine cranes to the off-road regulation. The Board will still consider these changes at the December, 2008 hearing.

Applicability

The fleet requirements of the in-use off-road regulation apply to any person, business, or government agency who owns or operates within California any diesel-fueled or alternative diesel fueled off-road compression ignition vehicle engine with maximum power of 25 horsepower (hp) or greater that is used to provide motive power in a workover rig or to provide motive power in any other motor vehicle that (1) cannot be registered and driven safely on-road or was not designed to be driven on-road, and (2) is not an implement of husbandry or recreational off-highway vehicle. The regulation only addresses engines that drive self-propelled vehicles (i.e., it does not apply to stationary equipment or portable equipment like generators).

Fleet Requirements

In general, the regulation requires owners to modernize their fleets by replacing engines with newer, cleaner ones (repowering), replacing vehicles with newer vehicles equipped with cleaner engines, retiring older vehicles, operating higher emitting vehicles less often (designating them as low-use vehicles) or by applying exhaust retrofits that capture and destroy pollutants before they are emitted into the atmosphere. The regulation determines the date of compliance and the actions required based on the size of the fleet, splitting fleets into three categories: large fleets with over 5,000 horsepower, medium fleets with 2,501 to 5,000 horsepower, and small fleets with 2,500 horsepower or less.

Retrofits

To meet the diesel PM emission reduction requirements of the in-use off-road regulation, fleets have the option of meeting fleet average emissions targets, or installing the highest level verified diesel emission control strategy (VDECS or retrofit) on 20 percent of their maximum horsepower in each year of compliance. To assist fleets spread out the cost of compliance during the

early years of the regulation and to encourage retrofits prior to implementation of the regulation, fleets were granted double credit for all retrofits installed by March 1, 2009.

Description of Proposed Regulatory Action

Early Double Credit for Retrofits

Staff proposes to amend section 2449.2(a)(2)(A)2.a.i. to extend the deadline for double retrofit credit for fleets that have installed the highest level VDECS by 10 months from March 1, 2009 to January 1, 2010. The change would also provide double credits for VDECS ordered by September 1, 2009 even if manufacturer or installer delays cause their installation to be delayed beyond January 1, 2010. Staff recommends this extension because exhaust retrofits have become verified slower than anticipated since the July 2007 Board Hearing, leaving many fleets unable to take full advantage of the early credit provisions. The ability of fleets to take advantage of the double retrofit credit provision was important during the Board's consideration and approval of the regulation, as it provides an important mechanism for fleets to use to reduce their costs during the initial years of the regulation. The change would provide additional time for manufacturers of diesel emission control strategies to submit and verify new off-road retrofit applications, as well as additional fleets to purchase and install VDECS that have been recently verified.

Fleet Size Changes

Staff proposes to amend section 2449(d)(4)(A) to remove the provision that requires a small fleet that becomes a medium or large fleet, and then subsequently becomes a small fleet again, to continue meeting the medium or large fleet requirements for the next two reporting years after returning to small fleet status. This provision was initially developed to prevent fleets from potentially circumventing the regulation by growing and shrinking their fleet and remaining subject to only the small fleet requirements. However, staff has determined that, in practice, application of the provision is too complex and potentially confusing for affected fleets, especially in those situations where a fleet's size may change frequently over time. Staff believes that such complexity and potential confusion far outweighs the potential for fleets to abuse the changing fleet size provisions.

Recordkeeping Requirements for Disclosure of Applicability

Staff also proposes that section 2449(h)(8) be amended to clarify that the section applies to both sellers and dealers of off-road vehicles, and that both sellers and dealers must maintain records of the disclosure of regulation applicability. The record retention requirements currently require that only dealers must

maintain records of the disclosure of the regulation applicability. However, since section 2449(j) applies to any person in California selling a vehicle with an engine subject to the regulation and that the seller is required to include a disclosure of applicability, staff believes it is necessary to clarify that the record retention requirements of disclosure apply to any person that sells a vehicle, and not just to dealers.

Turnover Delay for Tier 1

Staff is proposing to amend section 2449.1(a)(2)(A)5. to clarify the turnover exemption for Tier 1 or higher engines. The original intent of this provision was to exempt Tier 1 vehicles from the turnover requirements only through March 1, 2012, and that these vehicles would have to meet the March 1, 2013 compliance deadline — that is a fleet may have to turn over their Tier 1 vehicles between March 1, 2012 and February 28, 2013, provided that all Tier 0 vehicles in the fleet owner’s fleet not qualifying for exemption have already been turned over. Staff is proposing to clarify this language by stating that all vehicles with a Tier 1 or higher engine are exempt from the turnover requirement until the compliance year ending March 1, 2013 (i.e., the first turnover of Tier 1 or higher engines would be required between March 2, 2012 and March 1, 2013).

VDECS Reporting

Staff is proposing to amend section 2449(g)(1)(D) to require reporting of the VDECS family name and serial number, rather than the VDECS model. During development of the reporting system for the regulation, staff determined that just the VDECS model does not provide specific enough information to determine if a device was verified for a particular engine at the time of installation. Instead, the VDECS family name is necessary for this purpose. The VDECS serial number is also important to enable ARB enforcement to track a particular device should there be some question regarding the proper functioning of that device. Including VDECS serial number data in DOORS will also facilitate transfer of that information to the buyer should a vehicle with a VDECS be sold.

COMPARABLE FEDERAL REGULATIONS

The United States Environmental Protection Agency (U.S. EPA) has promulgated federal emission standards for new non-road engines. However, no federal standards have been promulgated addressing emission reductions from in-use diesel vehicle engines.

Under section 209(e)(2), California may adopt and enforce emission standards and other requirements for off-road engines and equipment not expressly subject to federal preemption, so long as California applies for

and receives authorization from the Administrator of U.S. EPA. California’s request for authorization was submitted on August 12, 2008, and on October 27, 2008, the U.S. EPA conducted a hearing regarding California’s request for authorization for the in-use off-road regulation; the request is presently pending.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: “Proposed Amendments to the Regulation for In-Use Off-Road Diesel Vehicles and Implementation Update.”

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB’s web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on January 22, 2009.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB’s web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Kim Heroy-Rogalski, Manager of the Off-road Implementation Section at (916) 327-2200, or Ms. Elizabeth Yura, Air Resources Engineer, at (916) 323-2397.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2009/ordies109/ordies109.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

Costs to State Government and Local Agencies

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer

has prepared an estimate in accordance with instructions adopted by the Department of Finance, and determined that the proposed regulatory action would not create overall costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies.

The proposed modification to extend early double credit would provide fleets additional time to install early VDECS, and thereby the opportunity to accumulate additional credits and spread out their compliance costs over several years, without increasing or decreasing the total cost of the regulation. The ability to spread out initial compliance costs will benefit the state, federal, and larger municipal fleets whose first compliance date is March 1, 2010, more than local municipalities that are small or medium fleets, because their earlier first compliance dates mean their need for early credit is more urgent.

Effect on Private Persons and Businesses

Pursuant to Government Code section 11346.5(a)(9), ARB has evaluated the potential economic impacts on representative private persons or businesses and the Executive Officer has determined that a representative private person and business would incur minimal, if any, cost impacts because of the proposed amendments. The only amendment that would potentially result in additional costs is including all sellers in the disclosure retention provision. However, the cost of retaining such records is expected to be negligible. In addition, it was staff's original intent to include all sellers in the disclosure requirements, and thus any additional cost of maintaining these records was accounted for in the statewide cost analysis for the in-use off-road regulation when it was originally adopted.

As discussed previously, the proposed modification to extend early double credit is not expected to result in any additional costs or savings on businesses overall. Instead, it will provide a benefit to them by enabling fleets additional time to install early VDECS, and thereby accumulate credit that will enable them to spread out their compliance costs in later years.

The Executive Officer has also determined, pursuant to CCR, title 1, section 4, that the proposed regulatory action may affect small businesses.

