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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

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 9. DEPARTMENT OF REHABILITATION

NOTICE OF PROPOSED RULEMAKING

The Department of Rehabilitation proposes to adopt new regulations and amend existing regulations described below after considering all comments, objections, or recommendations regarding this proposed rulemaking.

PROPOSED REGULATORY ACTION

The Department of Rehabilitation proposes to adopt Section 7149.1 in Chapter 3, Article 1 and amend Section 7174 in Chapter 3, Article 8 of Title 9, Division 3, of the California Code of Regulations.

PUBLIC HEARING

A public hearing will be held on Tuesday, April 1, 2003, at the Department of Rehabilitation, 2000 Evergreen Street, Sacramento, California, in the Pacific Room. The hearing will begin at 10:00 a.m. and be adjourned immediately following receipt of testimony. The Department requests that persons who testify at the hearing submit two copies of their testimony to the hearing officer.

WRITTEN COMMENT PERIOD

Any interested party may submit written comments on the proposed regulations. The written comment period closes at 5:00 p.m. on Tuesday, April 1, 2003. Comments must be received by that time at the Department of Rehabilitation, Regulations Unit, 2000 Evergreen Street, Sacramento, CA 95815-3832. Comments may be submitted by regular mail or electronically to the following e-mail address: jloyola@dor.ca.gov.

ACCESSIBILITY

On request, the Department will provide copies of the regulation proposal in large print, Braille, on audiotape, or on a 3.5" diskette. The Department will also transmit copies of the regulation proposal electronically on request.

The public hearing room is accessible. Individuals who are deaf or hearing impaired and require an interpreter at the hearing, or individuals with disabili-

ties who need any other special assistance, should contact the Department two weeks in advance of the date of the hearing.

AUTHORITY AND REFERENCE

Authority: Sections 19006 and 19016, Welfare and Institutions Code.

Reference: 29 USC Sections 721(a)(8) and 723; 34 CFR Sections 76.533, 361.5(b)(10), 361.13, 361.48, 361.53, and 361.54; and Sections 19018 and 19150, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department recently adopted Section 7149.1 and amended Section 7174 as emergency regulations (OAL File #02-1219-04E) effective December 26, 2002. Section 7149.1 of the emergency regulations was adopted to expressly exclude construction as a vocational rehabilitation service that may be provided to individuals, and Section 7174 was amended with the repeal of a provision authorizing modifications and repairs to real property to make it clear that construction may not be provided as a vocational rehabilitation service. Section 7174 was also amended for consistency with Rehabilitation Services Administration (RSA) guidance and recent amendments to federal regulations (34 CFR Part 361), as well as for clarity. At this time, the Department is issuing a notice of proposed rulemaking, to meet the requirements for a certificate of compliance (CERT). This proposed rulemaking does not make any changes to the emergency regulations now in effect.

Pursuant to 29 USC 723 and 34 CFR 361.48, the Department provides vocational rehabilitation services to assist an individual with a disability to prepare for, secure, retain, or regain an employment outcome. Pursuant to 34 CFR 361.48(t), the Department may provide "other goods and services determined necessary for the individual with a disability to achieve an employment outcome." In 1992, the Department amended Section 7174 to establish modifications and repairs to real property as one of the vocational rehabilitation services that may be provided to individuals by the Department as other goods and services (OAL File #91-1217-06R filed with the Secretary of State on January 14, 1992 and OAL File #91-1028-03 incorporated by reference in the re-submittal OAL File #91-1217-06R). Section 7174 implemented, interpreted, and made specific federal regulations in place at the time, including 34 CFR 361.42 (Vocational Rehabilitation Services for Individuals) and 34 CFR 361.71(c)(Federal Financial Participation—Vocational Rehabilitation Services to Individuals). Pursuant to 34 CFR 361.42, the Depart-

ment could provide “other goods and services that can [could] reasonably be expected to benefit an individual with handicaps in terms of employability.” Pursuant to 34 CFR 361.71(c), “federal financial participation is [was] not available in any expenditure made, either directly or indirectly, for the purchase of any land, or for the purchase or erection of any building (except for a shelter under 34 CFR 371.72) for any one individual with handicaps or for a group of individuals with handicaps under 34 CFR 361.75.” Exceptions were made under 34 CFR 361.72 for small business enterprises for any one individual and under 34 CFR 361.75 for other facilities and services, including services provided at rehabilitation facilities for groups of individuals. Accordingly, when Section 7174 of the Department’s regulations was amended in 1992 to establish modifications and repairs to real property as one of the vocational rehabilitation services that could be provided as other goods and services, the Department excluded the purchase of any land or the purchase or erection of any building. Thus, the amendments made in 1992 were consistent with federal regulations in effect at that time.

Current federal regulations that apply to the Department’s vocational rehabilitation program include Education Department General Administrative Regulations (EDGAR) 34 CFR Part 76 (State-Administered Programs). Pursuant to 34 CFR 76.533, a State or subgrantee may not use its grant or subgrant for acquisition of real property or for construction unless specifically permitted by the authorizing statute or implementing regulations for the program. Construction is not specified as a vocational rehabilitation service that may be provided to individuals in either 29 USC 723 or 34 CFR Part 361.

The adoption of Section 7149.1 (Excluded Services—Construction) is necessary to specify in regulation that construction is excluded as a vocational rehabilitation service for individuals and is expressly prohibited by EDGAR 76.533. For additional clarity, Section 7149.1 defines applicable terms, including “construction,” “permanent fixture,” and “real property.”

The amendment of Section 7174 (Other Goods and Services) is necessary to make it clear that the Department does not provide construction as a vocational rehabilitation service for individuals as other goods and services, by the repeal of a provision that allowed modifications and repairs to real property to be provided as other goods and services. This repeal assures that no expenditure of funds occurs for a purpose prohibited by federal regulation (34 CFR 76.533). Concurrently, the Department has amended Section 7174 to make it clear that other goods and services may be provided to an eligible individual under an Individualized Plan for Employment (IPE)

only if the goods and services are necessary for the individual to achieve the employment outcome specified in his or her IPE. Pursuant to 34 CFR 361.48, the Department provides vocational rehabilitation services necessary for achievement of an employment outcome, which is specified in the eligible individual’s IPE. Section 7174 also has been amended to add short-term emergency financial assistance as other goods and services that may be provided by the Department to an individual, except that financial assistance shall not be provided to support an individual’s everyday living expenses or take the place of, provide the services of, or become a payment program similar to, welfare and other social service agencies. The Department may provide such short-term emergency financial assistance as a vocational rehabilitation service consistent with Rehabilitation Services Administration (RSA) guidance (Federal Register, Vol. 62, No. 28, February 11, 1997, p. 6313). Finally, the Department has amended Section 7174, where necessary, to reflect recent amendments to 34 CFR Part 361 and for improved clarity.

DOCUMENTS INCORPORATED BY REFERENCE

This proposed rulemaking does not incorporate any documents by reference.

DOCUMENTS RELIED UPON

Federal Register, Vol. 62, No. 28, February 11, 1997, p. 6313.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has determined that these proposed regulations do not impose a mandate on local agencies or school districts and do not require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4.

The Department has determined that there is no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the state. There is no anticipated impact on federal funding of the Department’s Vocational Rehabilitation Program.

The Department has made an initial determination that the adoption of these 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. These proposed regulations do not impose reporting, recordkeeping or other compliance requirements on California 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.

The Department has determined that the adoption of these proposed regulations will not affect small business. These proposed regulations do not require that small business legally comply with or enforce the regulations, nor does small business derive a benefit or incur a detriment from the enforcement of the regulations.

The Department has determined that the adoption of these proposed regulations will not affect the following: 1) the creation or elimination of jobs within California; 2) the creation of new businesses or the elimination of existing businesses within California; 3) the expansion of businesses currently doing business within California. These proposed regulations do not have an adverse economic impact on California business enterprises or individuals and do not impose unnecessary or unreasonable regulations or reporting, recordkeeping, or compliance requirements.

The Department has made an initial determination that the proposed regulations will not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), 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 action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the aforementioned public hearing or during the written comment period. Any business or person submitting a comment regarding this proposed action may request a copy of the final statement of reasons.

CONTACT PERSONS

Inquiries concerning the substance of this proposed action and requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which this rulemaking is based should be directed to the primary or backup contact person listed below:

Juanita Loyola (Primary)
Regulations Analyst
Telephone: (916) 263-8972
e-mail: jloyola@dor.ca.gov

or

Catherine H. Brown (Backup)
Chief Legal Counsel
Telephone: (916) 263-8975
e-mail: chbrown@dor.ca.gov
Department of Rehabilitation
Office of Legal Affairs
2000 Evergreen Street, 2nd Floor
Sacramento, CA 95815-3832
FAX: (916) 263-7473
TTY: (916) 263-7477

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Pursuant to Government Code Section 11340.85, within a reasonable time of issuance, the following documents related to this proposed rulemaking will be posted on the Department's Internet website: public notice; initial statement of reasons; final statement of reasons; notice of any decision not to proceed; text of the proposed regulations; a statement of any decision made by the Office of Administrative Law (OAL) regarding this proposed rulemaking; the date the proposed regulations are filed with the Secretary of State; and the effective date of the proposed regulations. The Department's Internet address is <http://www.dor.ca.gov>. To view documents related to this rulemaking, click on "FYI" and select "Proposed Changes to DOR Regulations."

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After consideration of public comments, the Department may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulations, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption. Copies of the modified regulations may be obtained upon request from either of the contact persons listed herein and will be available on the Department's website. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available. Comments may be submitted by regular mail or electronically to jloyola@dor.ca.gov.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested

by sections 200, 202, 203, 3402, 3404, and 3406 of the Fish and Game Code and to implement, interpret or make specific sections 3400–3404, 3406–3409, 4331–4332 and 4341 of said Code, proposes to amend section 601, Title 14, California Code of Regulations, Re: Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1991–92. The cost to the Department to administer this program has increased dramatically over the last ten years due primarily to the increase in ranches participating in the program. The Department is conducting an analysis of program cost and revenue to determine the increase necessary to meet program costs, and is recommending a 20% across-the-board increase in license and hunting tag fees pending completion of the budget analysis. The proposed fees ranges are as follows:

§ 601(b)(4) Proposed License Fees Ranges		
Category	Proposed Fee Ranges	Area
(A)	\$1,250.00– No change	Less than 5000 acres
(B)	\$1,250.00– \$1,800.00	5001 acres to 10,000 acres
(C)	\$1,750.00– \$2,100.00	10,001 acres to 15,000 acres
(D)	\$2,000.00– \$2,400.00	Greater than 15,001 acres

The Department also proposes minor editorial changes to correct errors, improve clarity and reduce redundancy of the section. Specifically, an erroneous reference to a three-year PWMA license period in subsection 601 (b)(4) is removed. Additionally, the meaning of “unused” tag(s) is ambiguous; this term is replaced with “unfilled public” tag(s) to improve clarity of the section. Redundant provisions and/or requirements within the section are removed, and other minor editorial and organizational changes are included for consistency and to improve clarity.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor’s Chambers, Administration Building, 2800 W. Burrell, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 31, 2003, at the address given below, or by fax at 916-653-5040, or by e-mail at FGC@dfg.ca.gov, but must be received no later than April 4, 2003, at the hearing in Visalia, CA. E-mail comments must include a true name and mailing address of the commenter.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding phone number. John Carlson, Department of Fish and Game, (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov_fg.comm

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION

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

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

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts procedures for exchanging pronghorn antelope PLM tags, adjusts PLM license and tag fees, and makes minor editorial changes. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 203 and 2355 of the Fish and Game Code and to implement, interpret or make specific

sections 200, 203 and 2355 of said Code, proposes to amend section 601, Title 14, California Code of Regulations, Re: Restriction of Importation of Hunter-Harvested Deer and Elk Carcasses

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This proposed regulatory action is to add a regulation that would prevent the spreading of Chronic Wasting Disease into California's deer and elk herds by banning the importation of hunter-harvested deer and elk carcasses with exception under certain specific conditions.

Specifically, the proposed permanent regulation would permit the importation hunter-harvested deer and elk carcasses if the following conditions are met:

1. Carcass has been boned out or commercially processed and wrapped;
2. Quarters or other cuts of meat with no part of spinal column or head attached;
3. Hides with no heads attached;
4. Clean skull plates with antlers attached;
5. Antlers with no tissue attached;
6. Finished taxidermy heads;
7. Upper canine teeth (buglers, whistlers, ivories).

The Fish and Game Commission, under the provisions of Section 1801, Fish and Game Code, shall encourage the preservation, conservation and maintenance of wildlife resources. Currently there are no provisions of law established to monitor the importation of hunter-harvested deer and elk carcasses for disease. A new section filed September 9, 2002 as an emergency expired on January 7, 2003, after the end of deer and elk hunting seasons in the western states. It was requested by the Department of Fish and Game that the emergency be allowed to expire and additional information would be sought during a new rulemaking process.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor's Chambers, Administration Building, 2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 31, 2003, at the address given below, or by fax at 916-653-5040, or by e-mail at FGC@dfg.ca.gov, but must be received no later than April 4, 2003, at the hearing in Visalia, CA. E-mail comments must include a true name and mailing address of the commenter.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from

the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding phone number. John Carlson, Department of Fish and Game, (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov_fg.comm

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION

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

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

While the proposal does not eliminate the ability of California's meat-processors or taxidermists to work on imported hunter harvested deer and elk, it does establish restrictions upon which the carcasses may be imported into the State.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Hook Size Change for Anadromous Waters of the Klamath River System: Current regulations in subsection (b)(91.1)(A)2. define hook size requirements for

the Klamath River system above the Highway 101 bridge. These requirements allow the use of any single hook having a gap between the point and shank that is between ½ and 1 inch; or, any multiple hook having a gap between the point and shank that is between 1/4 and ½ inch. This requirement was designed to reduce the incidental catch and mortality of juvenile steelhead trout and juvenile coho salmon. Also, area closures currently exist that are designed to protect these fish during the peak juvenile downstream migrations (April/May). For clarification and in the interest of consistency, the Department is proposing a maximum single hook size with a gap no greater than 5/8 inch and a maximum multiple hook size with a gap no greater than 1/2 inch. In addition, the Department is recommending pertinent language from Section 2.10, Fishing Methods Restrictions be added to subsection (b)(91.1)(A)2. This recommendation will help clarify and condense fishing gear restrictions for all anadromous waters of the Klamath River System.

General Area Closures Within 750 feet of Any Department of Fish and Game Fish-Counting Weir: Current regulations in section 2.35(b) prohibit any fishing within 250 feet of any dam or any weir or rack which has a fishway or an egg-taking station. The Department is recommending that the closures be extended to within 750 feet of any Department fish-counting weir within the Klamath River Basin. This closure will provide additional refugia for migrating adult salmon and steelhead. The Department operates 4 fish-counting weirs in the Klamath River system. Data gathered at each weir is used to estimate the number of salmon and steelhead returning to each specific river or stream. The numbers are combined and a total Klamath River Basin estimate is developed and published in Department reports. Fish-counting weirs are designed to guide adult salmon and steelhead into a counting facility as they migrate upstream, consequently, weirs can congregate adult fish in small areas directly downstream. As fish density downstream of weirs increase, fish have the potential to become more vulnerable to harvest. The Department recommends expanding the closed area near fish-counting weirs to reduce fish harvest associated with fish congregating below the weirs.

Quota Adjustment: Under current regulations in subsection (b)(91.1)(C), the allowable Chinook salmon harvest in the Klamath River system is based on spawning run size predictions and spawning escapement goals. The harvest and the distribution of the catch are regulated by seasons, daily and weekly bag and possession limits, and area quotas and allocations. Salmonids from the Klamath River basin are managed through a cooperative system of state, federal, and tribal management agencies. Regulations developed through this system are designed to meet

natural and hatchery escapement needs for these stocks, while providing equitable harvest opportunities to ocean (sport and commercial) and river (sport and tribal) users. The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean fisheries in the fishery management zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean fishing regulations by the National Marine Fisheries Service. The Department and the Commission adopt regulations for state waters (inside three miles) that are consistent with federal regulations.

