



# California Regulatory Notice Register

REGISTER 2018, NO. 8-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

FEBRUARY 23, 2018

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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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 5. COMMISSION ON TEACHER  
CREDENTIALING**

**Division VIII of Title 5 of the California Code of  
Regulations  
Proposed Amendments to Title 5 Regulations  
Pertaining to the Single Induction Experience for  
New Teachers**

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulations is available with the added text underlined and the deleted text lined out.

A public hearing on the proposed actions will be held:

**April 13, 2018  
8:30 a.m.  
Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95811**

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes at 5:00 p.m. April 9, 2018. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, atn. David Crable, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to [dcable@ctc.ca.gov](mailto:dcable@ctc.ca.gov).

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be in-

cluded in the written agenda prepared for and presented to the full Commission at the hearing.

**AUTHORITY AND REFERENCE**

Education Code section 44225 authorizes the Commission to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Education Code sections 44225(a)(1)(B), 44259, and 44259.5 pertaining to induction programs for beginning teachers.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to sections 80048.8, 80048.8.1, and 80413 of Title 5 of the California Code of Regulations (CCR) related to providing a single induction experience for new teachers as approved by the Commission at the December 2017 meeting and section 80523 to provide updates to sections of regulations related to these changes regarding how educators qualify for an extension of time to a credential.

The proposed regulations also include a general cleanup and updating of regulations, including language related to NCLB requirements now outdated with the signing of the Every Student Succeeds Act (ESSA), the removal of references to fifth year and clear credential programs which have now transitioned to teacher induction programs, and the addition of language that allows the use of a baccalaureate degree in professional education toward meeting the requirements for the Multiple Subject Teaching Credential, as provided in Education Code §44225(a)(1)(B).

**GENERAL PROVISIONS**

In October 2016 the Commission, as part of strengthening and streamlining the accreditation process, adopted a unitary set of program standards that governs induction for both general education and special education teachers. In doing so, the Commission recognized that a high quality, job embedded mentoring program is the most effective means of delivering support and assistance to new teachers regardless of credential area.

When the Commission adopted the single set of Teacher Induction Program Standards, PSA 17-01: Commission Adoption of Teacher Induction Preconditions and Program Standards was distributed to advise that all Teacher Induction programs must submit a Transition Plan in implementing these standards by the specified dates as shown in the table below:

Type of Induction Program	Transition Plan Due	Must Transition to New Standards
General Education	June 30, 2016	September 1, 2017
Special Education	April 17, 2017	September 1, 2018

The Commission, through the adoption of the Teacher Induction standards, established the policy that an educator earning a teaching credential should only need to complete one induction experience. The proposed amendments to regulations would support the standards by creating a pathway for educators that does not currently exist. The proposed amendments would allow an educator who already holds a clear credential in one area, such as general education, to be granted a clear credential in a different credential area, such as special education, upon completion of the appropriate preliminary teacher preparation program without being required to undergo the extra time and any related expense to complete an additional induction experience for the new credential area.

The proposed amendments also include:

- 1) the cleanup of language related to NCLB requirements now outdated with the signing of the Every Student Succeeds Act (ESSA),
- 2) removal of references to fifth year programs which have now sunset,
- 3) relocation of subsections related to extensions for credentials to section 80523, and
- 4) added language that allows the use of a baccalaureate degree in professional education toward meeting the requirements for the Multiple Subject Teaching Credential, as provided in Education Code §44225(a)(1)(B).