Effect on State Economy

Pursuant to Government Code section 11346.5(a)(8), the Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California

businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code sections 11346.5(a)(10) and 11346.3(b), the Executive Officer has further determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action and its effect on California businesses can be found in the ISOR.

Consideration of Alternatives

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

SUBMITTAL OF COMMENTS REGARDING PROPOSED REGULATORY ACTION

The public may present comments relating to the proposed amendments orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, January 21, 2009**, and addressed to the following:

Postal mail: Clerk of the Board
Air Resources Board
1001 I Street
Sacramento, California
95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>
The list name is: **ordiesl09**

{NOTE: Comments submitted here should be for the regulatory action ONLY}

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least ten days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

For comments to the update on status of implementation of regulation for in-use off-road diesel vehicles please see the last page of this notice. Comments submitted to the link above should be for the proposed regulatory action only.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code sections 39600, 39601, 39602.5, 39667, 43013, and 43018. This action is proposed to implement, interpret and make specific California Code of Regulations, title 13, sections 2449, 2449.1, and 2449.2.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory amendments as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

NON-REGULATORY UPDATE ON STATUS OF IMPLEMENTATION OF REGULATION FOR IN-USE OFF-ROAD DIESEL VEHICLES AND SUBMITTAL OF COMMENTS

At the hearing, the Board will also receive a status update on implementation of the regulation. The update is described in the aforementioned staff report describing

the proposed regulatory amendments. The public may present comments orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, January 21, 2009**, and addressed to the following.

Postal mail: Clerk of the Board
Air Resources Board
1001 I Street
Sacramento, California
95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>
List name: **ordieslnr**

{NOTE: Comments submitted here, should be for the non-regulatory status update ONLY}

Facsimile submittal: (916) 322-3928

At the Board meeting, the Board may direct staff to develop additional modifications to the regulation to be considered at a later Board hearing. If directed to do so, ARB will prepare a separate notice of proposed rule-making that will be published not less than 45 days before the scheduled hearing date.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 790, 818.02, and 827.02 in Subdivision 4 of Title 14 of the California Code of Regulations (CCR). These sections pertain to Definitions and Oil Spill Contingency Plans.

PUBLIC HEARING

Two public hearings have been scheduled at which any interested party may present statements orally or in writing, about this proposed regulatory action. The hearings will continue until all testimony is completed, and they will be held as follows:

Date: January 22, 2009
Bay Model Visitor's Center
2100 Bridgeway
Sausalito, California
10 a.m.

Date: January 27, 2009
Port of Long Beach
Administration Building
925 Harbor Plaza
6th Floor Board Room
Long Beach, California
10 a.m.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on January 27, 2009, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.28 grants the Administrator of OSPR the authority to adopt regulations and guidelines for oil spill contingency plans. These regulations implement, interpret and make specific Government Code Sections 8670.28 through 8670.31.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990)

(Act), created a comprehensive state oil spill program for California's marine waters. Among its many provisions, it required the adoption of regulations requiring oil spill contingency plans and establishing financial responsibility requirements for tank vessels, nontank vessels, and marine facilities.

Following the enactment of the above-cited legislation, and the establishment of the Office of Spill Prevention and Response (OSPR), regulations governing oil spill contingency plans and financial responsibility were adopted. These sections establish clear and consistent guidelines to those parties either affected by their adoption or charged with their enforcement. These regulations were necessary to implement, interpret and make specific Government Code Sections 8670.28 through 8670.31.

These contingency plans are to be used in the response effort in the event of a discharge of oil into the marine waters of the state. The Act authorizes the Administrator to require that all necessary prevention measures are taken, and that sufficient response capability is available. Additionally, the Administrator is required to establish regulations and guidelines that provide for the best achievable protection of the coastal and marine resources, and ensure that all areas of the coast are protected by prevention, response, containment and clean-up equipment and operations.

The proposed amendments to the regulations are needed to advise owners and operators of tank vessels and nontank vessels of the Administrator's continuing responsibility to attain best achievable protection of California's coastal resources and marine waters. To this end, on-water recovery response times have been shortened, and containment requirements have been added to High Volume Port areas to improve oil containment and recovery in these high vessel traffic areas. Other changes have been proposed, including the consolidation of the current on-water recovery requirements into a table format.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING
THE PROPOSED ACTION

Mandate on local agencies and school districts:
NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

OSPR has made an initial determination that these amendments will not result in significant additional costs to private persons or directly affected businesses.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant state-wide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS
CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF DOCUMENTS
AND OSPR CONTACT PERSON

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all

the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

The Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address, under the "Regulations Under Review" link:

<http://www.dfg.ca.gov/ospr/law>

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Chris Klumpp ((916) 322-1195).

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3650, 3651, 3652, 3653, and 3654 in the California Code of Regulations (CCR), Title 15 concerning adult parole and registration.

PUBLIC HEARING

Date and Time: February 5, 2009 — 9:00 a.m. to 10:00 a.m.
Place: Corrections Standards Authority
Large Conference Room
660 Bercut Drive, West Entrance
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, February 5, 2009, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR,

Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 341-7366; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 341-7390**

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

**Randy Marshall
Regulation and Policy Management Branch
Telephone (916) 341-7390**

Questions regarding the substance of the proposed regulatory action should be directed to:

**William Dunkak
Division of Adult Parole Operations
Telephone (916) 327-1136**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None*
- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations 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.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

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 as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The

proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action adopts reserved Article 13, Registration, and its sections under the recently reorganized Subchapter 6, Parole, under Chapter 1 of the California Code of Regulations, Title 15, Division 3.

- This action, which is necessary for clarification and directive, adopts provisions governing the registration requirements for adult parolees pursuant to the following PC and Health and Safety Code (H&SC) Sections:
 - PC Section 186.30 (Gang Offenders)
 - PC Sections 290 and 290.85 (Sex Offenders)
 - PC Section 457.1 (Arson Offenders)
 - H&SC Section 11590 (Drug Offenders).
- These proposed amendments are necessary to ensure that parolees, who are required to register, fully understand his or her requirements and responsibilities.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt sections 3123 and 3124 of Subchapter 2, Chapter 1 of Title 15, Division 3, of the California Code of Regulations (CCR), and the amendment of sections 3041.3, 3122, 3162, and 3164, concerning inmate law libraries.

PUBLIC HEARING

- Date and Time: **January 20, 2009, 9:00 a.m. to 10:00 a.m.**
- Place: Corrections Standards Authority
Large Conference Room
660 Bercut Drive, West Entrance
Sacramento, CA 95814
- Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **January 20, 2009, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 341-7366; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 341-7390**

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

**John McClure
Regulation and Policy Management Branch
Telephone (916) 341-6894**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Troy Fennel
Principle, Office of Correctional Education
Telephone (916) 327-5311**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS 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.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has initially determined that the proposed regulations 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.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

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 as effective and less burdensome to affected private persons, than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES
TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action adopts provisions that will provide guidance to the prison law libraries about the extent to which inmates are provided with law library access to satisfy their constitutional right to meaningful access to the courts, as well as provide much needed clarification about inmate access to the law libraries for those inmates that have been designated as having Priority Legal User status.

- This action will encode into regulations the federal court order in *Gilmore v. Lynch* listing the materials that the CDCR law libraries must maintain. Also, *Gilmore* mandated that law library materials are increasingly made available to inmates by computer on the Law Library Electronic Delivery System.
- This action will amend existing regulations to offer guidance to the law libraries about the extent they must duplicate legal documents for inmates that are intended for a court. This action will also set out lawful standards on legal duplication for indigent inmates. This action is necessary to ensure consistency in the CDCR and to manage costs and resources to the state associated with legal duplication services.