The Klamath River system supports a significant Native American subsistence fishery in addition to the other fisheries. The Klamath River fall-run Chinook salmon harvest allocation between tribal and non-tribal fisheries is based on court decisions and agreement of river fisheries representatives (tribal and non-tribal) under the auspices of the Klamath Fishery Management Council. Tribal fishing regulations are promulgated by the Hoopa and Yurok tribes. Sport fishing regulations are adopted by the Commission. Overall harvest and spawning escapement levels are established and published in the "Amendments to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California Commencing in 1978 (FMP)," adopted by the PFMC for the U.S. Department of Commerce.

Annual adjustment of the quota is necessary to meet natural and hatchery escapement needs for Klamath River fall-run Chinook salmon stocks, while providing equitable harvest opportunities for ocean (sport and commercial) and river (sport and tribal) users. The total river system recreational harvest of fall-run Chinook salmon is currently regulated by a quota. In 2002, the share, or impact quota, for the Klamath River basin allowable sport catch was 20,500 adult fish (39 percent of the total allowable harvest by non-tribal fisheries, including ocean-commercial, ocean-recreational and recreational-river fisheries).

Projections of the abundance of adult Klamath River fall-run Chinook salmon in the 2003 season are not yet available from the PFMC. However, preliminary examination of data available to Department staff suggests that the predicted 2003 adult fall-run Chinook salmon run will be less than the 2002 run. Consequently, the Department is suggesting that the Commission consider a 2003 quota for the river-recreational fishery lower than that of last year, and for notice requirements, within a range lower than the 2002 quota (1,200–20,500 adult Chinook salmon). The Commission also will consider modifying the share of the allowable catch allocated to the river

recreational fishery (which was 39 percent in 2002). Adjustment of this share is included in the recommended 1,200–20,500 range of the quota. As in prior years, the river recreational fishing quota would be split evenly between fisheries above and below Coon Creek Falls.

Department Status Report: Current regulations require the Department to provide daily status reports on the progress towards sub-basin quotas. The reports are updated daily and are available by calling a 1-800 number. Due to reduced funding and staffing levels expected in 2003, the Department is recommending that updates of status reports occur weekly, rather than daily.

No adverse impacts to anglers or the environment are anticipated if quota status reports are updated weekly instead of daily.

Closures to Modify Allocations: The Department believes that the regulations should, if possible, allow fishing opportunities for adult fall-run Chinook salmon throughout the entire Klamath River basin. Currently, the annual recreational impact quota is split evenly, with 50% of the quota allocated to the Klamath below Coon Creek Falls and 50% to the remainder of the Klamath Basin above Coon Creek Falls, including the Trinity River. Current regulations define three sub-quota areas above Coon Creek Falls.

The three quotas ensure equitable harvest distribution of adult Chinook in the upper Klamath and Trinity rivers. The current quota system requires the Department to monitor angler harvest of adult Chinook in each sub-quota area on a real-time basis. Due to likely funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring and data analysis for the 2003 season. Instead, the following recommendations are based on data analysis and management experiences from previous years (1993–1999) that limited harvest in the upper reaches of the Klamath Basin relative to known harvest in the lower Klamath River below Coon Creek Falls.

1. **Klamath River Main Stem—Allowable Fishing Season from Coon Creek Falls to 3,500 feet below Iron Gate Dam:** The Department has reviewed all available Klamath Chinook harvest and run timing data for the Klamath River from several previous years. Based on this review, the Department is recommending that fishing for adult Chinook salmon continue for an additional 28 days beginning when 50% of the basin impact quota has been taken below the falls at Coon Creek. After the 28-day period harvest of adult Chinook salmon is prohibited. The 28-day period has been employed in several previous years but it cannot be guaran-

teed that anglers will harvest a specific number of adult Chinook salmon in a specific season. However, this model appears to provide a reasonable and tested approach to achieve or remain below quota targets.

2. **Trinity River Main Stem—Allowable Fishing Season from Old Lewiston Bridge to the Highway 299 West Bridge at Cedar Flat:** The Department is reviewing all available Trinity River Chinook harvest and run-timing data for this area. Based on this review, the Department is recommending seasonal closures based on quota allocation. The 2003 quota to be recommended by the PFMC is not currently known; however, it is expected to be much lower than that established for the 2002 season. All seasonal closures for adult Chinook salmon will be designed to maximize and distribute the harvest of adult fall-run Chinook salmon while managing the fishery within the impact quota. The length of the closed season will be based on the 2003 in-river quota and range from 0–20 days between the dates of August 1 through November 30, 2003.

3. **Trinity River Main Stem—Allowable Fishing Season from Hawkins Bar Bridge (Road to Denny) Downstream to the Mouth of the Trinity:** The Department is reviewing all available Trinity River Chinook harvest and run-timing data for this area. Based on this review, the Department is recommending seasonal closures based on quota allocation. The 2003 quota to be recommended by the PFMC is not currently known; however, it is expected to be much lower than that established for the 2002 season. All seasonal closures for adult Chinook salmon will be designed to maximize and distribute the harvest of adult fall-run Chinook salmon while managing the fishery within the impact quota. The length of the closed season will be based on the 2003 in-river quota and range from 0–20 days between the dates of August 1 through November 30, 2003.

Restrictions to Fishing When Iron Gate Hatchery and Trinity River Hatchery Meet Spawning Escapement Goals: Current regulations in subsection (b)(91.1)(C)1.c.iii. and subsection (b)(91.1)(C)1.d.iii allow anglers to harvest adult Chinook salmon after quota attainment from 3,500 feet below Iron Gate Dam to the Interstate 5 bridge when the Department determines that the adult fall Chinook salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 adult fish. Trinity River anglers are allowed to harvest adult Chinook salmon after the quota is met from Old Lewiston Bridge to the mouth of Indian Creek when the Department determines that spawning escapement at Trinity River Hatchery exceeds 4,800 adult fish. The

current language does not clearly state that anglers can harvest adult Chinook salmon prior to the quota being attained. Therefore, the Department is recommending new language which indicates that prior to quota attainment anglers can catch and keep adult Chinook salmon in the above mentioned river sections.

Allowing the Harvest of One Brown Trout. In all anadromous waters of the Klamath River system where the take of salmon and steelhead is allowed, anglers can catch and keep two Chinook salmon of which only one can be over 22 inches total length and one hatchery trout or one hatchery steelhead. The Department is recommending eliminating hatchery trout from the bag limit and replacing it with one brown trout. Anglers would have the opportunity to catch and keep one hatchery steelhead or one brown trout in addition to their Chinook salmon limit. Non-native brown trout have become well established in the Klamath River System, particularly in the Trinity River Basin. Brown trout are highly predatory and prey upon juvenile Chinook and coho salmon and steelhead trout. Allowing the take of brown trout will reduce predation on juvenile salmon and steelhead while diversifying angler harvest.

Reduction in Daily Bag Limit, Weekly Bag Limit and Possession Limit: The 2003 quota to be recommended by the PFMC is not currently known; however, it is expected to be much lower than that established for the 2002 season. Consequently, the Department is recommending a reduction in daily bag, weekly bag, and possession limits for the 2003 Klamath River sport fishery.

The Department is recommending that the Commission consider the following Klamath River recreational fishery changes to reflect a reduction in the Klamath River basin impact quota:

1. **Reduction in Daily Bag Limit:** The daily bag limit, as specified in the current regulation, is three king salmon (Chinook salmon), but no more than two adult king salmon over 22 inches total length, and one hatchery trout or hatchery steelhead. The Department is proposing that the Commission modify the king salmon daily bag limit to a total of three king salmon, but no more than one king salmon over 22 inches total length and one hatchery trout, or one hatchery steelhead or one brown trout.
2. **Reduction in Weekly Bag Limit:** The current regulation specifies that no more than six king salmon over 22 inches total length may be retained in any seven consecutive days. The Department is proposing that the Commission consider amending this provision to reduce the weekly bag limit to four king salmon over 22 inches total length in a seven-day period.
3. **Possession Limit:** The current regulation specifies that no more than 12 king salmon may be possessed, of which no more than six may be over 22 inches total length. The Department is proposing that the Commission consider decreasing the possession limit to no more than 8 king salmon, of which no more than four may be over 22 inches total length.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Board of Supervisors Chambers, Administration Building, 2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 31, 2003, at the address given below, or by fax at (916) 653-5040, or by an e-mail to fgc@dfg.ca.gov, but must be received no later than April 4, 2003, at the hearing in Visalia, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Neil Manji, Fisheries Programs Branch, Department of Fish and Game, phone (530) 225-2306, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time

periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

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

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

The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath river businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 203, 219, 220, 331, 332, 460, 1050, 1572, 3003.1, 3452, 3453, 4181, 4334, 4370, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 458, 459, 460, 713, 1050, 1570-1572, 3003.1, 3452, 3453, 3950, 3951, 4181, 4334, 4370, 4902, 10500 and 10502 of said Code, proposes to amend sections 360, 361, 362, 363 and 364, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2003-04 Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2003-04 Mammal Hunting Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 360, subsection (a), Deer. Re: A, B, C and D Zone Hunts

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: A, B, C, and D Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000–65,000
B	55,500	35,000–65,000
C	11,500	8,000–20,000
D3-5	33,000	30,000–40,000
D-6	10,000	6,000–16,000
D-7	9,000	4,000–10,000
D-8	8,000	5,000–10,000
D-9	2,000	1,000–2,500
D-10	700	400–800
D-11	5,500	2,500–6,000
D-12	950	100–1,500
D-13	4,000	2,000–5,000
D-14	3,000	2,000–3,500
D-15	1,500	500–2,000
D-16	3,000	1,000–3,500
D-17	500	100–800
D-19	1,500	500–2,000

Section 360, subsection (b), Deer. Re: X-Zone Hunts.

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(b) X-Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
X-1	2,780	1,000–6,000
X-2	190	50–500
X-3a	290	150–1,500
X-3b	900	200–3,000
X-4	530	100–1,500
X-5a	115	50–300
X-5b	160	50–800
X-6a	380	100–1,200
X-6b	415	100–1,200
X-7a	290	50–600
X-7b	80	10–200
X-8	550	100–750
X-9a	725	100–1,200
X-9b	300	100–600
X-9c	850	100–1,000
X-10	400	200–600
X-12	1,130	100–1,500

Section 360, subsection (c), Deer. Re: Additional Hunts.

Existing regulations for Hunt G-8 provide for a season on Saturdays, Sundays and federal holidays beginning the second Saturday in October and continuing for four consecutive weekends. As a result of events on September 11, 2001, staffing levels at

Fort Hunter Liggett have been reduced, requiring that the season be shortened. The proposed change would reduce the season to two consecutive weekends, specifically include the Columbus Day holiday, and move the season beginning to the first Saturday in October. This proposal will decrease staffing requirements by reducing the season length and overlapping Hunt G-8 with proposed changes for Hunt J-10.

Existing regulations for Hunt G-10 provide for a 72 day season beginning the first Saturday in October; allow hunting by both military and general public; and include various method of take restrictions during the season. As a result of events on September 11, 2001, staffing levels at Camp Pendleton have been reduced, requiring that the season be curtailed; additional security provisions imposed on the base, require restricting hunting access to military personnel only; and special conditions are unclear and require clarification. The proposed change would 1) modify the season to ten consecutive weekends by allowing hunting to occur on Saturdays and Sundays only, thereby reducing staffing requirements; 2) restrict the distribution of tags to military personnel; and 3) the method of take/season restrictions for hunting with archery equipment or firearms would be clarified, thus eliminating confusion regarding when each method of take is permitted.

Existing regulations for Hunt J-7 provide both a physical description and a cross reference to the zone X-8 area description in subsection 360(b). During the 2002 regulation process, the area description for zone X-8 was modified to provide a clearer boundary description, however the corresponding change was not incorporated into the J-7 area description and an inconsistency exists which may lead to confusion and unnecessarily place hunters at risk of violating hunt area boundaries. The proposed change would modify the Hunt J-7 area description to cross reference the Zone X-8 area description and therefore eliminate any confusion over the hunting boundary.

Existing regulations for Hunt J-10 provide for a season on Saturdays, Sundays and the Columbus Day holiday beginning the last Saturday in September and extending for two consecutive weekends. Due to the shift of calendar dates in 2003, the Columbus Day holiday falls outside of the existing two consecutive weekends, creating an inconsistency in the regulation. In addition, as a result of events on September 11, 2001, staffing levels at Fort Hunter Liggett have been reduced, requiring that the season be shortened. The proposed change would reduce the season to two consecutive weekends, specifically include the Columbus Day holiday, and move the season beginning to the first Saturday in October, thereby reducing

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staff requirements by aligning seasons for Hunt J-10 and Hunt G-8 and eliminating future discrepancies due to calendar date shifts.

Some minor editorial changes are necessary for consistency in spelling, grammar and clarification.

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal

changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	3,500	500–5,000	M-11	20	20–200
G-3	25	25–50	MA-1	150	20–150
G-6	50	25–100	MA-3	150	20–150
G-7	20 Military *	20 Military *	J-1	25	10–25
G-8	30 Military * 30 Public	60–150 (Military */ Public to be deter- mined)	J-3	15	15–30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15–50
G-10	380 Military * 100 Public	100–480 Mili- tary *	J-7	15	10–30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	20	10–20
G-12	30	25–75	J-9	5	5–10
G-13	300	50–300	J-10	10 Military * 30 Public	10 Military * 30 Public
G-19	25	10–65	J-11	40	10–50
G-21	25	25–100	J-12	10	10–20
G-37	25	25–50	J-13	40	25–100
G-38	300	50–300	J-14	30	15–75
M-3	25	20–75	J-15	10	5–30
M-4	20	15–50	J-16	75	10–75
M-5	20	15–50	J-17	25	5–25
M-6	80	25–100	J-18	75	10–75
M-7	150	50–150	J-19	25	10–40
M-8	30	20–75	J-20	20	5–20
M-9	20	10–100			

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

** DOD = Department of Defense

Section 361. Archery Deer Hunting.

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zone Archery Only Tag)	2,500	150–3,000
A-3 (Zone X-1 Archery)	230	50–1,000
A-4 (Zone X-2 Archery)	25	25–200
A-5 (Zone X-3a Archery)	40	25–300
A-6 (Zone X-3b Archery)	100	25–400
A-7 (Zone X-4 Archery)	80	25–400
A-8 (Zone X-5a Archery)	20	15–100
A-9 (Zone X-5b Archery)	20	15–100
A-11 (Zone X-6a Archery)	85	25–300
A-12 (Zone X-6b Archery)	155	25–200
A-13 (Zone X-7a Archery)	45	25–200
A-14 (Zone X-7b Archery)	45	10–100
A-15 (Zone X-8 Archery)	110	25–200
A-16 (Zone X-9a Archery)	175	50–750
A-17 (Zone X-9b Archery)	300	50–600
A-18 (Zone X-9c Archery)	350	50–500
A-19 (Zone X-10 Archery)	120	25–200
A-20 (Zone X-12 Archery)	195	25–500
A-21 (Anderson Flat Archery Buck Hunt)	25	25–100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	100–1,000
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25–200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	25	20–75
A-26 (Bass Hill Archery Buck Hunt)	40	25–100
A-27 (Devil's Garden Archery Buck Hunt)	20	10–75
A-30 (Covelo Archery Buck Hunt)	40	20–100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200–2,000
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50–300

Section 362. Bighorn Sheep.

Existing regulations provide for limited hunting of Nelson bighorn rams in six hunt zones. The proposed change adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following table reflects the current and proposed Nelson bighorn sheep tag allocations. The proposed number of tags was determined using the procedure described in Fish and Game Code section 4902.