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulation amendments are to:

- provide added clarity to regulations by including a specific definition for the term “induction program”
- implement the provision of a single type of induction program which will provide a pathway for educators that currently does not exist, allowing the holder of a clear general education credential who completes a preliminary education specialist program to apply directly for the clear Education Specialist Credential. This will prevent the educator in this situation from being required to undertake the extra time or expense of completing a separate induction program for the new credential type. This will also open the same

option for educators holding the clear Education Specialist Credential to obtain a general education credential

- add to the regulations the provision to use a baccalaureate degree in professional education to meet the requirements for Multiple Subject Teaching Credential candidates
- clean up outdated terms related to NCLB requirements outdated with the signing of the Every Student Succeeds Act (ESSA) and references to fifth year programs no longer offered.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by assuring teachers will have completed the kind of comprehensive preparation and personal mentoring and support required to be more fully prepared to provide meaningful instruction to all students in California public schools. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in the requirements individuals are held to in their teacher preparation. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern meeting the subject matter requirements for credentials in California.

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

February 2016 Commission agenda item 3D: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-02/2016-02-3d-pdf.pdf>

December 2017 Commission agenda item 3D: [https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-12/2017-12-3d.pdf?sfvrsn=824e57b1\\_2](https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-12/2017-12-3d.pdf?sfvrsn=824e57b1_2)

Teacher Induction Program Preconditions and Program Standards — October 2016 [https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/teacher-induction-precon-standards-pdf.pdf?sfvrsn=59e14eb1\\_2](https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/teacher-induction-precon-standards-pdf.pdf?sfvrsn=59e14eb1_2)

### DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

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

*Cost or savings to any state agency:* None.

*Cost or savings in federal funding to the state:* None.

*Significant effect on housing costs:* None.

*Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:* None.

These proposed regulations will not impose a cost on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

*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.

*Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]:* The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by assuring teachers will have completed the kind of comprehensive preparation and personal mentoring and support required to be more fully prepared to provide meaningful instruction to all students in California public schools. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in the requirements individuals are held to in their teacher preparation. The Commission does not anticipate that the proposed regulations will result in the protection of

public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

*Effect on small businesses:* The proposed regulations will not have an effect on small business. The proposed regulations apply only to individuals already participating in teaching credential programs.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

### CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to David Crable by telephone at (916) 323-5119 or write to David Crable, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Erin Skubal (back-up contact) at (916) 323-9596 or at the address mentioned above. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Rea-

sons. Copies may be obtained by contacting David Crable at the address or telephone number provided above.

#### **MODIFICATION OF PROPOSED ACTION**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

#### **AVAILABILITY OF FINAL STATEMENT OF REASONS**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rule-making package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting David Crable at (916) 323-5119.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov).

### **TITLE 13. CALIFORNIA HIGHWAY PATROL**

#### **AMEND TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6, ARTICLE 1, SECTION 1153**

#### **Explosives Routes and Stopping Places (CHP-R-2018-02)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR) Section 1153, Safe Stopping and Parking Places, related to the designation of safe stopping places, safe parking places, inspection stops, and required inspection stops for commercial vehicles transporting explosives on highways in the state.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Pursuant to Section 31616 of the California Vehicle Code (CVC), Designation of Routes, the CHP shall prescribe, by regulation, a list of safe stopping places for commercial vehicles transporting explosives on highways. Section 31616 CVC further requires the CHP to revise the list and keep it current. The proposed amendments will update the list of safe stopping places in the regulation.

The CHP's field commands conduct annual surveys on the explosives routes and safe stopping places to determine if changes are necessary. The CHP field commands inspected the locations of business establishments serving as safe stopping and parking places. Business owners expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place, or CHP 114A, Designation as Safe Parking Place.

The proposed amendments will update the list of safe stopping places to be used by carriers transporting explosives along the designated explosives routes. These updates are mostly due to permissions received or denied or change of business information or ownership. An additional note is also proposed under the list to exempt vehicles from being inspected at a required inspection stop if the location is closed. The CHP has received concurrence with the proposed regulation amendment from the State Fire Marshal.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California's residents, workers, and environment. The changes to the application of the regulation are not substantive, and bring the regulation in conformance with existing statute. The proposed changes update and clarify safe stopping places designated for carriers transporting explosives and contribute to transportation safety and public health.