**TITLE 16. STRUCTURAL PEST
CONTROL BOARD**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites Hotel Napa Valley, 1075 California Blvd., Napa, CA, at 9:00 a.m. on January 23, 2009. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office no later than 5:00 p.m. on January 21, 2009 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 8525 of the Business and Professions Code, and to implement, interpret or make specific sections 8505, 8525, 8590, 8590.1, 8593, and 8593.1 of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

1. Adopt 1950.1 Armed Services Exemption

Business and Professions Code section 8590 states that a field representative or operator shall renew his or her license by 12 midnight on June 30 every three years. Business and Professions Code section 8590.1 states that a registered applicator shall renew his or her license by 12 midnight every three years from the date of issue. Business and Professions Code section 8591 states that a licensee has a delinquency period of three months and after three months, a new license must be obtained. Business and Professions Code sections 8590.1 and 8593.1 state that the Board shall require, as a condition to license renewal, the completion of continuing education courses.

The specific objective of this regulation is to provide an exemption to individuals who fail to renew their license due to their participation in the United States armed services. The exemption would authorize a one-year extension from the date of discharge to comply with the continuing education requirements.

2. Amend 1984 Structural Integrated Pest Management

Business and Professions Code Section 8505 defines structural pest control as any work for the purpose of eliminating, exterminating, controlling or preventing infestations or infections of household pests. The specific objective of this amendment is to correct the recently adopted language to reflect the actual language that had been recommended to the Structural Pest Control Board. The current language in regulation represents an earlier definition of Integrated Pest Management that was inadvertently noticed for public hearing.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

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

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

The Structural Pest Control 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.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

Section 1950.1 will have no affect on small businesses, as the proposal would provide an exemption to licensees who serve in the armed services.

Section 1984 will have no affect on small businesses because the proposal is correcting a word that had been incorrectly included in the final definition that was presented to the Structural Pest Control Board.

CONSIDERATION OF ALTERNATIVES

The Structural Pest Control 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 than the proposal described in this Notice.

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 2005 Evergreen Street, Suite 1500, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Ryan Vaughn
Address: 2005 Evergreen Street, Suite
1500
Sacramento, CA. 95815
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Ryan_Vaughn@dca.ca.gov

The backup contact person is:

Name: Susan Saylor
Address: 2005 Evergreen Street, Suite
1500
Sacramento, CA. 95815
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Susan_Saylor@dca.ca.gov

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

TITLE 17. AIR RESOURCES BOARD

**NOTICE OF PUBLIC HEARING TO
CONSIDER THE ADOPTION OF A PROPOSED
REGULATION FOR SMALL CONTAINERS OF
AUTOMOTIVE REFRIGERANT**

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider the adoption of a proposed regulation for small containers of automotive refrigerant.

DATE: January 22, 2009

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 am., January 22, 2009, and may continue at 8:30 am., January 23, 2009. This item may not be considered until January 23, 2009. Please consult the agenda for the meeting, which will be available at least ten days before January 22, 2009, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document and other related material can be made available in Braille, large print, audiocassette, or computer disk. For assistance, please contact ARB's Reasonable Accommodations/Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services, or go to <http://www.arb.ca.gov/html/ada/ada.htm>.

If you are a person with limited English and would like to request interpreter services to be available at the Board meeting, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of California Code of Regulations, title 17, new Subchapter 10, Article 4, Subarticle 4. Small Containers of Automotive Refrigerant, sections 95360, 95361, 95362, 95363, 95364, 95365, 95366, 95367, 95368, 95369, and 95370, and the proposed adoption of the incorporated documents: "Certification Procedures for Small Containers of Automotive Refrigerant", "Test Procedure for Leaks from Small Containers of Automotive Refrigerant" (TP-503), and "Balance Protocol for Gravitric Determination of Sample Weight using a Precision Analytical Balance" (BP-A1).

Background:

The California Global Warming Solutions Act of 2006 (Assembly Bill 32, AB 32, Núñez, Ch. 486, Stats. 2006) creates a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 also requires the Air Resources Board (ARB or Board) to identify a list of discrete early action greenhouse gas reduction measures by June 30, 2007, and to adopt regulations to implement listed early action measures. These early action measures must be enforceable no later than January 1, 2010. Early action measures must also achieve the maximum technologically feasi-

ble and cost-effective reductions in GHGs from sources or categories of sources.

In 2007, the Board approved an early action measure to reduce GHG emissions resulting from non-professional (i.e., do-it-yourselfer [DIYer]) recharging of motor vehicle air conditioning (MVAC) systems. ARB staff has worked closely with stakeholders and has developed the proposed discrete early action measure to reduce GHG emissions associated with DIY recharging of MVAC systems. The proposed regulation establishes requirements for the small containers of automotive refrigerants and on the sale, use, and disposal of those containers when the refrigerant in them has a global warming potential greater than 150. These new requirements will help reduce GHG emissions generated from current DIY practices.

HFC-134a is a hydrofluorocarbon (HFC) that is, and has been, the predominant refrigerant used in MVAC systems manufactured since 1995. HFC-134a is not an ozone-depleting substance, but is a potent GHG that has a global warming impact 1,300 times greater than carbon dioxide (CO₂). A single 12-ounce container of this refrigerant is equivalent to 1,000 lbs of CO₂, or roughly the carbon dioxide emissions emitted from an automobile burning 50 gallons of gasoline. Approximately two million small containers of automotive refrigerant are sold annually in California, and an estimated 810,000 metric tons of carbon dioxide equivalent (MTCO₂E) are emitted each year as a result of DIY practices.

Currently, most small containers of automotive refrigerant are not equipped with self-sealing valves. Consequently, when a user punctures a container with a dispensing device to recharge a MVAC system, the refrigerant is either transferred into the MVAC system, released to the atmosphere, or remains in the container. The refrigerant remaining in the can, called the can heel, is eventually released to the atmosphere when the can is discarded. Staff estimates that 33 percent of the refrigerant is released to the atmosphere when DIYers recharge MVAC systems.

A DIYer saves money by recharging his or her MVAC system with small containers of refrigerant compared to having a professional service the MVAC, because small containers typically cost \$10 per container, compared to over one hundred dollars that professionals may charge to diagnose and recharge a MVAC. However, DIYers may not properly identify or repair repairable leaks because they lack the training and/or equipment possessed by MVAC technicians. Furthermore, DIYers may also unintentionally release more refrigerant than if the recharges were performed by trained and certified MVAC technicians at a licensed auto repair facility. Staff estimates that 1.4 million DIY recharges are performed annually in California.

DESCRIPTION OF THE PROPOSED REGULATORY ACTION

The proposed regulation would be effective as of January 1, 2010, and utilizes a multi-pronged approach that is comprised of the following major components:

- A certification program that would require manufacturers to equip small containers of automotive refrigerant with self-sealing valves and to demonstrate compliance with the designed leak rate. These requirements would help reduce losses occurring during DIY servicing, and would help capture can heels in used containers.
- A container deposit and return program to recover and recycle the can heel in used containers. Consumers would pay a \$10 deposit at the time of purchase, and would return a used container to the retailer within 90 days of purchase to receive a full refund of the deposit. The disposal or destruction of a container of refrigerant would be prohibited to ensure that used containers would be returned to retailers and manufacturers. Retailers would store and transfer the used cans back to manufacturers, who would then recover and reclaim the refrigerant remaining in the containers. Manufacturers are presently already recovering refrigerant from dented containers using existing container-filling equipment. The regulation establishes an initial target recycle rate of 90 percent that increases to 95 percent beginning January, 2012. Staff would determine the recycle rate from manufacturer submitted records, and the regulation would allow the Executive Officer to revise the deposit fee if the container return rate falls below the targeted rate.
- Container labeling and consumer education requirements to promote consumer education of proper MVAC system charging practices, and to inform consumers of the environmental consequences associated with the improper use of refrigerant, and of the container deposit and return program. These requirements would help DIYers reduce refrigerant losses that result from improper servicing techniques.
- Recordkeeping requirements to enable staff to determine the effectiveness of the regulation and to monitor and ensure compliance with the regulation's requirements.

Environmental and Economic Impacts

The proposed regulation achieves GHG emissions reductions of about 260,000 MTCO₂E per year, at an estimated cost effectiveness of \$11/MTCO₂E.