NELSON BIGHORN SHEEP HUNT ZONES	Current 2002 Tag Allocations	Proposed 2003 Tag Allocations
Zone 1—Marble/Clipper Mountains	3	3
Zone 2—Kelso Peak/Old Dad Mountains	3	3
Zone 3—Clark/Kingston Mountain Ranges	2	1
Zone 4—Orocopia Mountains	1	1
Zone 5—San Geronio Wilderness	2	0
Zone 6—Sheep Hole Mountains	1	1
Open Zone Fund-Raising Tag	2	1
TOTALS	14	10

The number of tags allocated for each of the six hunt zones is based on the results of the Department's 2002 estimate of the bighorn sheep population in each zone. Tags are proposed to be allocated to allow the take of less than 15 percent of the mature rams estimated in each zone. While no tag quota is proposed specifically for hunting Zone 5, the area remains available for the hunter who purchases the Open Zone Fund-Raising Tag.

Section 363. Pronghorn Antelope.

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2003. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for most hunt zones are as set forth below.

§ 363 Pronghorn Antelope Proposed Tag Allocation—2003						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1	1–10	0–3	3–60	0–20	0	0
Zone 2	1–10	0–3	20–80	0–25	0	0
Zone 3	2–20	0–7	25–150	0–50	25–130	0–50
Zone 4	2–20	0–7	25–150	0–50	25–150	0–50
Zone 5	1–15	0–5	3–150	0–50	0	0
Zone 6	1–5	0	3–20	0–7	0	0
Ash Creek Junior Hunt	N/A		1–10 Either-Sex		0	
Honey Lake Junior Hunt	N/A		1–10 Either-Sex		0	
Fund-Raising Hunt	N/A		1–6 Buck			

Additionally, other minor editorial changes are also proposed for clarity and consistency of the regulations.

Section 364. Elk.

Existing regulations specify three hunt periods for the Fort Hunter Liggett Tule Elk Hunt. The proposed change maintains the total number of tags available for this hunt, eliminates one hunt period, and modifies dates of the remaining two hunt periods.

Existing regulations specify hunt periods for the Grizzly Island Tule Elk Hunt. The proposed change in language causes period three (bull), and periods four and five for the Grizzly Island Tule Elk Hunt to occur one week earlier, only during 2003. The proposed change does not alter the duration of hunt periods at Grizzly Island. It is a cost-effective means of maintaining current elk hunting opportunities, minimizing the restriction of other public uses, and enabling Department staff to accomplish essential physical tasks that prepare the Wildlife Area for waterfowl season.

Existing regulations specify tag quotas for each elk hunt. Proposed changes reduce the quota for the Tinemaha zone in the Owens Valley from 20 antlerless and 6 bull tags to 2 bull tags; increase the quota for the Grizzly Island Tule Elk Hunt from 25 antlerless, 8 spike bull and 4 bull tags to 28 antlerless, 8 spike bull and 4 bull tags; and change the quota for the Fort Hunter Liggett Tule Elk Hunt from 20 antlerless, 4 spike bull and 10 bull tags to 20 antlerless and 14 bull tags.

Minor editorial changes are also proposed to include clarity and consistency of the regulations. Specifically, the proposal deletes reference to awarding tags for the 2002 Fort Hunter Liggett Tule Elk Hunt to persons that were drawn for this hunt when it was cancelled in 2001. The proposal also updates the year from 2002 to 2003, and makes other minor changes to reduce redundancy.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor's Chambers, Administration Building,

2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 31, 2003, at the address given below, or by fax at 916-653-5040, or by e-mail at FGC@dfg.ca.gov, but must be received no later than April 4, 2003, at the hearing in Visalia, CA. E-mail comments must include a true name and mailing address of the commenter.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding phone number. John Carlson, Department of Fish and Game, (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov_fg.comm

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the

Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

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

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

Re: Sections 360, 361, 363 and 364: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Re: Section 362: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with other businesses in other states. This proposed action adjusts tag quotas and moves specific tag procedures and requirements to another Section. Given the few number of bighorn sheep tags that are available each year, this proposal is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 2084 and 7891 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, to conform ocean sport fishing regulations for salmon within state waters to those agreed upon by the Pacific Fishery Management Council (PFMC).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean fishing regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

The PFMC is expected to adopt regulation recommendations, similar to recent years, for the recreational ocean salmon fisheries in Federal waters (3 to 200 miles offshore) off the states of Washington, Oregon, and California for 2003. The various alternatives the PFMC will examine in the process of adopting the management options on March 14, 2003, for public review may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the allowable fishing dates and areas; and
6. the overall number of salmon that may be harvested, by species and area.

The final regulation recommendations will be made by the PFMC on April 11, 2003. Upon approval of the PFMC's management recommendations by the Secretary of Commerce, the State must move in a timely manner to conform its ocean sport fishing regulations for salmon in State waters (0 to 3 miles offshore) to those agreed upon by the PFMC; otherwise preemption of State regulatory authority by the Secretary of Commerce may occur.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Board of Supervisors Chambers, Administration Building, 2800 W. Burrell, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, March 28, 2003, at the address given below, or by fax at (916) 653-5040, or by e-mail to fgc@dfg.ca.gov, but must be received no later than April 4, 2003, at the hearing in Visalia CA. E-mail comments must include the true name and mailing address of the commentor.

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

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Regulations close to status quo are expected to be adopted.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/ Savings in Federal funding to the State: None.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

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 852.60.1 through 852.62.3 in Subdivision 4, Title 14 of the California Code of Regulations (CCR). These sections pertain to the Local Government Grant Program.

PUBLIC HEARING

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

Tuesday, April 8, 2003
Office of Spill Prevention and Response
1700 K Street
First Floor Conference Room
Sacramento, California
10am

Pre-hearing registration will be conducted just prior to the hearing. Those registered will be heard in the order of their registration. Anyone else wishing to speak at the hearing will be afforded such opportunity after those registered have been heard. The time allowed for each person to present oral testimony may be limited if a substantial number of people wish to speak.

Individuals presenting oral testimony are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral testimony.

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 April 8, 2003, 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 proposal 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 8574.7 requires the Administrator for OSPR to amend the State Oil Spill Contingency Plan by adding a marine oil spill contingency planning section, which is to include the hierarchy for state and local agency response to an oil spill. This includes the requirement for a regional and local planning element which shall provide the frame work for the involvement of regional and local agencies in the response to a marine oil spill, and to ensure the effective and efficient use of regional and local resources. Government Code Section 8670.35 grants the Administrator of OSPR the authority to adopt regulations governing policy, standards, formats, or guidelines regarding the adequacy of local oil spill contingency plan elements of area plans required pursuant to Section 25503 of the Health and Safety Code. Any local government with jurisdiction over or directly adjacent to marine waters may apply for a grant to complete, update, or revise an oil spill

contingency plan element. The proposed regulations implement, interpret, or make specific Government Code Sections 8574.7 and 8670.35

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters. The Act provides the Administrator with broad authority to amend the State Oil Spill Contingency Plan by adding a marine oil spill contingency planning section in order to meet its goal of providing the best achievable protection of California's valued coastal resources. This includes a regional and local planning element providing a framework for the involvement of regional and local agencies and ensuring the effective and efficient use of regional and local resources.

Integral to this effort was the adoption of regulations establishing guidelines, standards and formats regarding the adequacy of the oil spill contingency plan elements of local government area plans required pursuant to Health and Safety Code Section 25503; and establishing a grant program to encourage local governments to complete, update or revise an oil spill contingency plan element, which will help provide a coordinated response and cleanup effort between local governments and state and federal officials. These proposed regulations implement the local government oil spill contingency plan element and grant requirements set forth in Government Code Sections 8574.7 and 8670.35, respectively.

This proposal would amend the current regulations as follows:

- Make clarifying amendments to terminology used as part of the State's Incident Command System, used as part of a Unified Command structure for oil spill response;
- Update geographic boundaries to make consistent with the Coast Guard Designated Areas;
- Amend the format for the oil spill contingency plan element;
- Repeal the requirement for information on procedures and protocols for emergency rescue personnel;
- Amend the information required for pre-emergency planning;
- Amend the information required for training;
- Update the Authority and Reference citations;
- Other grammatical/technical changes without regulatory effect

SMALL BUSINESS IMPACT STATEMENT

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

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.54

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 8670.54, 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:

These amendments will not result in significant additional costs to private persons or directly affected businesses. These amendments clarify current requirements.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments 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.

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, forms, 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

In addition, 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:

***[http://www.dfg.ca.gov/Ospr/regulation/
regulation.html](http://www.dfg.ca.gov/Ospr/regulation/regulation.html)***

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910)), or Cindy Murphy ((916) 324-6250)), at the above address.

TITLE 14. STATE MINING AND GEOLOGY

NATURAL RESOURCES

NOTICE OF PROPOSED RULEMAKING

BACKFILLING

NOTICE IS HEREBY GIVEN that the State Mining and Geology Board (SMGB) proposes to adopt the regulation described below after considering all comments and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The SMGB proposes to amend Section 3704.1 to Article 9, California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1. This section of the CCR was adopted by the SMGB through the emergency process at its regularly scheduled meeting on December 12, 2002. The proposed regulation amends the emergency language in Section 3704.1, and clarifies and makes specific the conditions under which the backfilling of open pit excavations for metallic surface mines must be undertaken pursuant to the Surface Mining and Reclamation Act of 1975

(SMARA, Public Resources Code Section 2710 et seq.). This regulation, also, clarifies that lands affected by the surface mining operation must be reclaimed to a condition that approximates the natural conditions of the surrounding lands and topography.

PUBLIC HEARINGS AND WRITTEN COMMENTS

The SMGB has not scheduled a public hearing on this proposed action; however, the SMGB will hold a hearing to receive comments if it receives a written request for a public hearing from any interested person, or his/her authorized representative, no later than 15 days before the close of the written comment period. The hearing facility will be barrier free in accordance with the Americans with Disabilities Act. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The SMGB requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

Any interested person may submit written comments relevant to the proposed regulatory action to the SMGB. The Written Comment Period closes at 12:00 P.M. (Noon), April 1, 2003. The SMGB will consider only relevant comments received at the SMGB office by that time.

AUTHORITY AND REFERENCE

The SMGB proposes to adopt the regulation amending Section 3704.1 to Article 9, California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, pursuant to its authority granted in the Surface Mining and Reclamation Act (SMARA, PRC § 2710 et seq., and specifically PRC § 2755). Reference: Sections 2712 (a), (b) and (c), Section 2733, Sections 2755 through 2757, Section 2772, and Section 2773.

INFORMATIVE DIGEST

SMARA was enacted to ensure that any significant adverse impacts of mining to the environment are prevented or mitigated and public health and safety are protected. Under SMARA, surface mining operators are required to submit to their respective lead agencies (cities and counties) for approval, a plan for reclaiming lands disturbed by mining activities, as well as proof of financial assurances to ensure that those disturbed lands are reclaimed in accordance with the approved reclamation plan. Lead agencies are responsible for ensuring their surface mining operators are in compliance with SMARA's permit, reclamation, and financial assurance requirements. The Department of Conservation (DOC) and the SMGB provide lead agency assistance and oversight.

SMARA became effective on January 1, 1976. The Legislative findings and declarations are contained in PRC Section 2711, and the Legislative intent is cited in PRC Section 2712.

§ 2711—(a) The Legislature hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. [emphasis added]

(b) The Legislature further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land. [emphasis added]

(c) The Legislature further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

§ 2712—It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

(a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses. [emphasis added]

(b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

(c) Residual hazards to the public health and safety are eliminated. [emphasis added]

PRC § 2733 defines “Reclamation”:

“Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures. [emphasis added]

The SMGB adopted into State Policy Article 9, Reclamation Standards, commencing with Section 3700 of Title 14, California Code of Regulations. These regulations became effective January 15, 1993.

CCR Section 3704 provides the Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring. Subsection (b) states that:

“Where backfilling is required for resource conservation purposes (e. g., agriculture, fish and wildlife habitat, and wildland conservation), fill material shall be backfilled to the standards required for the resource conservation use involved.”

SMARA requires that upon the termination of surface mining operations, lands affected by the mining operations shall be, “reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety.” [PRC § 2733] Often, open pit surface mines with reclamation plans approved by their lead agencies after January, 1993 do not require the backfilling of the excavation, thereby leaving large, unfilled pits and mounds of overburden or mine waste rock material on the surrounding landscape. Often, also, the end use to which the site is to be readily adaptable is given as an undefined “open space”. However, where open pit excavations remain on the landscape, it often is difficult to envision how the remaining open pit is readily adaptable for a beneficial alternate use as envisioned in PRC Section 2711, or how the “open space” itself is usable.

Open pit metallic mineral mines often create very large excavations with at least equally large overburden and rock waste piles. Material “swelling” may create overburden and rock waste piles having greater volumes than the pit from which the material was excavated. In addition, metallic mineral mines that employ the cyanide heap leach method for mineral segregation and collection frequently generate very large “leach piles”. These features remain on the landscape following the conclusion of mining operations, and may pose a contamination problem when residual cyanide (or any other processing solution) not completely removed by rinsing is exposed to precipitation percolating through the pile and flushing the processing solution into surface waters.

The Resources Agency, the State Legislature, and local and national environmental organizations, have informed the State Mining and Geology Board of their concerns with the detrimental impacts caused by large metallic mining projects to the California environment and landscape, particularly when large, open pit excavations remain as open craters, and piles of overburden and waste rock materials remain on the surface, following the termination of mining operations.

POLICY STATEMENT OVERVIEW

The proposed language of the regulation clarifies and makes specific that a surface mining operation as defined in SMARA (PRC § 2735 and CCR § 3501), that is an open pit excavation for metallic minerals as defined, must reclaim the open pit excavation by backfilling the pit to the surface, and by recontouring lands disturbed by the mining operation to the approximate original contours of the mined lands that existed prior to the commencement of mining activities. Specifically, this regulation addresses PRC Sections 2711, 2712, 2733, and 2773.

CEQA COMPLIANCE

The SMGB staff have determined that this rule making project is either not a project under Title 14, CCR Section 15378 of the CEQA Guidelines, or is Categorically Exempt under Title 14, CCR Section 15308 of the CEQA Guidelines.

DISCLOSURES REGARDING THE PROPOSED ACTION

The SMGB staff has made the following preliminary determinations:

Mandate on local agencies and school districts: The SMGB staff determined that adoption of this regulation does not impose any new mandates on local agencies or on local school districts.

Costs or savings to any State agency: The SMGB staff determined that no savings or additional expenses to state agencies are identified.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: The SMGB staff determined that the adoption of this regulation does not impose any additional cost obligations on local agencies or on local school districts.

Other non-discretionary costs or savings imposed upon local agencies: The SMGB staff determined that no other non-discretionary costs or savings to local agencies are identified.

Cost or savings in Federal funding to the State: The SMGB staff determined that no costs or savings in Federal funding to the State are identified.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: SMGB staff determined that no statewide adverse impacts to California businesses result from the adoption of this proposed regulatory language.

Potential cost impact on private persons or directly affected businesses: The SMGB staff is not aware of any cost impacts that an existing representative private person or business would necessarily incur in reasonable compliance with the proposed action. A representative private person or business that com-

mences future open pit metallic mining as defined in the regulation may be liable for the costs of backfilling the excavation and contour grading the surrounding surface lands as circumstances warrant. Any cost impacts in the future to a private person or directly affected business would be a result of voluntary actions on the part of a private person or directly affected business to comply with existing statute.

Creation or elimination of jobs in California: The SMGB staff has determined that the adoption of these regulations will not:

Create nor eliminate jobs within California;

Create new nor eliminate existing businesses within California;

Expand businesses currently doing business in California.

Significant effect on housing costs: The SMGB staff has determined that the adoption of these regulations will have no significant effect on housing costs.

Effects on small businesses: SMGB staff has determined that there is no additional impact on private persons or businesses; this proposed regulation serves to clarify and make specific existing requirements contained in statute. This proposed regulation does not mandate actions upon private persons or businesses, but rather clarifies existing statutory mandates.

CONSIDERATION OF ALTERNATIVES

The SMGB must determine that no reasonable alternative that it considers or that has otherwise been identified and brought to the attention of the SMGB 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. SMGB staff has not identified any adverse impacts resulting from these proposed regulations.