During the process of developing these regulations and amendments, the CHP has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing federal and state regulations.

#### **PUBLIC COMMENT**

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
Attention: Dr. Tian-Ting Shih  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m.,  
April 9, 2018.

#### PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

#### AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above-noted address. Copies will also be posted on the CHP website.

#### CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Sergeant Adam Roha at (916) 843-3400.

#### ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth with-

out further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

#### FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) 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.

**Benefits of the Proposed Action:** The proposed regulation updating safe stopping places designated for commercial vehicle carriers transporting explosives will continue to provide benefits, including the non-monetary benefit of protecting public health and safety for residents, workers, and the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

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

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

#### EFFECT ON SMALL BUSINESSES

The CHP has determined the proposed regulatory action may affect small businesses. If a business can no longer meet the requirements for safety, they will be deleted from the list of safe stopping and safe parking places. However, due to the very limited amount of commercial vehicles transporting explosives on the designated routes in the state, no foreseeable economic

impact is projected for the small business to be removed from the list.

#### ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP has determined that no reasonable alternative considered by the CHP or otherwise identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### AUTHORITY

This regulatory action is being taken pursuant to Section 31616, CVC.

#### REFERENCE

This action implements, interprets, or makes specific Sections 31303, 31304, 31601, 31602, 31607, 31611, 31614, and 31616, CVC.

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Sections 5058 and 5058.3, in order to implement, interpret, and make specific PC Section 5054, proposes to amend Sections 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, and 3763 and to repeal Sections 3800, 3800.1, 3800.2, and 3800.3 of California Code of Regulations (CCR), Title 15, Division 3 concerning assorted parole revisions.

#### PUBLIC HEARING

Date and Time: **April 18, 2018 — 2:00 p.m. to 3:00 p.m.**  
Place: Department of Corrections and Rehabilitation  
Kern/Colorado Room  
1515 S Street — North Building  
Sacramento, CA  
Purpose: To receive comments about this action.

#### PUBLIC COMMENT PERIOD

The public comment period will close on **April 18, 2018 at 5:00 p.m.** Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered by the Department, comments must be submitted by mail to CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001, or by email at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

#### CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Associate Director  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Telephone (916) 445-2269**

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

**S. Pollock  
Regulation and Policy Management Branch  
Telephone (916) 445-2308**

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

**Charles Bell  
Division of Adult Parole Operations  
(916) 445-1040**

#### AUTHORITY AND REFERENCE

PC Section 5000 provides that commencing on July 1, 2005, any reference to the Department of Corrections

in this or any code refers to CDCR, Division of Adult Operations.

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

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

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

PC Section 5058.3 provides that an Emergency adoption, amendment, or repeal of a regulation by the Director shall be conducted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations provide outdated information with regard to parolees on Non-Revocable Parole (NRP). As a result of the implementation of Post Release Community Supervision (PRCS) due to the 2011 Public Safety Realignment Act codified in PC Section 3000.08, parolees that were previously eligible for NRP pursuant to PC Section 3000.03, are now released to the counties, even though the authority for PC Section 3000.03 still exists at this time. Additionally, due to the passage of the 2014 Safe Neighborhoods and Schools Act codified in PC Section 1170.18, some offenders that petition the courts to have their crimes resentenced to misdemeanors, once resentenced, may then fall under both statutory authorities (PC Sections 1170.18 and 3000.03); therefore, to address these specific situations, the Division of Adult Parole Operations (DAPO) created the submodel “Misdemeanor Monitored Parole — Non-Revocable (MMP-NR)” for those individuals that qualify under both PC authorities. MMP-NR parolees are assigned a parole agent, but will not have a hold placed against them, be returned to prison, or have any violations reported to the courts by CDCR. Revisions included in the proposed regulations account for these changes to NRP by removing references to NRP that are no longer applicable and updating language with regard to specific provisions or exclusions of NRP parolees.