Manufacturers are expected to amortize their compliance costs to consumers, which would increase the retail unit cost of a small container of refrigerant by

about \$1. Consumers would also be required to pay an additional \$10 deposit per container, but this amount would be fully refunded if the consumer returned the used container within 90 days and with a receipt to the place of purchase.

The proposed regulation achieves emission reductions at a minimal cost compared to the regulatory alternative of banning the sale of small containers of automotive refrigerant, and can serve as a model regulatory approach for other states.

COMPARABLE FEDERAL REGULATIONS

Although the Federal Clean Air Act (CAA) and U.S. Environmental Protection Agency regulations generally regulate certain aspects regarding the usage of non-ozone depleting refrigerants used in MVAC systems, they do not currently restrict or regulate the sales or usage of small containers of non-ozone-depleting automotive refrigerant. Therefore, the proposed regulation would establish more stringent requirements than comparable federal regulations.

Section 609(e) of the federal Clean Air Act (CAA) [42 U.S.C. § 7671 h(e)] and Title 40, Code of Federal Regulations (CFR) section 82.34(b) have restricted, as of November 15, 1992, the sale, distribution, or offer for sale or distribution of ozone-depleting refrigerants that are suitable for use in motor vehicle air-conditioning systems and that are in containers with less than 20 pounds of refrigerant, except to those technicians that have been trained and certified pursuant to an EPA-approved course. On March 12, 2004, the U.S. EPA decided not to extend a proposed restriction on the sale of small containers of pure HFC or PFC refrigerants to certified technicians.

Section 608(c)(2) of the CAA [42 U.S.C. § 7671g(c)(2)] has generally prohibited any person from venting or releasing any substance that is used as a substitute for an ozone-depleting refrigerant into the atmosphere since November 15, 1995. In 2004, the U.S. EPA amended its regulations regarding refrigerant recycling to clarify that the section 608(c)(2) venting ban also extends to pure HFC and perfluorocarbon (PFC) refrigerants.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled "Initial Statement of Reasons for Rulemaking, Proposed Regulation for Small Containers of Auto-

motive Refrigerant." A Technical Support Document has also been prepared which contains a more detailed presentation of the emissions and economic impact of the proposed regulation.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on January 22, 2009.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Dr. Tao Huai, Manager of the Climate Change Mitigation and Emissions Research Section, at (916) 324-2981 or Mr. Winston Potts, P.E., Air Resources Engineer, Climate Change Mitigation and Emissions Research Section, (916) 323-2537.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Ms. Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2009/hfc09/hfc09.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5), the Executive Officer has determined that the proposed regulation would not impose a mandate on local agencies or school districts. The Executive Officer has further determined pursuant to Government Code section 11346.5(a)(6) that the proposed regulation would result in some additional costs to ARB. In addition, the Executive Officer has determined that the proposed regulatory action would not create costs or

savings in federal funding to the state, would not create costs or savings to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, and would not result in other nondiscretionary costs or savings to state or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses, and has determined that those private persons that purchase small containers of automotive refrigerant to recharge their own MVAC systems (estimated at 1.4 million Californians) would incur additional costs as a result of this regulation. Specifically, the retail cost of a small container of automotive refrigerant would increase by \$1 on average. The average retail price of a small container is approximately \$10, so this estimated price increase only represents a ten percent increase over current prices. Consumers would also be required to pay an additional \$10 deposit per container, but this amount would be fully refunded if the consumer returned the used container within 90 days and with a receipt to the place of purchase.

Manufacturers of small containers of automotive refrigerant would incur additional costs as a result of the proposed regulation, but are expected to amortize these costs into the retail price of small containers. In addition, manufacturers would be able to offset some of these costs with the value of refrigerant that they would recapture under the proposed container recycling component of the proposed regulation.

Both manufacturers and retailers would incur costs associated with the proposed recordkeeping and other administrative components of the proposed regulation, but such costs should be minimal.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action could affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. Jobs are not expected to be lost as a result of the proposed regulatory action, but rather some jobs may be created in order for manufacturers to comply with the proposed container recycling provisions. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to the California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. Small retailers such as automotive parts stores would incur increased costs resulting from the proposed administrative requirements for recordkeeping, handling container deposit funds, and storing and returning used cans for recycling, but these cost increases should be minimal because most of these activities are already conducted by retailers as part of their normal daily business. Some retailers that do not predominately sell automotive products may decide to stop selling the product, because their projected profit from selling small containers of refrigerant would not compensate them for incurring the additional costs resulting from the proposed regulation.

Small MVAC service centers that purchase small containers of refrigerant would incur the same increased costs as consumers (\$1 per container). These additional costs should be minimal because it is estimated that only 5 percent of small cans are sold to professional MVAC servicing centers, and these service centers would likely pass these additional costs onto their consumers.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

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

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written comments submissions not physically submitted at the meeting must be received **no later than 12:00 noon, January 21, 2009**, and addressed to the following:

Postal mail:	Clerk of the Board
	Air Resources Board
	1001 I Street
	Sacramento, California
	95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least ten days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 38501, 38505, 38510, 38550, 38551, 38560, 38560.5, 38580, 39600, and 39601. This action is proposed to implement, interpret and make specific sections 38501, 38505, 38510, 38550, 38551, 38560, 38560.5, 39003, 39500, 39600, and 39601 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Envi-

ronmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

**DEPARTMENT OF HEALTH
CARE SERVICES**

NOTICE OF GENERAL PUBLIC INTEREST

**THE DEPARTMENT OF HEALTH
CARE SERVICES WILL REVISE
METHODOLOGY FOR OUTPATIENT
HOSPITAL FACILITY SERVICES**

This notice is to provide information of public interest with respect to Federal Rule CMS–2213–F: Medicaid Program, Clarification of Outpatient Hospital Facility (Including Outpatient Hospital Clinic) Services Definition.

The federal Centers for Medicaid and Medicare Services (CMS) published the Final Rule 2213–F in Federal Register Vol. 73, No. 217, Friday, November 7, 2008. This rule requires the Department of Health Care Services to revise its reimbursement methodology for outpatient hospital services.

According to CMS, the final rule aligns the Medicaid definition of outpatient hospital services more closely to the Medicare definition in order to improve the functionality of the applicable upper payment limits, which are based on a comparison to Medicare payments for the same services, provides more transparency in determining hospital coverage availability in any state, and clarifies the scope of services for which Federal financial participation is available under the outpatient hospital services benefit category.

It is the Department’s intention to amend California’s Medicaid State Plan to comply with the above-described rule.

PUBLIC REVIEW AND COMMENTS

The federal rule discussed above is available for public review at local county welfare offices throughout the State. A copy of the federal rule may also be requested in writing from Linda Machado, Chief, Professional Provider Unit; Department of Health Care Services; Medi-Cal Benefits, Waiver Analysis, and Rates Division; MS 4612; P.O. Box 997413; Sacramento, CA 95899–7413. Comments may also be submitted to Ms. Machado at the above address.

**OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING/BUSINESS
MEETING
OF THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

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 and Business Meeting:

PUBLIC

MEETING: On **January 15, 2009**, at 10:00 a.m. in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California 92101.

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.

BUSINESS

MEETING: On **January 15, 2009**, following the Public Hearing, in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California 92101.

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.