No alternatives have been considered by the SMGB that would be more effective in carrying out the purpose for which these regulatory changes are proposed, nor have any other alternatives been proposed that would be as effective and less burdensome to affected private persons, lead agencies, or small businesses.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

An interested person may request a copy of the proposed regulations and the Initial Statement of Reasons, or direct questions about the proposed regulations and Initial Statement of Reasons and inspect all supplemental information, upon which the regulation is based, contained in the rulemaking file. The rulemaking file is available for inspection at the

SMGB Office at 801 K Street, Room 1700, Sacramento, California, between 9:00 A.M. and 4:00 P.M., Monday through Friday except during state holidays. Copies of the proposed regulations and the Initial Statement of Reasons may be requested by writing to the above address, or viewed on the SMGB's Internet Web Site at: <http://www.consrv.ca.gov/smgb>

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the public comment period, the SMGB may adopt, as final, the proposed regulations substantially as described in this Notice and Informative Digest. Copies of these regulations, as finally adopted, will be sent to all persons on the SMGB's public comment mailing list for this issue and others requesting copies. If, as a result of public comment, substantive changes to these regulations are deemed appropriate, copies of the proposed changes will be sent to all persons who testified at the public hearing or submitted written comments during the comment period or at the public hearing, and to those who have requested copies of information regarding the regulation.

Thereafter, the SMGB will accept written comments for a period of at least 15 days after the date upon which changes were made available. If adopted, the regulations will appear in CCR, Title 14, Division 2, Chapter 8, Subchapter 1, Article 1, Section 3704.1. A copy of the Final Statement of Reasons may be obtained by contacting the SMGB office as described under the section Contact Person.

CONFLICT WITH FEDERAL REGULATIONS

This regulation does not duplicate or conflict with existing Federal statutes or regulations. Also, by Memorandum of Understanding with the Federal Bureau of Land Management, the U. S. Forest Service, the Department of Conservation, and the State Mining and Geology Board, SMARA and federal law are coordinated to eliminate duplication.

CONTACT PERSON

Inquiries concerning the substance of the adopted regulation should be directed to:

Ms. Kit Gonzales, Executive Assistant
(or as a backup)

John G. Parrish, Ph. D., Executive Officer
State Mining and Geology Board
801 K Street, MS 24-05
Sacramento, California 95814

**TITLE 16. DEPARTMENT OF
CONSUMER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs (hereinafter "department") is proposing to take the action described in the Informa-

tive 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 400 R Street, Suite 1030, Sacramento, California 95814, at 9:00 a.m., on April 3, 2003. 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 department at its office not later than 5:00 p.m. on April 1, 2003 or must be received by the department at the hearing. The department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 87300 and 87307 of the Government Code, and to implement, interpret or make specific Section 87302 of said Code, the department is considering changes to Chapter 2 of Division 38 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Amend section 3830.

Section 87300 of the Government Code is part of Proposition 9, The Political Reform Act of 1974. That section requires each state agency to adopt a Conflict of Interest Code which must contain, among other things, the following:

- (a) Specific enumeration of the positions within the agency which involve making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. Persons holding those positions are called "designated employees."
- (b) Requirements that each designated employee file annual statements disclosing reportable investments, interests in real property and income. The Conflict of Interest Code must specify the investments, interests and income which are reportable for each designated position.

The Department of Consumer Affairs adopted a Conflict of Interest Code containing the above-noted provisions in 1977.

These proposed changes would update the existing Conflict of Interest Code primarily by adding to the list of designated employees. Therefore, a number of employees who were not previously required to file annual financial disclosure statements would now be required to file them. A small number of currently designated positions would be deleted.

The proposed changes would also amend the disclosure categories which set forth the types of investments, interests in real property and income which must be reported by designated employees.

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 department 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 department has determined that this regulatory proposal will not have any 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 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.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The department has determined that the proposed regulations would not affect small businesses because the regulations pertain to designated employees who make or participate in the making of a governmental decision. These designated employees will be required to submit annual financial disclosure statements.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative which it considered 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 department 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 Division of Legal Affairs, Department of Consumer Affairs, 400 R Street, Suite 3090, at Sacramento, California 95814.

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

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

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

CONTACT PERSON

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

Name: Albert Balingit
Address: 400 R Street, Suite 3090
Sacramento, California 95814
Telephone No.: (916) 445-4216
Fax No.: (916) 324-1368
E-Mail Address: Albert_Balingit@dca.ca.gov

The backup contact person is:

Name: Imelda Galang
Address: 400 R Street, Suite 3090
Sacramento, California 95814
Telephone No.: (916) 445-4216
Fax No.: (916) 323-0971
E-Mail Address: Imelda_Galang@dca.ca.gov

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

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 Hilton Monterey, 1000 Aguajito Road, Monterey, California, at 8:00 a.m. on April 4, 2003. 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 not later than 5:00 p.m. on April 2, 2003, 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 Sections 8525 of the Business and Professions Code, and to implement, interpret or make specific Sections 8505.7, 8506.2, 8560 (c), 8505.7, 8516, 8516.2, 8518, 8538, 8593.1, 8610, 8611, 8642, 8643, 8646, 8647, 8650, 8652, 8674 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. Amend 1914

Section 1914 of the California Code of Regulations requires in part that the Structural Pest Control Board not issue a company registration in a name style that it deems to be confusingly similar to the name style of another registered company. The Board proposes to amend regulation to eliminate this requirement.

2. Amend 1918

Sections 8506.2, 8610 and 8611 of the Business and Professions Code refer to the responsibility of qualifying managers and branch office supervisors to be available to supervise the employees of a registered structural pest control company. Section 1918 of the California Code of Regulations defines "supervise" as actual on-site supervision.

The Board proposes to amend section 1918 to clarify that the licensed supervisor must exercise control over the day-to-day operations, and such supervision can be through the use of communication devices.

3. Amend 1920

Section 1920 provides the guidelines for which a licensee may contest a citation and fine by the Board. Currently, if the Board modifies a citation after the informal conference, the original citation is withdrawn and a new citation is issued. As the regulation is written, this would allow the licensee to again request an informal conference and administrative hearing on essentially the same citation which had been previously considered in an informal conference.

This proposal would amend and specify that a second informal conference for a modified citation could not take place.

4. Amend 1948

Business and Professions Code section 8564.6 requires that an applicant for an applicator's license submit a prescribed fee. Code Section 8674 sets forth the fees imposed for the issuance of an applicator's license and the renewal of an applicator's license. There is no existing regulation to specify the fee for the applicator's license or applicator's license renewal.

5. Amend 1950

Section 8593.1 of the Business and Professions Code states as a condition to the renewal of an applicator's license, the applicator must complete courses of continuing education. The regulations do not specify the number of continuing education hours required to renew an applicator's license.

The proposal will specify the number of continuing education hours required to renew an applicator's license.

6. Amend 1970 (a)

Registered companies are currently required to maintain a fumigation log for each fumigation job performed. The log contains information including the name and address of a guard and the date and hour the police department was notified of the fumigation, where required by local ordinance.

The Board is proposing to amend section 1970 to delete the reporting requirement of the name and address of the guard, and the date and hour the police department was notified of the fumigation, because there is no law that requires a pest control company to hire guards or to notify the police department prior to fumigation.

7. Amend 1983

Recent development and use of termite bait stations as well as bait stations for other areas of structural pest control, references to bait stations in section 1983 can now be misinterpreted to mean something other than rodenticide or avicide bait stations which the regulation was originally intended to address.

This proposal would clarify that section 1983 references rodenticide and avicide bait stations rather than the newly developed termite bait stations and general pest control bait stations.

8. Adopt 1993.1

Section 8516(b)(12) of the Business and Professions Code states that the inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter. The code further states that any reinspection shall be performed for not more than the price of the registered company's original inspection price and shall be completed within ten working days after a reinspection has been ordered.

This proposal would adopt section 1993.1 that requires the Wood Destroying Pest and Organism Inspection Report to contain a statement that specifies that a company must reinspect work done by others within ten days of the request, at a charge, if any, which can be no greater than the original inspection fee for each reinspection; states that a reinspection is visual and does not include concealed areas unless inspected while work is in progress; and states that any guarantees must be received from parties performing repairs.

9. Amend 1993, 1996, 1998 and adopt 1996.3

Senate Bill 1307 (Chapter No. 983) amended sections of the Business and Professions Code to eliminate the requirement for registered companies to file inspection reports and notices of work completed with the Structural Pest Control Board. The bill created a requirement for registered companies to report and file with the Board addresses of properties inspected and the addresses of properties upon which work is completed.

This regulatory proposal would eliminate references to filing of inspection reports and notices of work completed and would require structural pest control companies to file the address of properties inspected and the addresses of properties upon which work has been completed. This proposal would also specify the penalty for violation of the reporting requirements.

10. Amend 1991(a)(13)

Existing regulation gives specific recommendations for corrective measures regarding the restoring of any wooden decks, wooden stairs and wooden landings in exterior exposure where they are unable to serve their intended purpose.

This regulatory proposal would delete specific recommendations relative to wooden decks, wooden stairs and wooden landings as this subject is addressed in existing California Code of Regulation Section 1996 regarding replacement and reinforcement of structural members. This regulation also addresses recommendations for the replacement and reinforcement of structural members.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

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

Impact on Jobs/New Businesses: The Structural Pest Control Board has determined that this regulatory proposal will not have any 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.

Small Business Impact: Sec. 1914 will have an affect on small businesses because perspective new pest control companies would no longer have to wait two weeks for a name style approval before being able to submit company registration application.

Sec. 1918 will have an affect on small businesses because qualifying managers and branch office supervisors will no longer be required to actually oversee activities on site, but will instead be able to supervise via communication devices allowing qualifying managers more flexibility over the day to day operations of a company.

Sec. 1920 will have no affect on small businesses because this proposal will only impact licensees. Preventing those licensees from requesting multiple informal conferences in regards to a single citation.

Sec. 1948 will have no affect on small businesses because the proposal will impact the applicant applying for an Applicator License requiring the applicant to pay a license/renewal fee which is consistent with current statutes.

Sec. 1950 will have an affect on small businesses because the proposal will require licensed Applicators to complete a specified number of continuing education hours per current statue. Therefore, effecting pest control companies who will have more knowledgeable employees protecting consumer interest while respecting companies.

Sec. 1970 will have no affect on small businesses because pest control companies currently do not hire security guards nor do companies notify police departments.

Sec. 1983 will have no affect on small business because this proposal only clarifies the difference between termite bait stations and other types of bait stations.

Sec. 1993.1 will have an affect on small businesses because the proposal will impact pest control companies by requiring companies to add specific language regarding reinspections to the Wood Destroying Pest and Organisms Inspection Report. The language would clarify to the consumer a company's responsibility and the time frame in which a reinspection must be performed.

Sections 1990, 1990.2, 1993, 1996, 1996.2, 1998 and adopt 1996.3 will have an affect on small businesses because the proposal would eliminate the mailing and storage of Wood Destroying Pest and Organisms Inspection Reports and The Notice on Completion and Not Completed forms for the company's and will only require pest control companies to report and file addresses of properties upon which work was completed.

Sec. 1991 (a)(13) will have no affect small businesses because the proposed amendment will serve to delete duplicate language as currently listed in California Code of Regulations.

CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative which it considered 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 1418 Howe Ave. Suite 18, Sacramento, California 95825-3280.

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

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

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

CONTACT PERSON

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

Name: Delores Coleman
Address: Structural Pest Control Board
1418 Howe Ave. Suite 18
Sacramento, CA 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Delores_Coleman@dca.ca.gov

The backup contact person is:

Name: Susan Saylor
Address: Structural Pest Control Board
1418 Howe Ave. Suite 18
Sacramento, Ca 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Susan_Saylor@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Delores Coleman (916) 561-8700.

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

GENERAL PUBLIC INTEREST

BOARD OF ACCOUNTANCY

NOTICE OF CORRECTION

The California Board of Accountancy published a Notice of Proposed Action on Regulations in the California Regulatory Notice Register, Register 2003, No. 5-Z, January 31, 2003. In the first proposal described in the Informative Digest/Policy Statement Overview, related to the examination, Section 6.1 of Title 16 of the California Code of Regulations was inadvertently not listed as one of the sections the Board is proposing to adopt. More information including the full text of proposed Section 6.1 is available on the Board's Web site at www.dca.ca.gov/cba. Inquiries may be addressed to Aronna Granick, Regulations Coordinator, at (916) 263-3788.

DEPARTMENT OF FISH AND GAME

Public Interest Notice

CESA CONSISTENCY DETERMINATION FOR Goat Canyon Enhancement Project San Diego County

The Department of Fish and Game ("Department") received notice on January 30, 2003 that the California State Parks Department, Coastal Conservancy, and Southwest Wetlands Interpretive Association ("Applicants") propose to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction of a diversion structure along Goat Canyon Creek to direct flood flows and sedimentation to controlled basins. The project is intended to protect the Tijuana River Estuary from the harmful effects of sediments and other materials that are presently washing down the Creek and into the wetlands. The activities will impact approximately 35 acres of habitat along the Goat Canyon drainage.

The U.S. Fish and Wildlife Service, on January 16, 2003, issued to the National Oceanic and Atmospheric Administration ("NOAA"), a no jeopardy federal biological opinion (FWS-SDG-3302.1) which considers the Federally and State endangered least Bell's vireo (*Vireo bellii pusillus*) and willow flycatcher (*Empidonax traillii eximius*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the Applicants are requesting a determination on whether the Federal Biological Opinion FWS-SDG-3302.1 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, the Applicants will not be required to obtain an incidental take permit under CESA for the proposed project.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF CONSENT DECREE MOBILE SMELTING SITE MOJAVE, CALIFORNIA

The Department of Toxic Substances Control ("DTSC"), pursuant to the authority vested in DTSC under California Health and Safety Code, Sections 25360 and 58009, proposes to finalize a Consent Decree regarding the Mobile Smelting Site located at United Street and Reed Road in Mojave, California ("Site") with the Ohio Casualty Insurance Company.

On January 13, 1997, DTSC filed a complaint in United States District Court, Eastern District of California, Docket No. CV-F-97 5016 OWW LJO, against a number of defendants under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9601 et seq. and the Resource Conservation and Recovery Act, 42 U.S.C. sections 6901 et seq.. DTSC subsequently filed a First and Second Amended Complaint. The Consent Decree is intended to obtain settlement, as specified in the Consent Decree, with the Ohio Casualty Insurance Company on DTSC's complaint, which includes response costs incurred and to be incurred by DTSC at or in connection with the Site. The Consent Decree provides for contribution protection to the defendant to the fullest extent provided by law.

DTSC will consider public comments on the Consent Decree which are received by DTSC within thirty (30) days of the date of this notice. DTSC may withhold finalization of the Consent Decree if such comments disclose facts or considerations that indicate the proposed Consent Decree is inappropriate, improper or inadequate.