Other revisions included in the proposed regulations update certain procedures, such as: the procedures for parolees who refuse to sign conditions of parole; the exclusionary and case-by-case criteria for placement into Parolee Service Centers or Residential Multi-Service Center Programs; and the release procedures for those parolees classified as “highest control” or “highest risk.” In addition, several definitions within Section 3000 are updated to remove outdated or obsolete definitions and add new language and definitions.

Lastly, current regulations include language for the Residential Aftercare Program, which the Department eliminated in 2009 due to budget cuts and the implementation of PRCS. Revisions in the proposed regulations will bring the regulations up-to-date by repealing Article 21, PC 3050 Residential Aftercare Program.

The broad objective of the proposed regulations is to update Title 15 regulations with current language and procedures.

This action provides the following:

- Updates and provides new definitions in Section 3000, Definitions.
- Deletes the CDC Form 174, Probation Officer’s Report, which is no longer used.
- Defines procedures, in accordance with PC Section 3060.7, for parolees designated as the “highest control” or “highest risk” classification to report to their assigned parole unit within two calendar days, with no exceptions for delays to be granted.
- Further clarifies and defines authorized delays in reporting for parolees *not* designated as the “highest control” or “highest risk” classification.
- Updates procedures for parolees who refuse to sign conditions of parole.
- Provides that, if applicable, in addition to the CDCR Form 1515, Notice and Conditions of Parole, the CDCR Form 1515 — Addendum, Special Conditions of Parole, shall be effectively communicated to the parolee.
- Defines procedures for Interstate Cooperative Parolees who refuse to sign conditions of parole.
- Deletes the CDCR Form 1515-A, Notification of Non-Revocable Parole Requirements.
- Removes language which is no longer applicable regarding NRP.
- Updates the exclusionary and case-by-case criteria for placement into Parolee Service Center or Residential Multi-Service Center Programs.
- Repeals Article 21, PC 3050 Residential Aftercare Program.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

Although the CDCR Form 1515 — Addendum (Rev. 11/15), Special Conditions of Parole, was already incorporated by reference in recently revised Section 3620(a), that section inadvertently left out the language “incorporated by reference”; therefore, the language “incorporated by reference” is added to Section 3075.2(b)(2)(A). The CDCR Form 1515 — Addendum has not been revised in this rulemaking and is included for reference purposes only. The CDC Form 174 (Rev. 03/87), Probation Officer’s Report, and the CDCR Form 1515–A, Notification of Non–Revocable Parole Requirements (01/10), are deleted in this rulemaking and are included for reference.

**BENEFITS ANTICIPATED BY THE  
PROPOSED REGULATIONS**

The proposed regulations will benefit staff and parolees by providing a clear understanding of the various updated parole related processes, procedures, and programs, and by making specific the provisions of PC Section 3060.7 regarding persons classified as the highest control or risk classification reporting to their assigned parole unit within two calendar days from release, which will protect the safety and security of the general public.

**EVALUATION OF  
CONSISTENCY/COMPATIBILITY WITH  
EXISTING LAWS/REGULATIONS**

The Department has determined that these proposed regulations are consistent and compatible with existing State laws and regulations. The Department reached this conclusion by researching existing statutes.

**LOCAL MANDATES**

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

**FISCAL IMPACT STATEMENT**

- **Cost to any local agency or school district that is required to be reimbursed pursuant to Section 17500 et seq.:** *none*

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

**EFFECT ON HOUSING COSTS**

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

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

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

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT AFFECTING BUSINESSES**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, because the proposed regulations make changes to parole procedures only and place no obligations or requirements on any business.

**EFFECT ON SMALL BUSINESSES**

The Department has determined that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by procedures concerning parolees.

**RESULTS OF ECONOMIC  
IMPACT ASSESSMENT**

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on worker safety (other than the safety of the general public, as stated above) or the State’s environment because the proposed regulations relate strictly to

California parolees. The proposed regulations will benefit the health and welfare of California residents by promoting safety within California communities.

**CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

**AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS**

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

**AVAILABILITY OF CHANGES TO PROPOSED TEXT**

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

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

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

**TITLE 17. DEPARTMENT OF PUBLIC HEALTH**

**Compatibility Maintenance with NRC Regulations (DPH-13-001)**

NOTICE IS HEREBY GIVEN that the California Department of Public Health (Department) intends to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**SUMMARY OF THE PROPOSED REGULATION**

The Department proposes to amend sections of title 17 of the California Code of Regulations (CCR) that address radioactive material (RAM), in accordance with the United States Nuclear Regulatory Commission's (NRC) adoption of title 10, Code of Federal Regulations, part 37 (10 CFR 37), Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material, and part 71 (10 CFR 71), Transportation of Licensed Material. These proposed regulations also address the NRC's provisions in 10 CFR parts 30, 40, and 70.

These proposed regulations incorporate by reference the January 2016 versions of 10 CFR 37 and 10 CFR 71, and the U.S. Department of Transportation's (DOT) provisions in 49 CFR parts 107, 171 through 180, and 390 through 397 — which are referenced in 10 CFR 71's provisions — effective as of January 1, 2016. These proposed regulations also correct inconsistencies in existing regulations that correspond to the NRC's provisions, and make other nonsubstantial corrections.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action described in this notice to:

California Department of Public  
Health  
Office of Regulations  
1415 L Street, 5th Floor, Suite 500  
Sacramento, CA 95814

Comments may be submitted by facsimile (FAX) at (916) 440-5747 or by e-mail to [Regulations@cdph](mailto:Regulations@cdph).

ca.gov. The written comment period closes at **5:00 p.m. on April 9, 2018**. The Department will consider only comments received at the Department by that time. **Please include the package identifier DPH-13-001.**

Written comments should include the author’s contact information so that the Department can provide notification of any further changes to the regulation proposal.

A public hearing has not been scheduled for this rule-making. However, the Department will conduct a hearing if a written request for a public hearing is received from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period: April 9, 2018 at 5:00 p.m.

The Department will consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

### ASSISTIVE SERVICES

The Department can provide assistive services such as the conversion of written materials into Braille, large print, audiocassette, and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note taking, reading or writing assistance. To request these assistive services, please call (916) 558-1710 (or California Relay at 711 or 1-800-735-2929), email [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov) or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than 10 business days prior to a public hearing.

### AUTHORITY AND REFERENCE

The Department proposes to adopt, amend, or repeal, as applicable, sections 30108.1, 30192.6, 30194, 30210, 30210.1, 30220, 30257, 30295, and 30373 of 17 CCR, under the authority provided in sections 114820, 114970, 114975, 115000, 115091, and 131200 of the Health and Safety Code (H&S Code). This proposal implements, interprets and makes specific sections 114740, 114765, 114960, 114965, 114970, 114985, 114990, 115000, 115060, 115065, 115091, 115105, 115110, 115120, 115165, 115175, 115205, 115230, 115235, 131050, 131051, and 131052 of the H&S Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

*Problem Statement:* Existing Department regulations that address radioactive material do not address recent NRC regulatory changes, contain provisions that are

out-of-date, and contain incorrect addresses, inconsistencies, and grammatical and capitalization errors.

### Anticipated Benefits of the Proposed Regulation:

*Objectives:* The broad objectives of this proposed regulatory action are to:

- Ensure that the Department’s regulations are compatible with those of the NRC and the DOT.
- Update and clarify existing regulations.