**DEPARTMENT OF HEALTH
CARE SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST
The California Department of Health Care Services
Skilled Nursing Facility Quality Workgroup
Meeting Information**

Information about the Skilled Nursing Facility (SNF) Quality Workgroup is available at the Department of Health Care Services (DHCS) web site page at www.dhcs.ca.gov/services/medi-cal/Pages/SNFQualityWorkgroup.aspx

Questions can be e-mailed to snfquali@dhcs.ca.gov

Attached you will find the agenda for the December 1, 2008, and December 17, 2008 Skilled Nursing Facility Quality Workgroup meeting. Both meetings will be held at:

10:15 a.m. – 3:15 p.m.
University of Southern California State Capitol
Center
1800 I Street, Sacramento, CA 95814

**SKILLED NURSING FACILITY QUALITY
WORKGROUP AGENDA**

Monday, December 1, 2008
10:15 a.m. – 3:15 p.m.
University of Southern California State
Capitol Center
1800 I Street, Sacramento, CA 95814

Call-in information is as follows:
Dial in Number 1-866-820-6817
Participant Pass code 8064905

Welcome	Monique Parrish (MP), Facilitator
Review agenda	MP
Review summary of 11/24/08 meeting	MP
Status of outstanding issues/requests	MP
Public comment	MP
CA Dept. of Public Health Presentation: “Status of January 1, 2009 Report” with question and answer period	MP
Public comment	MP
Continue discussion and Refinement of Objectives 1 & 2 and begin discussion of Objective 3	
Objective 1: Identify information needed to make recommendations to the Department of Health Care Services for the Legislative Report	
Objective 2: Define a process for reviewing information and making recommendations	
Objective 3: Establish a process for reviewing the final set of recommendations for the workgroup summary report, with public input	MP
Public comment	MP
Develop meeting agenda for December 17, 2008 meeting	MP
Public comment	MP
Closing remarks and meeting evaluation	MP
Public comment	MP
Adjournment	
Notes: Morning and afternoon breaks will be included as part of this agenda. A working lunch will occur — lunch is provided for the Workgroup only.	

**SKILLED NURSING FACILITY QUALITY
WORKGROUP AGENDA**

Wednesday, December 17, 2008
10:15 a.m. to 3:15 p.m.
University of Southern California State Capitol
Center
1800 I Street Sacramento, CA 95814

Call-in information is as follows:
Dial in Number 1-877-917-7131
Participant Pass code 1629

- Welcome Monique Parrish (MP), Facilitator
- Review agenda MP
- Review summary of 12/01/08 meeting MP
- Status of outstanding issues/requests MP
- Public comment MP
- Information Requests Presentations MP
- Public comment MP
- Continue discussion and Refinement of Objectives 1 & 2 & 3: MP
 - Objective 1:** Identify information needed to make recommendations to the Department of Health Care Services for the Legislative Report
 - Objective 2:** Define a process for reviewing information and making recommendations
 - Objective 3:** Establish a process for reviewing the final set of recommendations for the workgroup summary report, with public input
- Public comment MP
- Develop meeting agenda for January 12, 2009 meeting MP
- Public comment MP
- Closing remarks and meeting evaluation MP
- Public comment MP
- Adjournment

Notes:
Morning and afternoon breaks will be included as part of this agenda. A working lunch will occur — lunch is provided for the Workgroup only.

NEXT MEETING: January 12, 2009 10:15 a.m.–3:15 p.m.

Opportunities for public comment will be provided throughout the agenda. If you wish to speak, place your name on the sign-in list. If you participate by phone, the facilitator and/or operator will provide instructions for making your comment. Prior to making your comments, please state your name for the record and identify any group or organization you represent. Depending on the number of individuals wishing to address the workgroup, the facilitator may establish specific time limits on presentations.

For individuals with disabilities, the Department of Health Care Services will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of training or meeting materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write:

Jennifer Lovett
Civil Rights Office
Department of Health Care Services
Phone: (916) 323-2412
California Relay Service for the hearing impaired:
771/1-800-735-2929
Email: Jennifer.Lovett@dhcs.ca.gov

Please make your request for assistive services at least seven days in advance of the meeting.

**DEPARTMENT OF HEALTH
CARE SERVICES**

NOTICE OF GENERAL PUBLIC INTEREST

**THE DEPARTMENT OF HEALTH CARE
SERVICES WILL REMOVE SMALL AND
RURAL HOSPITALS FROM THE TEN
PERCENT PAYMENT REDUCTION**

This notice is to provide information of public interest with respect to the implementation of the 10 percent Medi-Cal provider payment reduction mandated by Welfare and Institutions (W&I) Code sections 14105.19 and 14166.245, provided in the Budget Trailer Bill of 2008.

Assembly Bill 1183, which was signed into law on September 30, 2008, added W&I Code section 14105.19, subdivision (b)(4), which provides that the 10 percent provider payment reduction was to be applied to small and rural hospitals only from July 1, 2008, through October 31, 2008. Assembly Bill 1183 also added W&I Code section 14166.245, subdivision (g), which exempts small and rural hospitals from the ten

percent payment reduction for dates of service on or after November 1, 2008.

PUBLIC REVIEW AND COMMENTS

The California statutes that prescribe the changes discussed above are available for public review at local county welfare offices throughout the State. A copy of the California statutes discussed above may also be requested in writing from Linda Machado, Chief, Professional Provider Unit; Department of Health Care Services; Medi-Cal Benefits, Waivers Analysis, and Rates Division; MS 4612; P.O. Box 997413; Sacramento, CA 95899-7413. Comments may also be submitted to Ms. Machado at the above address.

**PUBLIC EMPLOYEES’
RETIREMENT SYSTEM**

**PROPOSED ADOPTION OF ARTICLE 6.5,
SECTIONS 578 THROUGH 578.1
OAL NOTICE FILE NUMBER Z-2008-1007-05
REGISTER 2008, NO. 42-Z, OCTOBER 17, 2008**

**NOTICE OF RESCHEDULED
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees’ Retirement System (CalPERS) has rescheduled the public hearing regarding the above referenced regulatory action pertaining to the Determination of “Employee” Status, from the originally noticed date and time of the regularly scheduled meeting of the Benefits and Program Administration Committee of the CalPERS Board, December 17, 2008, at 9:00 a.m.

Comments on the proposed action will be taken at a public hearing to be placed on the agenda of the rescheduled meeting of the CalPERS Benefits and Program Administration Committee:

**December 16, 2008
8:30 a.m.**

California Public Employees’ Retirement System
Lincoln Plaza North, Auditorium
400 P Street
Sacramento, California 95814

Please direct inquiries concerning the hearing to:

Joe Parilo, Acting Regulations Coordinator
California Public Employees’ Retirement System
P.O. Box 942702
Sacramento, California 94229-2702

Telephone: (916) 795-3484
Fax: (916) 795-4607
E-mail: joe_parilo@calpers.ca.gov

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**CHEMICALS UNDER CONSIDERATION
FOR POSSIBLE LISTING VIA THE
AUTHORITATIVE BODIES MECHANISM:
REQUEST FOR RELEVANT INFORMATION
December 5, 2008**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act), which is codified as Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act describes the mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8).

One mechanism by which a chemical is listed is if a body considered to be authoritative by the state’s qualified experts has formally identified it as causing cancer or reproductive toxicity. For carcinogenicity, the U.S. Environmental Protection Agency (U.S. EPA), the International Agency for Research on Cancer (IARC), the National Toxicology Program (NTP), the U.S. Food and Drug Administration (FDA), and the National Institute for Occupational Safety and Health (NIOSH) have been identified as authoritative bodies for purposes of the Act. The criteria for listing chemicals through the “authoritative bodies” mechanism are set

forth in Title 27, California Code of Regulations, section 25306¹.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is investigating the possible listing of the chemicals identified below, based upon information in the references cited. Documentation summarizing the rationale for considering the evaluation of these chemicals for possible administrative listing is available from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the Internet at the following address: <http://www.oehha.ca.gov/prop65.html>.

OEHHA is committed to public participation and external scientific peer review in its implementation of Proposition 65, and welcomes public input on this listing process. As part of its efforts to ensure that regulatory decisions are based upon a thorough consideration of all relevant information, OEHHA is soliciting information concerning whether the criteria set out in Section 25306 have been met for these chemicals.

A public forum to present oral comments and to discuss the scientific data and other information concerning whether these chemicals meet the criteria for listing set forth in Section 25306 will be scheduled only upon request. Such request must be submitted in writing 30 days before the close of the comment period on **Tuesday, February 3, 2009**. The written request must be sent to OEHHA at the address listed below no later than

Monday, January 5, 2009. A notice for the public forum, if one is requested, will be posted on the OEHHA web site at least ten days in advance of the forum date. The notice will provide the date, time, location and subject matter to be heard. Notices will also be sent to those individuals requesting such notification. Written comments provided in **triplicate**, along with supporting information, should be submitted to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814

Mailing Address: P.O. Box 4010, MS-19B
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900
Or via email addressed to coshita@oehha.ca.gov

It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be received at OEHHA by 5:00 p.m. on Tuesday, February 3, 2009.