The Consent Decree and additional background information relating to the Site are available for public inspection at the Department of Toxic Substances Control, 1515 Tollhouse Rd., Clovis, California 93611. A copy of the Consent Decree may also be obtained by contacting the DTSC representative listed below:

Reuben Medina, Project Manager
Site Mitigation Cleanup Operations
Department of Toxic Substances Control
1515 Tollhouse Rd.
Clovis, California 93611
Phone: (559) 297-3901
Facsimile: (559) 297-3931

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

The Occupational Safety and Health Appeals Board on December 31, 2002, published an index of its precedent decisions (Decisions After Reconsideration and Denials of Petitions for Reconsideration), pursuant to Government Code section 11425.60(c). The Index will be published annually, and is available by subscription for \$5.00. Orders for subscriptions, accompanied by a check made payable to the Department of Industrial Relations may be sent to the Board's Main office:

Contact Person: Judy Whitall Lee
Legal Analyst
(916) 274-5765

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833

PROPOSITION 65

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

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY FEBRUARY 14, 2003

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
<u>Allyl chloride</u>		
Delisted October 29, 1999	407051	January 1, 1990
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987
4-Aminobiphenyl		
(4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylantraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987
Azacitidine	320672	January 1, 1992
Azaserine	115026	July 1, 1987
Azathioprine	446866	February 27, 1987
Azobenzene	103333	January 1, 1990
Benz[a]anthracene	56553	July 1, 1987
Benzene	71432	February 27, 1987
Benzidine [and its salts]	92875	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205992	July 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Benzo[j]fluoranthene	205823	July 1, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzo[k]fluoranthene	207089	July 1, 1987	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)		
Benzo[f]pyrene	271896	October 1, 1990	(Lomustine)	13010474	January 1, 1988
Benzo[a]pyrene	50328	July 1, 1987	1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988
Benzotrithloride	98077	July 1, 1987	Chloroform	67663	October 1, 1987
Benzyl chloride	100447	January 1, 1990	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
Benzyl violet 4B	1694093	July 1, 1987	3-Chloro-2-methylpropene	563473	July 1, 1989
Beryllium and beryllium compounds	—	October 1, 1987	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Betel quid with tobacco	—	January 1, 1990	4-Chloro-ortho-phenylenediamine	95830	January 1, 1988
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996	p-Chloro-o-toluidine	95692	January 1, 1990
Bis(2-chloroethyl)ether	111444	April 1, 1988	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987	5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987	Chloroprene	126998	June 2, 2000
Bis(chloromethyl)ether	542881	February 27, 1987	Chlorothalonil	1897456	January 1, 1989
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	Chlorotrianisene	569573	September 1, 1996
Bitumens, extracts of			Chlorozotocin	54749905	January 1, 1992
steam-refined and air refined	—	January 1, 1990	Chromium (hexavalent compounds)	—	February 27, 1987
Bracken fern	—	January 1, 1990	Chrysene	218019	January 1, 1990
Bromate	15541454	May 31, 2002	C.I. Acid Red 114	6459945	July 1, 1992
Bromodichloromethane	75274	January 1, 1990	C.I. Basic Red 9		
Bromoethane	74964	December 22, 2000	monohydrochloride	569619	July 1, 1989
Bromoform	75252	April 1, 1991	C.I. Direct Blue 15	2429745	August 26, 1997
1,3-Butadiene	106990	April 1, 1988	C.I. Direct Blue 218	28407376	August 26, 1997
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	C.I. Solvent Yellow 14	842079	May 15, 1998
Butylated hydroxyanisole	25013165	January 1, 1990	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992
beta-Butyrolactone	3068880	July 1, 1987	Cidofovir	79217600	January 29, 1999
Cacodylic acid	75605	May 1, 1996	Cinnamyl anthranilate	113852372	July 1, 1989
Cadmium and cadmium compounds	—	October 1, 1987	Cisplatin	87296	October 1, 1988
Caffeic acid	331395	October 1, 1994	Citrus Red No. 2	15663271	October 1, 1989
Captafol	2425061	October 1, 1988	Clofibrate	6358538	September 1, 1996
Captan	133062	January 1, 1990	Cobalt metal powder	637070	July 1, 1992
Carbazole	86748	May 1, 1996	Cobalt [II] oxide	7440484	July 1, 1992
Carbon tetrachloride	56235	October 1, 1987	Cobalt sulfate heptahydrate	1307966	June 2, 2000
Carbon-black extracts	—	January 1, 1990	Coke oven emissions	10026241	February 27, 1987
N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002	Conjugated estrogens	—	February 27, 1987
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Creosotes	—	October 1, 1988
Certain combined chemotherapy for lymphomas	—	February 27, 1987	para-Cresidine	120718	January 1, 1988
Chlorambucil	305033	February 27, 1987	Cupferron	135206	January 1, 1988
Chloramphenicol	56757	October 1, 1989	Cycasin	14901087	January 1, 1988
Chlordane	57749	July 1, 1988	Cyclophosphamide (anhydrous)	50180	February 27, 1987
Chlordecone (Kepone)	143500	January 1, 1988	Cyclophosphamide (hydrated)	6055192	February 27, 1987
Chlordimeform	6164983	January 1, 1989	Cytembena	21739913	May 15, 1998
Chlorendic acid	115286	July 1, 1989			
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989	D&C Orange No. 17	3468631	July 1, 1990
p-Chloroaniline	106478	October 1, 1994	D&C Red No. 8	2092560	October 1, 1990
p-Chloroaniline hydrochloride	20265967	May 15, 1998	D&C Red No. 9	5160021	July 1, 1990
Chlorodibromomethane			D&C Red No. 19	81889	July 1, 1990
Delisted October 29, 1999	124481	January 1, 1990	Dacarbazine	4342034	January 1, 1988
			Daminozide	1596845	January 1, 1990
			Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117102	January 1, 1992

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Daunomycin	20830813	January 1, 1988	trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988
DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989	7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990
DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
DDVP (Dichlorvos)	62737	January 1, 1989	Dimethylcarbamoyl chloride	79447	January 1, 1988
N,N'-Diacetylbenzidine	613354	October 1, 1989	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
2,4-Diaminoanisole	615054	October 1, 1990	1,2-Dimethylhydrazine	540738	January 1, 1988
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	Dimethylvinylchloride	513371	July 1, 1989
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	3,7-Dinitrofluoranthene	105735715	August 26, 1997
2,4-Diaminotoluene	95807	January 1, 1988	3,9-Dinitrofluoranthene	22506532	August 26, 1997
Diaminotoluene (mixed)	—	January 1, 1990	1,6-Dinitropyrene	42397648	October 1, 1990
Dibenz[a,h]acridine	226368	January 1, 1988	1,8-Dinitropyrene	42397659	October 1, 1990
Dibenz[a,j]acridine	224420	January 1, 1988	Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
Dibenz[a,h]anthracene	53703	January 1, 1988	2,4-Dinitrotoluene	121142	July 1, 1988
7H-Dibenzo[c,g]carbazole	194592	January 1, 1988	2,6-Dinitrotoluene	606202	July 1, 1995
Dibenzo[a,e]pyrene	192654	January 1, 1988	Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996
Dibenzo[a,h]pyrene	189640	January 1, 1988	1,4-Dioxane	123911	January 1, 1988
Dibenzo[a,i]pyrene	189559	January 1, 1988	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	Diphenylhydantoin (Phenytol), sodium salt	630933	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Direct Black 38 (technical grade)	1937377	January 1, 1988
2,3-Dibromo-1-propanol	96139	October 1, 1994	Direct Blue 6 (technical grade)	2602462	January 1, 1988
Dichloroacetic acid	79436	May 1, 1996	Direct Brown 95 (technical grade)	16071866	October 1, 1988
p-Dichlorobenzene	106467	January 1, 1989	Disperse Blue 1	2475458	October 1, 1990
3,3'-Dichlorobenzidine	91941	October 1, 1987	Diuron	330541	May 31, 2002
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Epichlorohydrin	106898	October 1, 1987
1,4-Dichloro-2-butene	764410	January 1, 1990	Erionite	12510428	October 1, 1988
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Estradiol 17B	50282	January 1, 1988
1,1-Dichloroethane	75343	January 1, 1990	Estragole	140670	October 29, 1999
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Estrone	53167	January 1, 1988
1,2-Dichloropropane	78875	January 1, 1990	Estropipate	7280377	August 26, 1997
1,3-Dichloropropene	542756	January 1, 1989	Ethinylestradiol	57636	January 1, 1988
Dieldrin	60571	July 1, 1988	Ethoprop	13194484	February 27, 2001
Dienestrol	84173	January 1, 1990	Ethyl acrylate	140885	July 1, 1989
Diepoxybutane	1464535	January 1, 1988	Ethyl methanesulfonate	62500	January 1, 1988
Diesel engine exhaust	—	October 1, 1990	Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990
Di(2-ethylhexyl)phthalate	117817	January 1, 1988	Ethylene dibromide	106934	July 1, 1987
1,2-Diethylhydrazine	1615801	January 1, 1988	Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987
Diethyl sulfate	64675	January 1, 1988	Ethylene oxide	75218	July 1, 1987
Diethylstilbestrol (DES)	56531	February 27, 1987	Ethylene thiourea	96457	January 1, 1988
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989	Ethyleneimine	151564	January 1, 1988
Dihydrosafrole	94586	January 1, 1988	Fenoxycarb	72490018	June 2, 2000
Diisopropyl sulfate	2973106	April 1, 1993	Folpet	133073	January 1, 1989
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988	Formaldehyde (gas)	50000	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990	2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988
Dimethyl sulfate	77781	January 1, 1988	Furan	110009	October 1, 1993
4-Dimethylaminoazo- benzene	60117	January 1, 1988	Furazolidone	67458	January 1, 1990
			Furmecyclox	60568050	January 1, 1990

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Fusarin C	79748815	July 1, 1995	Medroxyprogesterone acetate	71589	January 1, 1990
Ganciclovir sodium	82410320	August 26, 1997	MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990	MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500040	October 1, 1994
Gemfibrozil	25812300	December 22, 2000	Melphalan	148823	February 27, 1987
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	Merphalan	531760	April 1, 1988
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990	Mestranol	72333	April 1, 1988
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990	Metham sodium	137428	November 6, 1998
Glycidaldehyde	765344	January 1, 1988	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Glycidol	556525	July 1, 1990	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Griseofulvin	126078	January 1, 1990	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Gyromitrin (Acetaldehyde methylformylhydrazine)	16568028	January 1, 1988	Methylazoxymethanol	590965	April 1, 1988
HC Blue 1	2784943	July 1, 1989	Methylazoxymethanol acetate	592621	April 1, 1988
Heptachlor	76448	July 1, 1988	Methyl carbamate	598550	May 15, 1998
Heptachlor epoxide	1024573	July 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Hexachlorobenzene	118741	October 1, 1987	5-Methylchrysene	3697243	April 1, 1988
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	4,4'-Methylene bis(2-chloroaniline)	101144	July 1, 1987
Hexachlorodibenzo-dioxin	34465468	April 1, 1988	4,4'-Methylene bis(N,N-dimethylbenzenamine)	101611	October 1, 1989
Hexachloroethane	67721	July 1, 1990	4,4'-Methylene bis(2-methylaniline)	838880	April 1, 1988
Hexamethylphosphoramide	680319	January 1, 1988	4,4'-Methylenedianiline	101779	January 1, 1988
Hydrazine	302012	January 1, 1988	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Hydrazine sulfate	10034932	January 1, 1988	Methyleugenol	93152	November 16, 2001
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methyl iodide	74884	April 1, 1988
Indium phosphide	22398807	February 27, 2001	Methylmercury compounds	—	May 1, 1996
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990	Methyl methanesulfonate	66273	April 1, 1988
Iprodione	36734197	May 1, 1996	2-Methyl-1-nitroanthraquinone (of uncertain purity)	129157	April 1, 1988
Iron dextran complex	9004664	January 1, 1988	N-Methyl-N'-nitro-N-nitrosoguanidine	70257	April 1, 1988
Isobutyl nitrite	542563	May 1, 1996	N-Methylolacrylamide	924425	July 1, 1990
Isoprene	78795	May 1, 1996	Methylthiouracil	56042	October 1, 1989
Isosafrole	120581	October 1, 1989	Metiram	9006422	January 1, 1990
Isoxaflutole	141112290	December 22, 2000	Metronidazole	443481	January 1, 1988
Lactofen	77501634	January 1, 1989	Michler's ketone	90948	January 1, 1988
Lasiocarpine	303344	April 1, 1988	Mirex	2385855	January 1, 1988
Lead acetate	301042	January 1, 1988	Mitomycin C	50077	April 1, 1988
Lead and lead compounds	—	October 1, 1992	Monocrotaline	315220	April 1, 1988
Lead phosphate	7446277	April 1, 1988	5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988
Lead subacetate	1335326	October 1, 1989	Mustard Gas	505602	February 27, 1987
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989	MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000
Lynestrenol	52766	February 27, 2001			
Mancozeb	8018017	January 1, 1990	Nafenopin	3771195	April 1, 1988
Maneb	12427382	January 1, 1990	Nalidixic acid	389082	May 15, 1998
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990	Naphthalene	91203	April 19, 2002
			1-Naphthylamine	134327	October 1, 1989
			2-Naphthylamine	91598	February 27, 1987

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Nickel and certain nickel compounds	—	October 1, 1989	Norethynodrel	68235	February 27, 2001
Nickel carbonyl	13463393	October 1, 1987	Ochratoxin A	303479	July 1, 1990
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Oil Orange SS	2646175	April 1, 1988
Nickel subsulfide	12035722	October 1, 1987	Oral contraceptives, combined	—	October 1, 1989
Niridazole	61574	April 1, 1988	Oral contraceptives, sequential	—	October 1, 1989
Nitrilotriacetic acid	139139	January 1, 1988	Oxadiazon	19666309	July 1, 1991
Nitrilotriacetic acid, tri-sodium salt mono-hydrate	18662538	April 1, 1989	Oxazepam	604751	October 1, 1994
5-Nitroacenaphthene	602879	April 1, 1988	Oxymetholone	434071	January 1, 1988
5-Nitro-o-anisidine	99592	October 1, 1989	Oxythioquinox	2439012	August 20, 1999
o-Nitroanisole	91236	October 1, 1992	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
Nitrobenzene	98953	August 26, 1997	Panfuran S	794934	January 1, 1988
4-Nitrobiphenyl	92933	April 1, 1988	Pentachlorophenol	87865	January 1, 1990
6-Nitrochrysene	7496028	October 1, 1990	Phenacetin	62442	October 1, 1989
Nitrofen (technical grade)	1836755	January 1, 1988	Phenazopyridine	94780	January 1, 1988
2-Nitrofluorene	607578	October 1, 1990	Phenazopyridine hydrochloride	136403	January 1, 1988
Nitrofurazone	59870	January 1, 1990	Phenesterin	3546109	July 1, 1989
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555840	April 1, 1988	Phenobarbital	50066	January 1, 1990
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531828	April 1, 1988	Phenolphthalein	77098	May 15, 1998
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenoxybenzamine	59961	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitrogen mustard N-oxide	126852	April 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
Nitromethane	75525	May 1, 1997	Phenylhydrazine and its salts	—	July 1, 1992
2-Nitropropane	79469	January 1, 1988	o-Phenylphenate, sodium	132274	January 1, 1990
1-Nitropyrene	5522430	October 1, 1990	o-Phenylphenol	90437	August 4, 2000
4-Nitropyrene	57835924	October 1, 1990	PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650235	October 1, 1994
N-Nitrosodi-n-butylamine	924163	October 1, 1987	Polybrominated biphenyls	—	January 1, 1988
N-Nitrosodiethanolamine	1116547	January 1, 1988	Polychlorinated biphenyls	—	October 1, 1989
N-Nitrosodiethylamine	55185	October 1, 1987	Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
N-Nitrosodimethylamine	62759	October 1, 1987	Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
p-Nitrosodiphenylamine	156105	January 1, 1988	Polychlorinated dibenzofurans	—	October 1, 1992
N-Nitrosodiphenylamine	86306	April 1, 1988	Polygeenan	53973981	January 1, 1988
N-Nitrosodi-n-propylamine	621647	January 1, 1988	Ponceau MX	3761533	April 1, 1988
N-Nitroso-N-ethylurea	759739	October 1, 1987	Ponceau 3R	3564098	April 1, 1988
3-(N-Nitrosomethylamino)propionitrile	60153493	April 1, 1990	Potassium bromate	7758012	January 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)-1-butanone	64091914	April 1, 1990	Primidone	125337	August 20, 1999
N-Nitrosomethylethylamine	10595956	October 1, 1989	Procarbazine	671169	January 1, 1988
N-Nitroso-N-methylurea	684935	October 1, 1987	Procarbazine hydrochloride	366701	January 1, 1988
N-Nitroso-N-methylurethane	615532	April 1, 1988	Procymidone	32809168	October 1, 1994
N-Nitrosomethylvinylamine	4549400	January 1, 1988	Progesterone	57830	January 1, 1988
N-Nitrosomorpholine	59892	January 1, 1988	Pronamide	23950585	May 1, 1996
N-Nitrososornicotine	16543558	January 1, 1988	Propachlor	1918167	February 27, 2001
N-Nitrosopiperidine	100754	January 1, 1988	1,3-Propane sultone	1120714	January 1, 1988
N-Nitrosopyrrolidine	930552	October 1, 1987	Propargite	2312358	October 1, 1994
N-Nitrososarcosine	13256229	January 1, 1988	beta-Propiolactone	57578	January 1, 1988
o-Nitrotoluene	88722	May 15, 1998	Propylene oxide	75569	October 1, 1988
Norethisterone (Norethindrone)	68224	October 1, 1989	Propylthiouracil	51525	January 1, 1988
			Pyridine	110861	May 17, 2002
			Quinoline and its strong acid salts	—	October 24, 1997
			Radionuclides	—	July 1, 1989
			Reserpine	50555	October 1, 1989
			Residual (heavy) fuel oils	—	October 1, 1990