*Benefits:* Anticipated benefits from this proposed regulatory action are:

- Continued protection of the public health and safety, worker safety, and the environment, as provided for by the Legislature in the following provisions:
  - H&S Code sections 114705, 114740, 114755, 114965, 114970, 115000, 115230, and 115235.
- Continued compatibility with the standards and regulatory programs of the NRC, as specified in H&S Code sections 114965(a),<sup>1</sup> 115000(b), and 115235 (article V).
- Consistency with the regulatory programs of other States, as specified in H&S Code section 114965(c).
- Continued maintenance of an orderly regulatory pattern within the State, among the States, and between the federal government and the State, as specified in H&S Code section 114965(b).
- An updating and clarification of existing regulations, and a deletion of unnecessary regulations.

### EVALUATION AS TO WHETHER THE PROPOSED REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Department evaluated this proposal to determine whether the proposed regulations are inconsistent or incompatible with existing State regulations. This evaluation included a review of both the Department’s existing general regulations and those regulations specific to the regulatory control of radioactive material. Some inconsistencies in those specific regulations were found, and are addressed in this proposal. An Internet search of other state agency regulations was also performed. It was determined that no other state regulation addressed the same subject matter, and that this proposal was not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that

<sup>1</sup> This short format “H&S Code section 131055” for a given Health and Safety Code section will be used throughout this document for brevity.

this proposal, if adopted, would not be inconsistent or incompatible with existing State regulations.

## PROGRAM BACKGROUND/AUTHORITY

Radioactive Material (RAM) is widely used in many industries, including: the healing arts, for diagnostic and therapeutic purposes; industrial radiography, for nondestructive testing of objects to ensure structural integrity; well logging, for the purpose of obtaining information about the well or adjacent formations that may be used in oil, gas, mineral, groundwater, or geological exploration; and, manufacturing and distribution, for designing, building, and supplying radioactive sources for use in medicine and by other industries. The Department issues licenses authorizing such uses, and conducts inspections of users to ensure compliance with applicable laws and regulations.

The Radiation Control Law (RCL) (H&S Code §§ 114960 through 115273) requires that the Department develop programs for licensing and regulating radioactive materials. (H&S Code § 115000(b).) The Department is the successor of the California Department of Health Services and as such has the authority to license and regulate radioactive material under the California Public Health Act of 2006. (Chapter 241, Statutes of 2006; SB 162, Ortiz.)

In 1962, the State of California ratified and approved an agreement with the United States Atomic Energy Commission, the predecessor of the United States Nuclear Regulatory Commission (NRC), by which the federal agency discontinued its regulatory authority over certain radioactive materials. (H&S Code § 115230.) By such action, California became an “Agreement State.”

California, as an Agreement State, has regulatory authority over the possession and use of RAM by any person subject to state jurisdiction. A person, as defined in H&S Code section 114985(c), is “any individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, the United States Department of Energy, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, under prime contract to the United States Department of Energy, or any successor thereto.”

A provision of the agreement between California and the NRC requires that the State “use its best efforts to

maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials.” (H&S Code § 115235, art. V.) The NRC’s stated policy is “to evaluate Agreement State programs established pursuant to Section 274 of the Atomic Energy Act (AEA) of 1954, as amended, to ensure they are adequate to protect public health and safety and compatible with NRC’s regulatory program.”<sup>2</sup>

To determine a state’s compatibility, the NRC uses Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs*, Handbook 5.9. (Reference 1.) This handbook describes the specific criteria and process that are used to determine which NRC program elements should be adopted and implemented by an Agreement State for purposes of maintaining compatibility, and which NRC program elements have a particular health and safety significance. The NRC rates the elements according to the degree of compatibility required. The NRC requires that some elements be adopted by the States in a form identical to the NRC’s. Other elements need not be adopted in identical form, but are still required to meet the “essential objective” of the program element. The NRC’s overall determination of the adequacy and compatibility of an Agreement State’s program is made pursuant to Management Directive 5.6, *The Integrated Materials Performance Evaluation Program* (IMPEP).<sup>3</sup> The NRC evaluates Agreement States’ programs every four years to determine if a state’s radiation safety program meets the adequacy and compatibility criteria. If California fails to meet those criteria, the NRC may revoke California’s status as an Agreement State and assume direct regulation and control of byproduct, source, and special nuclear material within the State.