Following the review of all comments received, OEHHA will announce its intention to proceed with the listing of the candidate chemicals if they meet the regulatory criteria for administrative listing in a *Notice of Intent to List Chemicals*.

Chemicals which may meet the criteria set forth in Section 25306 for listing as known to cause **cancer** via the "authoritative bodies" mechanism:

¹All further citations are to Title 27 (formerly Title 22) of the California Code of Regulations unless otherwise indicated.

Chemical	CASNo.	Chemical Use	Reference
Carbaryl	63-25-2	N-methyl carbamate pesticide used on fruit and nut trees, vegetables and grain products; lawns, plants and shrubs; for landscape maintenance and pet care (e.g., pet collars, powders).	U.S. EPA (2002; 2007a; 2007b)
Metam Potassium (Potassium N-methyldithiocarbamate)	137-41-7	Dithiocarbamate soil fumigant used for producing lettuce, potatoes, onions, tomatoes, and watermelon.	U.S. EPA (1995; 2005; 2007c)
Metofluthrin	240494-70-6	Synthetic pyrethroid insecticide used in pest strips and in personal bug repellent devices.	U.S. EPA (2006)
Spirodiclofen	148477-71-8	Miticide used on citrus, pome fruit, stone fruit, and tree nuts.	U.S. EPA (2004)

REFERENCES

U.S. Environmental Protection Agency (U.S. EPA, 1995). *Memorandum: Carcinogenicity Peer Review of Metam Sodium*. Office of Prevention, Pesticides and Toxic Substances. May 1, 1995.

U.S. Environmental Protection Agency (U.S. EPA, 2002). *Memorandum: Carbaryl — Report of the Cancer Assessment Review Committee*. Health Effects Division. Office of Pesticide Programs. February 12, 2002.

U.S. Environmental Protection Agency (U.S. EPA, 2004). *Memorandum: Spirodiclofen: Report of the Cancer Assessment Review Committee. PC Code 124871*. Health Effects Division. Office of Pesticide Programs. June 10, 2004.

U.S. Environmental Protection Agency (U.S. EPA, 2005). *Memorandum: Metam Sodium: Revised HED Human Health Risk Assessment for Phase 3: DP Barcode: D318051, Metam Sodium PC Code: 039003, MITC PC Code: 068103*. Health Effects Division. Office of Pesticide Programs. June 13, 2005.

U.S. Environmental Protection Agency (U.S. EPA, 2006). *Cancer Assessment Document. Evaluation of the Carcinogenic Potential of Metofluthrin. PC Code 109709. Cancer Assessment Review Committee. Health Effects Division. Office of Pesticide Programs. June 6, 2006.*

U.S. Environmental Protection Agency (U.S. EPA, 2007a). *Memorandum: Carbaryl. HED Chapter of the Reregistration Eligibility Decision Document (RED). PC Code: 056801, DP Barcode: D334770*. Health Effects Division. Office of Pesticide Programs. June 29, 2007.

U.S. Environmental Protection Agency (U.S. EPA; 2007b). *Reregistration Eligibility Decision for Carbaryl*. Office of Pesticide Programs. September 24, 2007.

U.S. Environmental Protection Agency (U.S. EPA, 2007c). *Memorandum: Metam Sodium: Phase 5 Revised Chapter of the Reregistration Eligibility Decision Document (RED); DP Barcode: D337533, Metam Sodium PC Code: 039003; Metam Potassium PC Code: 039002, MITC PC Code: 068103*. Health Effects Division. Office of Pesticide Programs. April 12, 2007.

**OAL REGULATORY
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

**ACCEPTANCE OF PETITION TO REVIEW
ALLEGED UNDERGROUND REGULATIONS**

**(Pursuant to title 1, section 270, of the
California Code of Regulations)**

**DEPARTMENT OF PERSONNEL
ADMINISTRATION**

Agency being challenged:

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

George Shaw, Staff Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Edmund Carolan
1412 McKinley Avenue
Woodland, CA 95695

Agency contact:

Casey Tichey, Staff Counsel
Department of Personnel Administration
1515 S Street, No. Bldg. 400
Sacramento, CA 95814

Please note the following timelines:

Publication of Petition in Notice Register:
December 5, 2008
Deadline for Public Comment: January 5, 2009
Deadline for Agency Response: January 20, 2009
Deadline for Petitioner Rebuttal: No later than 15
days after receipt of the agency's response
Deadline for OAL Decision: April 6, 2009

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

1412 McKinley Avenue
Woodland, CA 95695

September 12, 2008

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814-4339
ATTN: Chapter 2 Compliance Unit

RE: Request for Determination on Alleged Underground Regulations.

Dear Ms. Laspey:

I am requesting that the Office of Administrative Law (OAL) issue a determination on whether three memoranda published and disseminated by the California Department of Personnel Administration (DPA) are underground regulations. I am making my request pursuant to the rules established by the California Code of Regulations (CCR), title 1, § 260. The particular DPA rules that I am seeking to have OAL issue a determination on pertain to hiring—above—minimum for civil service appointments.

I certify that I have mailed a copy of this petition and the attachments to Mr. David Gilb, DPA's Director. Mr. Gilb's contact information can be found below. In addition, I submitted a petition, pursuant to California Government Code § 11340.6, to DPA on this matter on August 8, 2008 (attached). DPA's response to that petition, which does not appear to be in compliance with Government Code § 11340.7 (a), is attached.

California Government Code § 19836 authorizes the DPA to authorize payment above minimum salary limits. This process is commonly referred to as a "hire—above—minimum or "HAM". HAMs are often used to recruit people to State civil service. DPA has chosen to make specific the provisions of Government Code § 19836 through the issuances of memoranda. I am seeking to have the OAL determine if the rules for HAMs, as defined by DPA Memoranda 90-07, 90-07A and 2007-026 (all attached), are underground regulations.

The legal basis for believing that the above cited memoranda are underground regulations is that these memoranda are making specific a section of State law that pertains to everyone seeking employment with the State of California and as well as current State employees. I was not able to find a State law that would statutorily exempt the DPA from the California Administrative Procedure Act (APA) for the implementation of California Government Code § 19836. Nor was I

able to find any language pertaining to HAMs in the California Code of Regulations. In the past the DPA has tried to claim that specific memorandum of understandings (MOUs) that the State of California reaches with labor organizations exempts the DPA from adhering to the APA¹. However, while it seems that an MOU in itself is exempt from the APA, I am not aware of any State law that exempts complementary rules to the MOU from the APA when such rules are promulgated solely by DPA.

In addition, OAL's recent Determination on rules used by the California Department of Corrections and Rehabilitation's (CDCR) for administering HAMs leads me to think that DPA's rules for HAMs are also underground regulations². CDCR claimed that the authority for its HAM rules was based on DPA Rules³. Coupled with the fact that DPA declined to comment on applicable APA exemptions for HAM policies in the above Determination, raises my concern about the legitimacy of these three memoranda.

To establish that DPA has issued the rules contained in the memoranda, I have enclosed pages 73-73 from the California Regulatory Notice Register 2008 Volume No. 3-Z. In response to my Government Code section 11340.6 petition, CDCR cited the three memoranda as the authority for the HAM rules promulgated by CDCR. Furthermore, I have attached DPA's response to my employment contract grievance in which they denied my grievance based on their "long-standing DPA policies and practice regarding HAMs."⁴ No doubt these three memoranda are the policies and practices DPA references in this letter.