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Saccharin		
<u>Delisted April 6, 2001</u>	81072	October 1, 1989
Saccharin, sodium		
<u>Delisted January 17, 2003</u>	128449	January 1, 1988
Safrole	94597	January 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998
Selenium sulfide	7446346	October 1, 1989
Shale-oils	68308349	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52017	May 1, 1997
Stanozolol	10418038	May 1, 1997
Sterigmatocystin	10048132	April 1, 1988
Streptozotocin (streptozocin)	18883664	January 1, 1988
Styrene oxide	96093	October 1, 1988
Sulfallate	95067	January 1, 1988
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540291	September 1, 1996
Terrazole	2593159	October 1, 1994
Testosterone and its esters	58220	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
p-a,a,a-Tetrachloro-toluene	5216251	January 1, 1990
Tetrafluoroethylene	116143	May 1, 1997
Tetranitromethane	509148	July 1, 1990
Thioacetamide	62555	January 1, 1988
4,4'-Thiodianiline	139651	April 1, 1988
Thiodicarb	59669260	August 20, 1999
Thiourea	62566	January 1, 1988
Thorium dioxide	1314201	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471625	October 1, 1989
ortho-Toluidine	95534	January 1, 1988
ortho-Toluidine hydrochloride	636215	January 1, 1988
para-Toluidine		
<u>Delisted October 29, 1999</u>	106490	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Treosulfan	299752	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Trichloroethylene	79016	April 1, 1988
2,4,6-Trichlorophenol	88062	January 1, 1988
1,2,3-Trichloropropane	96184	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76879	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Tris(2-chloroethyl) phosphate	115968	April 1, 1992

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Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Trypan blue (commercial grade)	72571	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66751	April 1, 1988
Urethane (Ethyl carbamate)	51796	January 1, 1988
Vinclozolin	50471448	August 20, 1999
Vinyl bromide	593602	October 1, 1988
Vinyl chloride	75014	February 27, 1987
4-Vinylcyclohexene	100403	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
Zineb		
<u>Delisted October 29, 1999</u>	12122677	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990
Atenolol	developmental	29122687	August 26, 1997
Auranofin	developmental	34031328	January 29, 1999
Azathioprine	developmental	446866	September 1, 1996

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Barbiturates	developmental	—	October 1, 1992	Demeclocycline	developmental	64733	January 1, 1992
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	hydrochloride (internal use)			
Benomyl	developmental, male	17804352	July 1, 1991	Diazepam	developmental	439145	January 1, 1992
Benzene	developmental, male	71432	December 26, 1997	Diazoxide	developmental	364987	February 27, 2001
Benzodiazepines	developmental	—	October 1, 1992	1,2-Dibromo-3- chloropropane (DBCP)	male	96128	February 27, 1987
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	Dichlorophene	developmental	97234	April 27, 1999
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	Dichlorophenamide	developmental	120978	February 27, 2001
Bromacil lithium salt	developmental male	53404196	May 18, 1999 January 17, 2003	Diclofop methyl	developmental	51338273	March 5, 1999
Bromoxynil	developmental	1689845	October 1, 1990	Dicumarol	developmental	66762	October 1, 1992
Bromoxynil octanoate	developmental	1689992	May 18, 1999	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Butabarbital sodium	developmental	143817	October 1, 1992	Diffunisal	developmental, female	22494424	January 29, 1999
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Cadmium	developmental, male	—	May 1, 1997	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Carbamazepine	developmental	298464	January 29, 1999	<i>m</i> -Dinitrobenzene	male	99650	July 1, 1990
Carbon disulfide	developmental, female, male	75150	July 1, 1989	<i>o</i> -Dinitrobenzene	male	528290	July 1, 1990
Carbon monoxide	developmental	630080	July 1, 1989	<i>p</i> -Dinitrobenzene	male	100254	July 1, 1990
Carboplatin	developmental	41575944	July 1, 1990	2,4-Dinitrotoluene	male	121142	August 20, 1999
Chenodiol	developmental	474259	April 1, 1990	2,6-Dinitrotoluene	male	606202	August 20, 1999
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Chlorambucil	developmental	305033	January 1, 1989	Dinocap	developmental	39300453	April 1, 1990
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	Dinoseb	developmental, male	88857	January 1, 1989
Chlordecone (Kepone)	developmental	143500	January 1, 1989	Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
Chlordiazepoxide	developmental	58253	January 1, 1992	Disodium cyanodithio- imidocarbonate	developmental	138932	March 30, 1999
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
1-(2-Chloroethyl)-3- cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990	Doxycycline (internal use)	developmental	564250	July 1, 1990
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
Cidofovir	developmental, female, male	113852372	January 29, 1999	Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
Cladribine	developmental	4291638	September 1, 1996	Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
Clarithromycin	developmental	81103119	May 1, 1997	Endrin	developmental	72208	May 15, 1998
Clobetasol propionate	developmental, female	25122467	May 15, 1998	Epichlorohydrin	male	106898	September 1, 1996
Clomiphene citrate	developmental	50419	April 1, 1990	Ergotamine tartrate	developmental	379793	April 1, 1990
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Estropipate	developmental	7280377	August 26, 1997
Cocaine	developmental, female	50362	July 1, 1989	Ethionamide	developmental	536334	August 26, 1997
Codeine phosphate	developmental	52288	May 15, 1998	Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Colchicine	developmental, male	64868	October 1, 1992	Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999
Conjugated estrogens	developmental	—	April 1, 1990	Ethylene dibromide	developmental, male	106934	May 15, 1998
Cyanazine	developmental	21725462	April 1, 1990	Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
Cycloate	developmental	1134232	March 19, 1999	Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
Cyclohexanol	male	108930	November 6, 1998	Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
<u>Delisted January 25, 2002</u>				Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
Cycloheximide	developmental	66819	January 1, 1989	Ethylene oxide	female	75218	February 27, 1987
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Ethylene thiourea	developmental	96457	January 1, 1993
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989	Etodolac	developmental, female	41340254	August 20, 1999
Cyhexatin	developmental	13121705	January 1, 1989	Etoposide	developmental	33419420	July 1, 1990
Cytarabine	developmental	147944	January 1, 1989	Etretinate	developmental	54350480	July 1, 1987
Dacarbazine	developmental	4342034	January 29, 1999	Fenoxaprop ethyl	developmental	66441234	March 26, 1999
Danazol	developmental	17230885	April 1, 1990	Filgrastim	developmental	121181531	February 27, 2001
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990	Fluazifop butyl	developmental	69806504	November 6, 1998
2,4-D butyric acid	developmental, male	94826	June 18, 1999	Flunisolide	developmental, female	3385033	May 15, 1998
<i>o,p'</i> -DDT	developmental, female, male	789026	May 15, 1998	Fluorouracil	developmental	51218	January 1, 1989
<i>p,p'</i> -DDT	developmental, female, male	50293	May 15, 1998	Fluoxymesterone	developmental	76437	April 1, 1990
2,4-DP (dichloroprop)	developmental	120365	April 27, 1999	Flurazepam hydrochloride	developmental	1172185	October 1, 1992
<u>Delisted January 25, 2002</u>				Flurbiprofen	developmental, female	5104494	August 20, 1999
				Flutamide	developmental	13311847	July 1, 1990
				Fluticasone propionate	developmental	80474142	May 15, 1998
				Fluvalinate	developmental	69409945	November 6, 1998

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 7-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Gemfibrozil	female, male	25812300	August 20, 1999	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Halazepam	developmental	23092173	July 1, 1990	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Halobetasol propionate	developmental	66852548	August 20, 1999	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Haloperidol	developmental, female	52868	January 29, 1999	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Halothane	developmental	151677	September 1, 1996	Norgestrel	developmental	6533002	April 1, 1990
Heptachlor	developmental	76448	August 20, 1999	Oxadiazon	developmental	19666309	May 15, 1998
Hexachlorobenzene	developmental	118741	January 1, 1989	Oxazepam	developmental	604751	October 1, 1992
Hexamethylphosphoramide	male	680319	October 1, 1994	Oxydemeton methyl	female, male	301122	November 6, 1998
Histrelin acetate	developmental	—	May 15, 1998	Oxymetholone	developmental	434071	May 1, 1997
Hydramethylnon	developmental, male	67485294	March 5, 1999	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Hydroxyurea	developmental	127071	May 1, 1997	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Ifosfamide	developmental	3778732	July 1, 1990	Paramethadione	developmental	115673	July 1, 1990
Iodine-131	developmental	10043660	January 1, 1989	Penicillamine	developmental	52675	January 1, 1991
Isotretinoin	developmental	4759482	July 1, 1987	Pentobarbital sodium	developmental	57330	July 1, 1990
Lead	developmental, female, male	—	February 27, 1987	Pentostatin	developmental	53910251	September 1, 1996
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Phenacemide	developmental	63989	July 1, 1990
Levodopa	developmental	59927	January 29, 1999	Phenprocoumon	developmental	435972	October 1, 1992
Levonorgestrel implants	female	797637	May 15, 1998	Pimozide	developmental, female	2062784	August 20, 1999
Linuron	developmental	330552	March 19, 1999	Pipobroman	developmental	54911	July 1, 1990
Lithium carbonate	developmental	554132	January 1, 1991	Plicamycin	developmental	18378897	April 1, 1990
Lithium citrate	developmental	919164	January 1, 1991	Polybrominated biphenyls	developmental	—	October 1, 1994
Lorazepam	developmental	846491	July 1, 1990	Polychlorinated biphenyls	developmental	—	January 1, 1991
Lovastatin	developmental	75330755	October 1, 1992	Potassium dimethyldithio- carbamate	developmental	128030	March 30, 1999
Mebendazole	developmental	31431397	August 20, 1999	Pravastatin sodium	developmental	81131706	March 3, 2000
Medroxyprogesterone acetate	developmental	71589	April 1, 1990	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Megestrol acetate	developmental	595335	January 1, 1991	Procarbazine hydrochloride	developmental	366701	July 1, 1990
Melphalan	developmental	148823	July 1, 1990	Propargite	developmental	2312358	June 15, 1999
Menotropins	developmental	9002680	April 1, 1990	Propylthiouracil	developmental	51525	July 1, 1990
Meprobamate	developmental	57534	January 1, 1992	Pyrimethamine	developmental	58140	January 29, 1999
Mercaptopurine	developmental	6112761	July 1, 1990	Quazepam	developmental	36735225	August 26, 1997
Mercury and mercury compounds	developmental	—	July 1, 1990	Quizalofop-ethyl	developmental, male	76578148	December 24, 1999
Methacycline hydrochloride	developmental	3963959	January 1, 1991	Resmethrin	developmental	10453868	November 6, 1998
Metham sodium	developmental	137428	May 15, 1998	Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recom- mended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Methazole	developmental	20354261	December 1, 1999	Ribavirin	developmental male	36791045	April 1, 1990
Methimazole	developmental	60560	July 1, 1990	Rifampin	developmental, female	13292461	February 27, 2001
Methotrexate	developmental	59052	January 1, 1989	Secobarbital sodium	developmental	309433	October 1, 1992
Methotrexate sodium	developmental	15475566	April 1, 1990	Sermorelin acetate	developmental	—	August 20, 1999
Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993	Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Methyl chloride	developmental	74873	March 10, 2000	Sodium fluoroacetate	male	62748	November 6, 1998
Methyl mercury	developmental	—	July 1, 1987	Sodium streptomycin sulfate	developmental	3810740	January 1, 1991
N-Methylpyrrolidone	developmental	872504	June 15, 2001	Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Methyltestosterone	developmental	58184	April 1, 1990				
Metiram	developmental	9006422	March 30, 1999				
Midazolam hydrochloride	developmental	59467968	July 1, 1990				
Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992				
Misoprostol	developmental	59122462	April 1, 1990				
Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990				
Myclobutanil	developmental, male	88671890	April 16, 1999				
Nabam	developmental	142596	March 30, 1999				
Nafarelin acetate	developmental	86220420	April 1, 1990				
Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992				
Netilmicin sulfate	developmental	56391572	July 1, 1990				
Nickel carbonyl	developmental	13463393	September 1, 1996				
Nicotine	developmental	54115	April 1, 1990				
Nifedipine	developmental, female, male	21829254	January 29, 1999				
Nimodipine	developmental	66085594	April 24, 2001				
Nitrapyrin	developmental	1929824	March 30, 1999				
Nitrofurantoin	male	67209	April 1, 1991				

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-paradioxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	26995915 97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: February 14, 2003

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

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

NOTICE TO INTERESTED PARTIES

**CORRECTION TO THE LIST OF CHEMICALS
AS KNOWN TO THE STATE TO CAUSE
REPRODUCTIVE TOXICITY**

The list of chemicals as known to the State of California to cause cancer or reproductive toxicity which was published on **January 17, 2003** in the California Regulatory Notice Register, Register 03, No. 3-Z, contains an incorrect Chemical Abstract Service (CAS) number for the chemical, urofollitropin, which was listed as known to the State to cause developmental toxicity. Following is the correct CAS number for that chemical:

litropin, which was listed as known to the State to cause developmental toxicity. Following is the correct CAS number for that chemical:

<i>Chemical Known to the State to Cause Reproductive Toxicity Endpoint</i>	<i>Endpoint</i>	<i>Previously Listed CAS No.</i>	<i>Correct CAS No.</i>	<i>Date of Listing</i>
Urofollitropin	developmental	26995-91-5	97048-13-0	April 1, 1990

A complete, corrected chemical list is published elsewhere in this issue of the *California Regulatory Notice Register*.

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

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

NOTICE TO INTERESTED PARTIES

**REQUEST FOR INFORMATION ON PHENOL
(CAS# 108-95-2), A CHEMICAL TO BE
CONSIDERED BY OEHHHA'S SCIENCE
ADVISORY BOARD'S DEVELOPMENTAL AND
REPRODUCTIVE TOXICANT (DART)
IDENTIFICATION COMMITTEE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHHA's Science Advisory Board advises and assists OEHHHA in compiling the list of chemicals known to the State to cause reproductive toxicity. This list is mandated by Health and Safety Code Section 25249.8. The DART Identification Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity and, thus, will be added to the Proposition 65 list.

OEHHHA has developed a procedure for prioritizing candidate chemicals for consideration under Proposition 65 by the State's qualified experts. The process is described in "Procedure for Prioritizing Candidate Chemicals for Consideration Under Proposition 65 by the State's Qualified Experts," May 1997, (Prioritization Policy) and is available on the Internet at <http://www.oehha.ca.gov/prop65/pdf/priodoc.pdf>. On September 12, 1997, OEHHHA released for public

comment a draft priority assignment and draft data summary for phenol with respect to its potential to cause reproductive toxicity.

Phenol has now been assigned a final priority of "High". In accordance with OEHHA's Prioritization Policy, OEHHA will review the available reproductive toxicity literature and data on phenol, and prepare a summary of the information in a document referred to as a Hazard Identification Document.

The DART Identification Committee will consider OEHHA's Hazard Identification Document regarding phenol before determining whether or not to add this chemical to the list of chemicals known to the State to cause reproductive toxicity. Interested parties or members of the public wishing to provide information relevant to an assessment of the reproductive and developmental toxicity of phenol should forward such information to the address given below. The publication of this notice marks the start of a 60-day data call-in period for such information. This period ends on **Tuesday, April 15, 2003**. The information received during this data call-in period will be reviewed and considered by OEHHA as it develops the reproductive and developmental toxicity Hazard Identification Document on phenol.