In conjunction with the NRC’s IMPEP review every four years, the NRC procedures (SA-200<sup>4</sup>) require that Agreement States, when adopting regulations required for meeting the adequacy and compatibility determinations, submit proposed regulations to the NRC for review. The NRC then reviews the proposal to ensure that the proposed regulations meet the

<sup>2</sup> *Adequacy and Compatibility of Agreement State Programs, Management Directive 5.9*, page 1. The document is available at the Nuclear Regulatory Commission, Office of State, and Tribal Programs website: <https://scp.nrc.gov/procedures/md0509.pdf> (Reference 1).

<sup>3</sup> *Integrated Materials Performance Evaluation Program (IMPEP), Management Directive 5.6*. The document is available at the Nuclear Regulatory Commission, Office of State, and Tribal Programs website: <https://scp.nrc.gov/procedures/md0506.pdf> (Reference 2).

<sup>4</sup> SA-200 is available at <https://scp.nrc.gov/procedures/sa200.pdf> (Reference 3).

applicable NRC compatibility category, defined as follows:

**NRC Compatibility Categories<sup>5</sup> (underlined words are defined below)**

**Category A:** Basic radiation protection standard, or related definitions, signs, labels or terms that is necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC.

**Category B:** Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC.

**Category C:** Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications, or gaps. The manner in which the essential objectives are addressed need not be the same as NRC provided the essential objectives are met.

**Category D:** Not required for purposes of compatibility.

**Category NRC:** Not required for purposes of compatibility. These are NRC program elements that address areas of regulation that cannot be relinquished to Agreement States pursuant to the AEA or provisions of Title 10 of the Code of Federal Regulations. The State should not adopt these program elements.

**Category Health & Safety (H&S):** Program elements identified as H&S are not required for purposes of compatibility; however, they do have particular health and safety significance. The State should adopt the essential objectives of such program elements in order to maintain an adequate program.

[ ]= A bracket around a category (e.g. [B]) means that the Section may have been adopted elsewhere and it is not necessary to adopt it again.

**Definitions<sup>6</sup>**

**Conflict** means that the essential objectives of regulations or program elements are different and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement material on a nationwide basis.

**Duplication** means that identical regulations or program elements apply to the same material at the same time. Note: this definition applies primarily to review of Agreement State regulations.

**Essential objective** of a regulation or program element means the action that is to be achieved, modified, or prevented by implementing and following the regulation or program element. In some instances, the essential objective may be a numerical value (e.g., restriction

of exposures to a maximum value) or it may be a more general goal (e.g., access control to a restricted area).

**Essentially Identical** means the interpretation of the text must be the same regardless of the version (NRC or Agreement State) that is read.

**Gap** means that the essential objectives of NRC regulations or program elements are absent from the Agreement State program and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement materials on a nationwide basis.

To ensure compliance with the NRC agreement and to maintain compatibility of State regulations, this proposal amends existing regulations relating to radioactive material and addresses those changes made by the NRC, as noted in the following volumes of the Federal Register (FR):

- 77 FR 34194 (June 11, 2012)<sup>7</sup>
- 77 FR 39899 (July 6, 2012)
- 78 FR 16922 (March 19, 2013)
- 79 FR 58664 (September 30, 2014)
- 80 FR 33987 (June 12, 2015)
- 80 FR 45841 (August 3, 2015)

The authority and reference citations of sections being amended, resulting in no regulatory effect pursuant to 1 CCR section 100, reflect the:

- Numbering system implemented by the 1995 recodification of the Health and Safety Code, and
- Reorganization of the Department of Health Services into the Department of Health Care Services and the Department of Public Health, pursuant to SB 162. (Stats. 2006, ch. 241.)