The issue of public importance that warrants the OAL's involvement in this issue is that the HAM can play a significant part in recruiting the most qualified applicant for a position. According to the rules promulgated by the California State Personnel Board (SPB), the ultimate objective of the employment recruitment process is to select the most highly qualified individuals for employment⁵. Furthermore, SPB rules also require that State agencies make "good faith appointments" in which the appointing authority "observes the spirit and intent of the law"⁶. The use of rules with questionable legitimacy impact the State's ability to hire the most

¹ See 1990 OAL Determination No. 19 and 2008 OAL Determination No. 6

² See 2008 OAL Determination No. 18 (OAL File #CTU 2008-0131-01) California Regulatory Notice Register 2008, Volume No. 33-Z, Pgs. 1446-1451.

³ Ibid.

⁴ See attached letter from Mr. Franklin Marr, DPA to Edmund Carolan, March 12, 2008

⁵ California Code of Regulations, title 2, section 50, page 3300.5, Merit Selection Manual, Incorporated by Reference.

⁶ California Code of Regulations, title 2, section 8.

qualified applicant as well as the most qualified applicant's ability to know the rules regarding salary.

A second issue of public importance is related to the strong likelihood that DPA disseminated the three memoranda in question to all State agencies, boards, and commission. Therefore, all State agencies, boards, and commissions may be using these three memoranda, as was CDCR, in establishing rules for HAMS. Therefore, it is possible that all State agencies, boards and commissions are using rules that may not be legitimate for hiring purposes. Such a potential widespread use of underground regulations is not in anyone's best interest. After all, civil or criminal sanctions as well as adverse actions can be taken against State employees or officers who violate the provisions of the good faith appointment requirements. I would think that most agencies, boards and commissions would want to know if they are in violation of law so they could take remedial action.

Thank you for your time and consideration on this matter.

Sincerely,

/s/

Edmund Carolan

c: David Gilb, Director
California Department of Personnel
Administration
1515 S Street, North Building, Suite 400
Sacramento, CA 95811

Attachments:

Department of Personnel Administration
Memorandum 90-07. November 16, 1990.
Department of Personnel Administration
Memorandum 90-07A. December 7, 1990
Department of Personnel Administration
Memorandum 2007-026. September 25, 2007.
Letter from Mr. Franklin Marr, DPA to Edmund
Carolan, March 12, 2008
California Regulatory Notice Register 2008, Volume
No. 3-Z, pp. 73-74.
Petition from Edmund Carolan to DPA, August 8, 2008.

Letter from Casey C. Tichy, DPA to Edmund Carolan,
September 9, 2008

**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# 2008-1016-03

AIR RESOURCES BOARD

Requirements for Diesel Engines on Drayage Trucks

The Air Resources Board adopted new section 2027 to title 13 of the California Code of Regulations, which establishes requirements designed to reduce emissions of diesel particulate matter (PM) and oxides of nitrogen (NOx) from in-use, on-road, diesel-fueled heavy-duty drayage trucks in port and intermodal rail yard service in California. This regulation applies to owners and operators of on-road diesel-fueled heavy-duty drayage trucks operated in California ports and intermodal rail yard facilities. An "Intermodal Rail Yard" is any rail facility owned or operated by a Class I railroad where cargo is transferred from drayage truck to train or from train to drayage truck that is within 80 miles of a port or, if it is located more than 80 miles from the nearest port, averages 100 or more daily drayage truck visits in any calendar month. All 1994-2003 model year engines must be equipped with a level 3 Verified Diesel Emissions Control System (VDECS) for PM emissions control, or upgrade to a model year 2004 or newer truck, or meet 2007 model year California or federal emissions standards by December 31, 2009. This is "Phase 1" of the program. Phase 2 requires all drayage trucks to meet 2007 model year California or federal emissions standards by December 31, 2013.

Title 13
California Code of Regulations
ADOPT: 2027
Filed 11/24/2008
Effective 12/24/2008
Agency Contact: Amy Whiting (916) 322-6533

File# 2008-1015-03
BOARD OF FORESTRY AND FIRE PROTECTION
Utility Clearing Exemption Extension, 2008

The California State Board of Forestry and Fire Protection (Board) amends Title 14 of the California Code of Regulations section 1257 to extend an exemption for utility vegetation clearing requirements in section 1257(a)(3) from December 31, 2008 to December 31, 2009.

Title 14
California Code of Regulations
AMEND: 1257
Filed 11/26/2008
Effective 12/26/2008
Agency Contact:
Christopher Zimny (916) 653-9418

File# 2008-1112-04
BOARD OF REGISTERED NURSING
Non-Fingerprinted Licensee Population

This regulatory action requires the submission of fingerprints for registered nurses who were licensed prior to 1990. It also requires the disclosure of any conviction of a crime as a condition of renewal, reactivation or reinstatement.

Title 16
California Code of Regulations
AMEND: 1419, 1419.1, 1419.3
Filed 11/24/2008
Effective 11/24/2008
Agency Contact: Alcidia Valim (916) 323-8419

File# 2008-1114-05
CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY
CALReUSE Program

This rulemaking adopts and amends regulations relating to the California Recycle Underutilized Sites Program (CALReUSE) for the assessment and remediation of brownfields for housing development, especially for low income residents. The rulemaking amends the site assessment program to, among other things, expand the types of sites eligible for funding and to establish a priority system for site applications. The rulemaking also adopts regulations to implement a site remediation funding program.

Title 4
California Code of Regulations
ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15
AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101
Filed 11/24/2008
Effective 11/24/2008
Agency Contact: Deana Carrillo (916) 657-5051

File# 2008-1014-02
CORRECTIONS STANDARDS AUTHORITY
2007 Local Jail Construction Funding

This action is the Certificate of Compliance rulemaking making permanent the prior emergency regulations implementing the 2007 Local Jail Construction Program authorized by A.B. 900 (Stats. 2007, Chap. 7).

Title 15
California Code of Regulations
ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
Filed 11/26/2008
Agency Contact:
Charlene Aboytes (916) 324-1914

File# 2008-1125-04
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

This emergency regulatory action establishes a quarantine area of approximately 107 square miles surrounding the Mediterranean fruit fly infestation in the El Cajon area of San Diego County.

Title 3
California Code of Regulations
AMEND: 3406(b)
Filed 11/26/2008
Effective 11/26/2008
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2008-1023-05
DEPARTMENT OF PESTICIDE REGULATION
Restricted Materials

The Department of Pesticide Regulation (Department) seeks to amend Title 3 of the California Code of Regulations, section 6400 to add magnesium phosphide and phosphine gas to the list of restricted materials. The proposed change will require users of phosphine gas and magnesium phosphide products to obtain a restricted-material permit or add these materials to an existing permit obtained from the local county agricultural commissioner before use.

Title 3
 California Code of Regulations
 ADOPT: 6400
 Filed 11/20/2008
 Effective 12/20/2008
 Agency Contact:
 Linda Irokawa–Otani (916) 445–3991

File# 2008–1015–02
 DEPARTMENT OF TRANSPORTATION
 Mass Transportation

This rulemaking conforms title 21 of the California Code of Regulations, section 6633.2, to amended Public Utilities Code Section 99268.17 by amending the regulation to allow local transit operators to deduct from operating expenses the cost of providing Americans With Disabilities Act compliant paratransit services only to the extent that such costs exceed the operator’s prior year expenses for such services as adjusted by the Consumer Price Index. The rulemaking also amends the regulation to delete obsolete language which allowed local transit operators to deduct from operating expenses amounts paid to satisfy liability claims.

Title 21
 California Code of Regulations
 AMEND: 6633.2
 Filed 11/26/2008
 Effective 12/26/2008
 Agency Contact: Gordon Arruda (916) 654–9396

File# 2008–1009–01
 EMPLOYMENT DEVELOPMENT DEPARTMENT
 Filing, Determination, and Payment of Disability Insurance Claims

This regulatory action establishes the required elements and definitions for claims related to filing a first or continued claim, including listing the required elements for determining a properly completed claim, for Disability Insurance (DI) benefits related to a claimant’s own illness or injury.