OEHHA welcomes public participation and public input as part of these scientific assessments. If there is sufficient public interest, a public workshop or other public forum will be held to encourage scientific dialogue prior to completion of the Hazard Identification Document.

Notification of the availability of the Hazard Identification Document and of the time, date, location, and agenda of any workshop and of the meeting of the DART Identification Committee where phenol will be discussed will be provided in future notices published in the California Regulatory Notice Register and posted on OEHHA's Home Page at <http://www.oehha.ca.gov>. It is anticipated that the hazard identification document will be made available for a 60-day public comment period prior to the DART Identification Committee meeting at which phenol will be considered.

Relevant information on phenol should be sent in triplicate by mail or fax to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
1001 I Street, 19th Floor
P.O. Box 4010
Sacramento, CA 95812-4010
Fax (916) 323-8803
Telephone (916) 445-6900

Relevant information may also be delivered in person or by courier to the above address.

In order to be considered, the relevant information must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by fax) by 5:00 pm on **Tuesday, April 15, 2003**.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3

PETITIONER

Jack Nottingham.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 324-4331.

AVAILABILITY OF PETITION

The petition for amendment of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections (CDC) to adopt regulations to instruct CDC staff to issue CDC Forms 839, 840, and 841 at reception in cases where an inmate has or is currently committed to the Department on a 3rd term in order to comply with the recent amendments to Title 15 Sections 3375, 3375.1, 3375.2, 3375.3, 3375.4, and adopted Section 3377. The petitioner's concern is that prior scores be "corrected" using the new regulation language because he did not previously get credit for his "6 month prior incarceration" on his prior score sheets.

DEPARTMENT DECISION

The Director of Corrections denies the petition to amend regulations to instruct CDC staff to issue CDC Forms 839, 840, and 841 at reception with regards to cases where an inmate has or is currently committed to the Department on a 3rd term because the requested outcome can already be obtained under the above mentioned regulations that have been adopted in accordance with the provisions of the Administrative Procedure Act (APA). Therefore, a new regulatory adoption is not needed. Moreover, since the proposed regulation would serve the same purpose of another regulation, its adoption would represent a violation of the nonduplication standard of the APA as set forth in § 11349(f) of the Government Code.

The Department contends this newly adopted regulation language is not retroactive and applies only to the new score sheets, therefore the Department will not be correcting prior score sheets; however, that point is mute because although the section called "Annual / 6 Month Review Period Dates" is an addition to the new score sheet, the regulation/requirement for granting an inmate favorable behavior points for six month review periods is not new and therefore any correction to previous score sheets is unnecessary.

The only change to the score sheet regarding six-month review periods is the section that requires the recording of specific dates for the six-month review periods that are considered. On old score sheets, when an inmate was reviewed for favorable points, the dates were recorded in the margin of the form and were not recorded in a database. The new form now requires that these dates be recorded in the boxes of the Annual / 6 Month Review Period Dates section. When the boxes in this section are completed, that information is recorded in the Inmate Classification Score System database.

Inasmuch as the petitioner's suggested changes are not necessary, the petition is denied.

DEPARTMENT OF CORRECTIONS

**NOTICE OF DECISION ON PETITION TO
ADOPT REGULATIONS**

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3

PETITIONER

Jack Nottingham.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC

Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition for adoption of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections adopt regulations to be incorporated into the California Code of Regulations (CCR), Title 15, Division 3, to either require reception centers to process inmates within 30 days or to award day for day credit to inmates while housed at a reception center for every day over 30 days. According to the petitioner, this new regulation is necessary because inmates are currently being housed in reception centers for up to 180 days. While so housed, CCR § 3043.6(d)(1) specifies that inmates shall only be assigned to half-time work/training programs. As a result, petitioner believes inmates are denied the full opportunities afforded by Penal Code (PC) § 2933; whereby they may earn a reduction in their term of confinement for good behavior and program participation. Because of such extended stays at reception centers, inmates who would be otherwise eligible for reduction credits have their "Earliest Possible Release Date" extended in violation of their due process rights.

DEPARTMENT DECISION

The Director of Corrections denies the petition to adopt new regulations to either direct reception center processing within a 30-day time frame or award day for day term reduction credits for reception center days in excess of 30 days.

There is currently no statutory obligation for the department to process inmates within any specified time frame. Moreover, PC § 2933(a) clearly states that less than maximum credit should be awarded for prisoners not assigned to a full-time credit-qualifying program. It is pursuant this provision of law that the department has adopted rule 3043.6 whereby inmates are assigned half-time programs while being processed in reception centers. Furthermore, PC § 2933(b) establishes that work time credit is a privilege, not a

right and the prisoner's opportunity to participate is conditioned on institutional security and available resources.

While inmates undergoing prolonged reception center processing and appropriately participating in program activities may not earn sentence-reducing credits at the same rate as other inmates with permanent housing assignments, this constitutes no known legal or regulatory inconsistency. Work time credit earning is not a right, and reception center program opportunities are constrained by legitimate resource limitations, and not because of any willful intent on the part of the Department to unreasonably deny the opportunity to participate. Likewise, any one of a number of factors may account for processing delays, and such delays are not deliberately intended on the part of the department in order to deny participation opportunities. Moreover, CCR subsection 3043.6(d)(2) already permits exception to the half-time work/training program limitation for reception center inmates, upon "approval from the deputy director, institutions."

Therefore, for the reasons indicated, the petition is denied.

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3

PETITIONERS

Jessica Gozaly; Gina Gutierrez; Jeri Haley; Danielle Hoffman; Carrie L. Lovato; Jaunie Sharp; Bonnie L. Sloan; John Sloan; Marisa Sloan; Natasha N. Sloan; Raymond H. Sloan, Jr; Matt S. Williaey, and 5 illegible names.

AUTHORITY

Under authority established in Penal Code (PC) § 5058, the Director may prescribe and amend regulations for the administration of prisons. PC § 5054 vests with the Director; the supervision, management and control of the prisons; and the responsibility for the care, custody, treatment, training, discipline, or employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries in writing regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or by telephone at (916) 322-9702.

AVAILABILITY OF PETITION

The petition for adoption of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections (CDC) "delete" and "rewrite" regulations contained in the California Code of Regulations (CCR), Title 15, Division 3, Subchapter 2, Article 7, § 3174(e)(2), which specifies that family visits will not be permitted for inmates who have been sentenced to life, designated Close A or Close B custody, condemned, assigned to a reception center, assigned to an Administrative Segregation (AD SEG) or Security Housing (SHU) unit, designated "C" status, guilty of one or more Division A or B offenses within the last twelve months, or guilty of narcotics trafficking while incarcerated. As "rewritten," the regulation would stipulate that family visits for the described classes of inmates would be permitted on a "case-by-case" basis. Petitioner states that the regulation, as currently written, serves no reasonable penological interest and punishes several classes of inmates in direct conflict to the Department's stated recognition of the value of visiting as a method of maintaining family relationships.

DEPARTMENT DECISION

The Director of Corrections denies the petition to delete this existing regulation or amend the rule to provide any class of inmates described in § 3174(e) case-by-case consideration for family visiting privileges. Without new statute, case law, or changes in the policies of other public agencies, which would compel the regulatory changes requested, CDC lacks the legal or discretionary authority to voluntarily make the changes requested. Moreover, a number of the named classes, and specifically those under close custody, assigned to AD SEG or SHU, designed C status, or guilty of certain offenses, already receive "case-by-case" reconsideration for family visiting once their status changes.

The rules at issue were promulgated in 1995 and have survived court challenges and prior Administrative Procedure Act petitions. In these challenges an appellate court upheld the penological basis of the rules: "The protection of the safety of the public—particularly those family members who would be visiting these inmates in an unsupervised setting—is a legitimate interest that state prison officials may consider when determining which inmates may participate in the family visiting program."

Regarding inmates condemned or sentenced to life, CDC does not establish such sentences and it has no ability to compel the Board of Prison Terms, a separate organizational entity of the Youth and Adult Correc-

tions Agency, to establish parole dates. Nor can CDC be party to deletion of this rule in order to circumvent the Board's authority over the establishment of parole dates for specific inmates. As articulated by the Governor as recently as last year, expanding eligibility for unsupervised overnight visits would create a serious inconsistency in the current security practices enforced for life prisoners.

All of the remaining "classes of inmates" covered by this regulation are not necessarily denied family visiting opportunities on a permanent basis. Their eligibility for such visits depends on institutional assignment, conduct, time frames, positive programming, rules violation clarifications, and other such factors evaluated by classification committees on a case-by-case basis in accordance with other regulations contained in the Director's Rules. Therefore, these inmates already receive "case-by-case" consideration for restoration of family visiting privileges, if otherwise eligible.

Finally, the value of visiting as a means of maintaining family relationships has actually been reaffirmed recently with the revision of inmate visiting regulations, consistent with legislation chaptered in this session (AB 2133). The following language is CDC's preferred text: "The value of visiting is recognized and encouraged as a means for an inmate to establish and maintain meaningful family and community relationships." It is anticipated that this rule will be adopted by the end of this calendar year. CDC believes that the inmate exceptions to family visiting contained in § 3174(e) are legitimate and warranted as discussed above and do not represent a repudiation or inconsistency in policy as the petitioner suggests.

Therefore, for the reasons cited, and pending other action by the Governor, Legislature, or Courts, the Department disagrees with the need for the regulatory change. Accordingly, the petition is denied.

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.

AIR RESOURCES BOARD ATCM Residential Waste Burning

This action adopts an Airborne Toxic Control Measure (ATCM) prohibiting the outdoor burning of household waste, other than vegetation grown on the property, at one- and two-family residences in California.

Title 17
California Code of Regulations
ADOPT: 93113
Filed 02/03/03
Effective 02/03/03
Agency Contact:
Leslie M. Krinsk (805) 473-7325

BOARD OF EQUALIZATION Alcoholic Beverage Tax Law

This regulatory action adopts the requirements for electronic recordkeeping, and clarifies the taxes paid by beer and wine importers.

Title 18
California Code of Regulations
ADOPT: 2570 AMEND: 2500, 2538, 2552
Filed 02/04/03
Effective 03/06/03
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION Federal Areas

This action makes on reservation sales of meals, food and beverages at eating and drinking establishments by Indian retailers for consumption on an Indian reservation exempt from use taxation.

Title 18
California Code of Regulations
AMEND: 1616
Filed 02/04/03
Effective 03/06/03
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION Fixtures

The Board of Equalization is amending section 122.5, title 18, California Code of Regulations, making editorial corrections only.

Title 18
California Code of Regulations
AMEND: 122.5
Filed 02/04/03
Effective 02/04/03
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF VOCATIONAL NURSING AND
PSYCHIATRIC TECHNICIANS
Vocational Nursing Regulations**

This action permits licensed vocational nurses who are Board-certified in intravenous therapy to administer specified intravenous medications in hemodialysis, pheresis and blood bank settings under certain conditions.

Title 16
California Code of Regulations
AMEND: 2542, 2542.1, 2547, and 2547.1
Filed 01/29/03
Effective 02/28/03
Agency Contact: Kim Frankland (916) 263-7848

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
Stalking Course—Mental Illness Course**

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Title 11
California Code of Regulations
AMEND: 1081(a)(31), 1081(a)(32)
Filed 02/03/03
Effective 02/03/03
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON TEACHER CREDENTIALING
Eminence Credential Application Appeal and Denial
Process**

In this regulatory action, the California Commission on Teacher Credentialing amends a regulation pertaining to "Eminence Credentials," credentials which are authorized under Education Code section 44262, to revise the process for the review of Eminence Credential applications. The revisions include a reconsideration process for applications which are initially denied.

Title 5
California Code of Regulations
AMEND: 80043
Filed 01/30/03
Effective 03/01/03
Agency Contact: Nancy Troyer (916) 445-6816

**DEPARTMENT OF CHILD SUPPORT SERVICES
Director Qualifications**

This Certificate of Compliance following a deemed emergency action sets minimum standards for directors of local child support agencies pursuant to Family Code Section 1730 (f).

Title 22
California Code of Regulations
ADOPT: 1111560

Filed 02/03/03
Effective 02/03/03
Agency Contact: Lucila Ledesma (916) 464-5087

**DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control**

This emergency regulation will establish that portions of canyon live oak, and plants and plant parts (except seed) of Western star flower are included as regulated articles and commodities for *Phytophthora ramorum*, the fungus which causes oak mortality disease.

Title 3
California Code of Regulations
AMEND: 3700(c)
Filed 02/03/03
Effective 02/03/03
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF HEALTH SERVICES
Established Place of Business**

Pursuant to two recent bills targeting Medi-Cal fraud and abuse (AB 1107, chapter 146, statutes of 1999, and AB 1098, chapter 322, statutes of 2000), the Department is defining and requiring an established place of business for Medi-Cal providers, having determined that those who lack an established place are much more likely to engage in fraud. These regulations are deemed to be emergencies and are exempt from OAL review pursuant to Welfare and Institutions Code section 14043.75, and will remain in effect for 180 days pursuant to section 78, chapter 146, statutes of 1999.

Title 22
California Code of Regulations
ADOPT: 51200.01 AMEND: 51000.4, 51000.30, 51000.45, 51000.50, 51000.55, 51200, and 51451
Filed 02/03/03
Effective 02/03/03
Agency Contact: Marylyn Willis (916) 657-3174

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Electronic Hazardous Waste**

This Certificate of Compliance addresses hazardous waste cathode ray tube (CRT) materials and consumer electronic devices (CEDs), and establishes standards that will promote the proper management of CRT materials and CEDs by generators, and provides an alternative that encourages recycling.

Title 22
California Code of Regulations
ADOPT: 66260.22, 66260.23, 66273.3, 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66261.9, 66264.1, 66265.1, 66268.1, 66270.1, 66273.1,

66273.4, 66273.8, 66273.9, 66273.13,
Filed 02/03/03
Effective 02/03/03
Agency Contact: Joan Ferber (916) 322-6409

DEPARTMENT OF TRANSPORTATION**School Site Evaluation Criteria**

The regulatory action establishes school site evaluation criteria.

Title 21
California Code of Regulations
ADOPT: 3570
Filed 02/03/03
Effective 03/05/03
Agency Contact: Betsy Eskridge (916) 654-5203

DIVISION OF WORKERS COMPENSATION**Vocational Rehabilitation**

This rulemaking action sets the procedure for settling prospective vocational rehabilitation services in compliance with Labor Code section 4646(b). It also concerns the sending of reports to the qualified rehabilitation representative, the termination of vocational rehabilitation services, and the forms relating to vocational rehabilitation.

Title 8
California Code of Regulations
ADOPT: 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22, 10122.1, 10127.3, 10131.2, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15 AMEND: 10122, 10131, 10133, 10133.2 REPEAL: 10133.1
Filed 01/29/03
Effective 01/29/03
Agency Contact:
Destie Overpeck (415) 703-4659

FAIR POLITICAL PRACTICES COMMISSION**Transfer of Funds Raised Prior to Proposition 34 Limits**

This emergency regulatory action concerns the transfer of funds raised prior to Proposition 34 limits. Specifically, the regulation states that a candidate for elective state office may transfer funds possessed on January 1, 2001 to a controlled committee without attributing the funds to specific contributors. The candidate's committee may have unlimited number of transfers without attribution but only up to a maximum amount. A similar type regulation concerns funds possessed on November 6, 2002 by candidates of statewide elective office. These regulations are exempt from OAL review and are being submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2
California Code of Regulations
ADOPT: 18530.2

Filed 01/30/03
Effective 03/01/03
Agency Contact: Scott Tocher (916) 322-5660

FISH AND GAME COMMISSION**Spot Prawn Trawling**

This regulatory action expands the period when spot prawn trawling is subject to incidental catch restrictions from November 1 through January 31 to September 1 through February 28.