Title 22
 California Code of Regulations
 AMEND: 2706–1
 Filed 11/24/2008
 Effective 12/24/2008
 Agency Contact: Laura Colozzi (916) 654–7712

File# 2008–1015–01
 EMPLOYMENT DEVELOPMENT DEPARTMENT
 Voluntary Plans — Risks Adverse to the Disability Fund

This regulatory action updates the wage distribution criteria related to standards for approval for a voluntary plan or group of plans. It also indexes that criteria for inflation and allows for adjustments based on state average weekly wage. It changes to October 31 the date by which the Director is required to establish standards for approval each year using data from the U.S. Department of Labor.

Title 22
 California Code of Regulations
 AMEND: 3254(i)–2
 Filed 11/20/2008
 Effective 11/20/2008
 Agency Contact: Laura Colozzi (916) 654–7712

File# 2008–1117–01
 FISH AND GAME COMMISSION
 Incidental Take of Longfin Smelt

This emergency readoption of 14 CCR section 749.3 maintains the restrictions and permissible take of longfin smelt while the species undergoes evaluation for listing as an endangered species consistent with the California Endangered Species Act. Changes are made to the emergency regulations to account for different stages of longfin smelt currently likely to be found in the waters protected.

Title 14
 California Code of Regulations
 AMEND: 749.3
 Filed 11/24/2008
 Effective 11/24/2008
 Agency Contact:
 Sherrie Fonbuena (916) 654–9866

File# 2008–1022–03
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Suspended Scaffolds — General

The Occupational Safety and Health Standards Board is amending section 1658(p), title 8, California Code of Regulations in order to make an editorial correction.

Title 8
 California Code of Regulations
 AMEND: 1658(p)
 Filed 11/19/2008
 Effective 11/19/2008
 Agency Contact: Marley Hart (916) 274–5721

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN June 25, 2008 TO
November 26, 2008**

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

- 11/03/08 AMEND: 647.1, 647.2, 647.3, 647.20, 647.20.1, 647.21, 647.22, 647.23, 647.24, 647.25, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.36, 648.1, 648.3, 648.5, 649.20, 649.21
- 10/31/08 AMEND: 18545, 18703.4, 18730, 18940.2, 18942.1, 18943
- 10/31/08 ADOPT: 18402.1 AMEND: 18427
- 10/22/08 ADOPT: 59600
- 10/21/08 ADOPT: 1859.41.1, 1859.42.1 AMEND: 1859.2, 1859.41, 1859.42, 1859.43, 1859.51, 1859.147, Form SAB 50-01, Form SAB 50-03
- 10/20/08 ADOPT: 20120, 20121, 20122, 20123, 20124, 20125, 20126, 20127
- 09/04/08 ADOPT: 18530.45
- 09/04/08 AMEND: 18946.4
- 08/14/08 AMEND: 1859.2, 1859.121, 1859.122, 1859.127, 1859.129
- 08/08/08 ADOPT: 21905.5 AMEND: 21903, 21905
- 07/16/08 ADOPT: 18946.6
- 07/10/08 AMEND: 1859.76, 1859.83, 1859.104.3
- 07/10/08 AMEND: 1859.71
- 07/08/08 AMEND: 2271
- 06/26/08 AMEND: 554.2, 554.3

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- 11/26/08 AMEND: 3406(b)
- 11/20/08 ADOPT: 6400
- 11/12/08 AMEND: 3591.5(a)
- 11/12/08 AMEND: 3434(b)
- 11/07/08 AMEND: 3433(b)
- 10/30/08 ADOPT: 1430.142 AMEND: 1430.43 REPEAL: 1430.44.5
- 10/29/08 AMEND: 3435(b)
- 10/28/08 ADOPT: 3408
- 10/22/08 AMEND: 3700(c)
- 10/20/08 AMEND: 3433(b)
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- 10/17/08 AMEND: 3423(b)

- 10/15/08 AMEND: 3433(b)
- 10/14/08 AMEND: 3434(b)
- 10/14/08 AMEND: 3423(b)
- 10/01/08 AMEND: 3434(b)
- 09/24/08 AMEND: 810.1 REPEAL: 810
- 09/23/08 AMEND: 3591.20(a)
- 09/23/08 AMEND: 3434(b)
- 09/18/08 AMEND: 3591.20(a)
- 09/17/08 AMEND: 3435(b)
- 09/11/08 AMEND: 3591.20(a)
- 09/10/08 AMEND: 3434
- 09/05/08 ADOPT: 3435
- 09/03/08 AMEND: 6452.2
- 09/02/08 AMEND: 3433(b)
- 09/02/08 AMEND: 3591.6(a)
- 08/26/08 AMEND: 3434(b)
- 08/25/08 AMEND: 3423(b)
- 08/18/08 AMEND: 6738, 6739
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- 08/12/08 AMEND: 3406(b)
- 08/11/08 AMEND: 3406(b)
- 08/01/08 AMEND: 3589(a)
- 08/01/08 ADOPT: 3591.22
- 07/28/08 AMEND: 3434(b)
- 07/25/08 AMEND: 902.9
- 07/24/08 ADOPT: 3591.21
- 07/22/08 AMEND: 3417(b)
- 07/16/08 AMEND: 3700
- 07/16/08 AMEND: 3406
- 07/14/08 AMEND: 3963
- 07/11/08 AMEND: 3434(b)
- 07/09/08 AMEND: 3434(b)
- 06/30/08 AMEND: 3589(a)

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- 11/24/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101
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- 09/29/08 AMEND: 1843.2
- 09/02/08 AMEND: 1850
- 08/25/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12,

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07/17/08	AMEND: 4885, 4924, 5004	10/07/08	AMEND: 935
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07/02/08	AMEND: 9515(d), 10522(b)	Title 13, 17	
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09/22/08	AMEND: 2699.6500, 2699.6803, 2699.6805	11/07/08	AMEND: 895.1, 919.9, 939.9
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08/27/08	AMEND: 300		
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07/08/08 AMEND: 1399.540
07/03/08 AMEND: 1568
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06/30/08 ADOPT: 119.7
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11/20/08 AMEND: 3254(i)-2
11/13/08 ADOPT: 97234, 97267 AMEND: 97215,
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11/06/08 AMEND: 2706-2, 3302-1, 3303.1(c)-1

10/29/08 AMEND: 64413.1, 64414, 64431,
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64445.1, 64447.2, 64482
10/28/08 AMEND: 87102, 87105
10/15/08 AMEND: 2051-3
09/26/08 AMEND: 3258-1, 3267-1, 3267-2
08/07/08 AMEND: 51098.5, 51202.5, 51309.5,
51503.3
06/26/08 AMEND: 100140, 100141, 100163,
100172, 100174

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07/09/08 ADOPT: 88054, 89318 AMEND: 80017,
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84090, 84165, 84265, 86065, 86068.2,
86517, 88001, 88022, 88031, 88065.3,
88068.2, 88069.7, 89317, 89378, 89405
07/09/08 ADOPT: 88054, 89318 AMEND: 80017,
83017, 83064, 83075, 84065, 84068.2,
84090, 84165, 84265, 86065, 86068.2,
86517, 88001, 88022, 88031, 88065.3,
88068.2, 88069.7, 89317, 89378, 89405
06/30/08 AMEND: 63-300, 63-504, 63-505,
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11/06/08 AMEND: 2200, 2200.4, 2200.5, 2200.6
11/06/08 ADOPT: 3939.32
11/05/08 AMEND: 1062, 1064, 1077, 3833.1
10/22/08 ADOPT: 3989.7
10/14/08 AMEND: 3939.19
10/06/08 AMEND: 3939.20
09/17/08 ADOPT: 3919.4
07/01/08 AMEND: 3935
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10/08/08 AMEND: 4000, 4002, 4004, 4010, 4017,
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09/05/08 AMEND: 25601
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09/18/08	AMEND: DSS MPP 63-102, 63-504		
06/30/08	AMEND: 63-300, 63-504, 63-505, 63-601		
06/30/08	AMEND: 42-721, 42-780, 44-303, 44-307, 44-318, 82-812		