Title 14
California Code of Regulations
AMEND: 120.3
Filed 02/03/03
Effective 02/03/03
Agency Contact: John M. Duffy (916) 653-4899

NEW MOTOR VEHICLE BOARD**Informal Mediation**

This action sets up procedures for informal mediation between a member of the public and a new motor vehicle dealer, manufacturer, distributor or branch.

Title 13
California Code of Regulations
ADOPT: 551.14, 551.15, 551.16, 551.17 AMEND: 553.40, 595
Filed 02/04/03
Effective 03/06/03
Agency Contact:
Robin P. Parker (916) 445-2080

**OCCUPATIONAL SAFETY AND HEALTH
(CAL-OSHA) DIVISION****Civil Penalty for Failure to Report Occupational Accident**

This action would establish a minimum penalty of \$5000 for failure to report an employee's injury or illness, or death, in violation of section 342(a) of Title 8 of the California Code of Regulations.

Title 8
California Code of Regulations
AMEND: 336
Filed 01/30/03
Effective 03/01/03
Agency Contact:
Christopher P. Grossgart (415) 703-5080

OFFICE OF EMERGENCY SERVICES**Dam Inundation Mapping Procedures**

This filing is the resubmission of a certificate of compliance for an emergency regulation which established procedures to ensure the timely submission of inundation maps adequate for the purpose of evacuation planning in the event a dam fails.

Title 19
California Code of Regulations
ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577,

2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6,
2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3
Filed 02/04/03
Effective 02/04/03
Agency Contact: Robert M. Mead (916) 845-8766

SCHOLARSHARE INVESTMENT BOARD
Governor's Scholarship Programs

This Certificate of Compliance clarifies and streamlines administrative functions for the Governor's Scholarship Programs. (Previous file 01-1219-05E)

Title 5
California Code of Regulations
AMEND: 31000,31001, 31003, 31004, 31005,
31006, 31007
Filed 01/29/03
Effective 01/29/03
Agency Contact: Wanda Wallis (916) 651-8826

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

Outpatient Mental Health Service Limitations

The Victim Compensation and Government Claims Board (Board) administers the Victim Compensation Program which assists eligible victims who incur certain expenses as a direct result of crimes. Subdivision (a)(2) of Government Code section 13957 imposes monetary caps on the amount of reimbursement for outpatient mental health counseling. The Board is authorized by subdivision (a) of Government Code section 13957.2 to establish service limitations for reimbursement for mental health counseling services. This emergency regulatory action imposes such service limitations and provides for the audit of mental health counseling providers.

Title 2
California Code of Regulations
ADOPT: 649.23, 649.24, 649.25
Filed 02/03/03
Effective 02/03/03
Agency Contact:
Judith A. Kopec (916) 327-4016

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

Victim Compensation Program—Emergency Awards

In this regulatory action, the Victim Compensation and Government Claims Board amends a regulation providing for "emergency awards" in connection with the Victim Compensation Program (which assists eligible victims who incur certain expenses as a direct result of crimes).

Title 2
California Code of Regulations
AMEND: 649.11

Filed 02/03/03
Effective 02/03/03
Agency Contact:
Judith A. Kopec (916) 327-4016

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN OCTOBER 02, 2002
TO FEBRUARY 05, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's 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 1

01/21/03 REPEAL: 121, 122, 123, 124, 125, 125.5,
126, 127, 128, Appendix A
10/29/02 AMEND: 1, 100

Title 2

02/03/03 AMEND: 649.11
02/03/03 ADOPT: 649.23, 649.24, 649.25
01/30/03 ADOPT: 18530.2
01/16/03 AMEND: 18705.1
01/16/03 AMEND: 18703.4, 18730, 18940.2,
18942.1, 18943
01/16/03 ADOPT: 18545
01/16/03 AMEND: 18700
01/16/03 ADOPT: 1859.71.2, 1859.78.4, 1859.108
AMEND: 1859.50, 1859.70, 1859.72,
1859.73.1, 1859.73.2, 1859.74.1,
1859.75.1, 1859.76, 1859.78.2,
1859.79.3, 1859.81, 1859.81.1, 1859.82,
1859.100, 1859.101, 1859.102, 1859.107
01/13/03 ADOPT: 1866.4.1, 1866.4.2, 1866.4.3,
1866.4.4, 1866.4.6, 1866.4.7, 1866.5.1,
1866.5.2, 1866.5.4, 1866.5.5, 1866.5.6,
1866.5.7, 1866.5.8, 1866.9.1,
1866.12,1866.13, 1866.14 AMEND:
1866, 1866.1, 1866.2, 1866.3, 1866.4,
1866.5, 1866.5.3, 1866.7, 1866.8, 186
01/08/03 ADOPT: 18535
12/19/02 ADOPT: 1859.200, 1859.201, 1859.202,
1859.203, 1859.204, 1859.205, 1859.206,
1859.207, 1859.208, 1859.209, 1859.210,
1859.211, 1859.212, 1859.213, 1859.214,
1859.215, 1859.216, 1859.217, 1859.218,
1859.218, 1859.219, 1859.220,
12/17/02 ADOPT: 599.723.2
12/10/02 ADOPT: 58700
11/26/02 AMEND: 57.1

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 7-Z

11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9
11/14/02 AMEND: 2271
11/04/02 ADOPT: 549.95
11/04/02 ADOPT: 1859.70.1, 1859.71.3,
1859.78.5, 1859.78.6, 1859.78.7,
1859.93.1, 1859.120, 1859.121,
1859.122, 1859.122.1, 1859.122.2,
1859.123, 1859.124, 1859.124.1,
1859.125, 1859.125.1, 1859.126,
1859.127, 1859.128, 1859.129, 1859.130,
1859.140, 1859.141, 1859
10/31/02 AMEND: 51000
10/31/02 ADOPT: 18531.7
10/24/02 ADOPT: 2351
10/09/02 AMEND: 18539.2
10/04/02 AMEND: 1859.81, 1859.91
10/04/02 ADOPT: 18544

Title 3

02/03/03 AMEND: 3700(c)
01/28/03 AMEND: 3417(b)
01/27/03 AMEND: 3700(C)
01/21/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
01/06/03 AMEND: 1380.19(l), 1428.17, 1436.37
12/24/02 ADOPT: 1392.12
12/12/02 AMEND: 3417(b)
12/12/02 AMEND: 3417(b)
12/12/02 AMEND: 3423(b)
12/10/02 AMEND: 3700(b)
12/05/02 AMEND: 6550
12/03/02 AMEND: 6622
12/02/02 AMEND: 3423(b)
12/02/02 AMEND: 1392.1, 1392.2, 1392.4,
1392.9.1
11/12/02 ADOPT: 4600, 4601, 4602, 4603
11/07/02 AMEND: 6000, 6710
11/01/02 AMEND: 3417(b)
10/28/02 AMEND: 3604(b)
10/24/02 AMEND: 1380.19, 1430.10, 1430.12,
1430.14, 1430.26, 1430.27, 1430.32,
1430.45, 1430.50, 1430.51
10/17/02 ADOPT: 3650, 3651, 3652, 3653, 3654,
3655, 3656, 3657, 3658, 3659, 3660,
3661, 3662, 3663, 3663.5
10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7
REPEAL: 1420.9, 1442.10

Title 4

01/27/03 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308,
12309, 12310 AMEND: 12300, 12301,
12302, 12303, 12304, 12305, 12306,
12307, 12308, 12309, 12310
12/12/02 ADOPT: 12100, 12101, 12104, 12105,
12120, 12122, 12124, 12126, 12128,
12130, 12132, 12140, 12142

12/05/02 ADOPT: 12309, 12310 AMEND:
12300, 12301, 12302, 12303, 12305
10/15/02 ADOPT: 1867
10/07/02 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308

Title 5

01/30/03 AMEND: 80043
01/29/03 AMEND: 31000, 31001, 31003, 31004,
31005, 31006, 31007
01/27/03 ADOPT: 42397, 42397.1, 42397.2,
42397.3, 42397.4, 42397.5, 42397.6,
42397.7, 42397.8, 42397.9, 42397.10,
42397.11
01/16/03 ADOPT: 9531, 9532
01/08/03 ADOPT: 11303, 11304, 11305, 11306,
11307, 11308, 11316 AMEND: 11303,
11304, 11305 REPEAL: 4304, 4306,
4311, 4312
12/23/02 AMEND: 80054.5, 80020.4.1
12/10/02 ADOPT: 11983.5
12/09/02 AMEND: 80054
12/05/02 AMEND: 30950, 30951, 30951.1, 30952,
30953, 30954, 30955, 30956, 30957,
30958, 30959
10/21/02 AMEND: 18301
10/17/02 ADOPT: 80434 AMEND: 80001

Title 8

01/30/03 AMEND: 336
01/29/03 ADOPT: 10133.16, 10133.17, 10133.18,
10133.19, 10133.20, 10133.21, 10133.22,
10122.1, 10127.3, 10131.2, 10133.10,
10133.11, 10133.12, 10133.13, 10133.14,
10133.15 AMEND: 10122, 10131,
10133, 10133.2 REPEAL: 10133.1
01/28/03 AMEND: 1604.5(c)(3), 1604.6(a)
01/21/03 ADOPT: 339.9 AMEND: 339.8.1
01/09/03 AMEND: 9771, 9771.2, 9771.66, 9772,
9779, 9779.1, 9779.3, 9779.4, 9779.45
01/09/03 ADOPT: 412.2 AMEND: 403, 404,
405.1, 411, 411.1, 411.2, 418, 420 RE-
PEAL: 407, 407.1, 407.2, 407.3,
01/09/03 AMEND: 769
01/08/03 ADOPT: 46.1
01/06/03 AMEND: 1527
01/03/03 AMEND: 344.30
12/30/02 AMEND: 14300.10, 14300.12, 14300.29
12/30/02 ADOPT: 10114.1, 10114.2, 10114.3,
10114.4, 101002, 10103.2, 10106.1,
10107.1, 10111.2, 10113.1, 10113.2,
10113.3, 10113.4, 10113.5, 10113.6
AMEND: 10104, 10105, 10106.5, 10108,
10109, 10113, 10114, 10115.1 REPEAL:
10115.3
12/19/02 AMEND: 5221, 5223,
12/03/02 AMEND: 4794, 4848, 4850
12/02/02 AMEND: 3441(a)

11/18/02 ADOPT: 2980, 2981, 2982, 2983

Title 9

01/02/03 AMEND: 10355

12/26/02 ADOPT: 7149.1 AMEND: 7174

11/26/02 ADOPT: 9526, 9531 AMEND: 9500,
9505, 9515, 9530, 9535

Title 10

01/21/03 AMEND: 2690.1, 2690.2

01/16/03 AMEND: 2498.6

01/13/03 ADOPT: 2498.6

01/02/03 AMEND: 2509.40, 2509.41, 2509.42,
2509.45, 2509.77

12/31/02 AMEND: 2318.6, 2353.1, and 2354.

12/26/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
2278.5

12/16/02 ADOPT: 1422, 1423

12/12/02 AMEND: 2632.8

12/12/02 ADOPT: 2699.6606, 2699.6711,
2699.6631, 2699.6717 AMEND:
2699.6500, 2699.6600, 2699.6605,
2699.6607, 2699.6611, 2699.6613,
2699.6617, 2699.6623, 2699.6625,
2699.6629, 2699.6631, 2699.6700,
2699.6703, 2699.6705, 2699.6709,
2699.6800, 2699.6801, 2699.680

12/05/02 AMEND: 2632.13(c)

11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4,
2689.5, 2689.6, 2689.7, 2689.8, 2689.9,
2689.10, 2689.11, 2689.12, 2689.13,
2689.14, 2689.15, 2689.16, 2689.17,
2689.18, 2689.19, 2689.20, 2689.21,
2689.22, 2689.23, 2689.24,

11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3,
2542.4, 2542.5, 2542.6, 2542.7, and
2542.8

11/18/02 ADOPT: 2187.4

11/14/02 AMEND: 5002

11/07/02 ADOPT: 2193, 2193.1, 2193.2 2193.3

11/04/02 ADOPT: 2698.99

10/31/02 ADOPT: 2632.13

10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4,
2651.1, 2652.5, 2655.1, 2655.5, 2655.6,
2655.10, 2656.1, 2656.2, 2656.3, 2656.4,
2657.2, 2658.1, 2659.1, 2661.3, 2697.3

Title 11

02/03/03 AMEND: 1081(a)(31), 1081(a)(32)

01/17/03 ADOPT: 3100, 3101, 3102, 3103, 3200,
3201, 3203, 3204 AMEND: 3000, 3001,
3002, 3003, 3007, 3008

12/04/02 ADOPT: 977.52 AMEND: 977.20,
977.43, 977.44, 977.45, 977.50, 977.51

12/03/02 AMEND: 1001, 1010 REPEAL: 1009

11/26/02 AMEND: 1005

10/10/02 ADOPT: 435, 436, 437, 438, 439, 440,
441, 442, 443, 444, 445, 446, 447, 448,

449, 450, 451, 452, 453, 454, 455, 456,
457, 458, 459, 460, 461, 462, 463, 464,
465, 466, 467, 468, 469, 470, 471, 472,
473, 474, 475, 476, 477, 478, 479, 480,
481, 482, 483, 48

10/07/02 ADOPT: 1012 AMEND: 1001, 1004,
1005, PAM D-13 REPEAL: former 1005

Title 13

02/04/03 ADOPT: 551.14, 551.15, 551.16, 551.17
AMEND: 553.40, 595

01/03/03 ADOPT: 2606 AMEND: 2601, 2602,
2603, 2604, 2605, 2606, 2607, 2608,
2609, 2610

12/24/02 AMEND: 2261, 2262, 2262.4, 2262.5,
2262.6, 2262.9, 2265, 2266.5, 2269,
2271, 2272, 2296

11/25/02 AMEND: 810, 811, 812, 813, 814, 815,
816, 817, 818

11/04/02 ADOPT: 225.00, 225.03, 225.06, 225.09,
225.12, 225.15, 225.18, 225.21, 225.24,
225.27, 226.30, 225.33, 225.36, 225.39,
225.41, 225.45, 225.48, 225.51, 225.54,
225.57, 225.60, 225.63, 225.66, 225.69,
225.72, and related forms

10/18/02 AMEND: 1956.8

Title 14

02/03/03 AMEND: 120.3

01/28/03 ADOPT: 6593, 6593.1, 6593.2, 6593.3,
6593.4, 6593.5, 6593.6, 6593.7, 6593.8,
6593.9, 6593.10, 6593.11

01/21/03 ADOPT: 14120 AMEND: 14101, 14102,
14111, 14112, 14113, 14115, 14116

01/17/03 AMEND: 180.15

01/09/03 ADOPT: 52.00, 52.01, 52.02, 52.03,
52.04, 52.05, 52.09 AMEND: 150.16,
150.17

01/07/03 AMEND: 630

01/03/03 ADOPT: 1.91 AMEND: 1.90, 27.60,
27.82, 28.27, 28.28, 28.29, 28.54, 28.55,
28.58

12/31/02 AMEND: 150.06(a)

12/30/02 AMEND: 150.06, 150.16

12/30/02 AMEND: 150.16

12/30/02 AMEND: 670.2

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12/19/02 AMEND: 11900 and 11901

12/19/02 AMEND: 11900

12/18/02 ADOPT: 3704.1

12/05/02 AMEND: 18419

12/03/02 AMEND: 2200, 2320, 2500

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11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1],
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969.3], 929.4, [949.4, 969.4] REPEAL:
929.5, [949.5, 969.5], 1037.5(a), 1052

11/21/02 AMEND: 791.7, 870.15, 870.17, 870.19, 870.21 and incorporated by reference form FG-OSPR -1972
 11/21/02 AMEND: 1038(f)
 11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530 and 2690 renumbered to 2850
 11/18/02 AMEND: 932.9, 952.9
 11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2, 932.7, 933.1, 933.2, 952.7, 953.1, 953.2
 11/07/02 AMEND: 7.50(b)(5)(E), 7.50(b)(156)(H)
 11/07/02 ADOPT: 749.2
 10/28/02 ADOPT: 4971
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 10/08/02 AMEND: 2135
 10/03/02 AMEND: 3502
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