The regulations that implement, interpret, and make specific the provisions of the Radiation Control Law are identified in title 17, California Code of Regulations, sections 30100 through 30395. The proposed changes to existing state regulations are explained as follows:

**Amend Section 30108.1, Registration, and General Provisions for Persons Possessing Devices Under Sections 30192.1 and 30192.6.** This section is amended for consistency with proposed changes to section 30192.6. These changes are without regulatory effect.

**Amend Section 30192.6, General Licenses — Depleted Uranium.** This section is amended to ensure consistency with 10 CFR 40.25.

**Amend Section 30194, Approval of Applications and Specific Terms and Conditions for Specific Licenses.** This section is amended to provide citations to other provisions that may apply to applicants.

<sup>5</sup> Volume 5, Governmental Relations and Public Affairs, *Adequacy and Compatibility of Agreement State Programs*, February 27, 1998, Handbook 5.9, Part II, pp. 4–7, available at: <https://scp.nrc.gov/procedures/md0509.pdf> (Reference 1).

<sup>6</sup> *Ibid*, pg. 17.

<sup>7</sup> The citation format 77 FR 34194 (June 11, 2012) means the June 11, 2012 publication of Volume 77, commencing at page 34194, of the Federal Register. This short format for any given federal register will be used throughout this document for brevity.

**Amend Section 30210, Transfer of Radioactive Material.** This section is amended to maintain compatibility with NRC’s provisions found in 10 CFR 30.41 and 40.51.

**Repeal Section 30210.1, Verification Required.** This section is repealed and the content redesignated to section 30210.

The title of **Article 6** of Group 2 of subchapter 4.0 is proposed to be amended to clearly identify the contents of the article.

**Adopt Section 30220, Special Requirements for Issuance of Specific Licenses — Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.** This section is adopted to achieve compatibility with the new NRC physical protection standards found in 10 CFR 37. The January 1, 2016, version of 10 CFR 37 is proposed to be incorporated by reference with exceptions.

**Amend Section 30257, Bankruptcy Notification.** This section is amended for consistency with changes proposed regarding section 30192.6. These changes are without regulatory effect.

**Amend Section 30295, Notification of Incidents.** This section is amended for consistency and compatibility with NRC’s reporting requirements specified in 10 CFR 30.50, 40.60, and 70.50.

**Amend Section 30373, Transportation Regulations.** This section is amended for consistency and compatibility with 10 CFR 71. Subsection (a) is amended to incorporate by reference those changes that were made to 10 CFR 71 from January 1, 2007 to January 1, 2016. Subsection (a)(5) is also amended to incorporate by reference those changes made by the federal Department of Transportation (DOT) regulations, as referenced in 10 CFR 71.5, by changing the date of incorporation from January 1, 2007 to January 1, 2016.

*Mandated By Federal Law or Regulations* — Not applicable.

*Forms Incorporated by Reference* — Not applicable.

*Other Statutory Requirements* — Not applicable.

**Reporting Requirements:** The Department has determined that this proposed regulation would require businesses to submit a report and that the report is necessary for the health, safety, and welfare of the people of this state.

**Local Mandate:** The Department has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs that require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

FISCAL IMPACT ESTIMATES

**Cost to any local agency or school district requiring reimbursement in accordance with Government Code sections 17500 through 17630:** None.

**Cost or savings to any state agency:** None.

**Other non-discretionary costs or savings imposed on local agencies:** None.

**Cost or savings in federal funding to the state:** None.

**Cost impacts on a 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.

**Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:** There is no impact because the proposal only addresses compatibility with the NRC through restructuring, clarifying and updating existing regulations, making a number of nonsubstantial changes, and because State licensees already comply with the proposal.

**Significant effect on housing costs:** The Department has determined that the proposed regulations will not have an impact on housing costs.

**Effect on Small Business:** There would be an effect on small businesses because they will be legally required to comply with the regulations, and may incur a detriment from the enforcement of the regulation.

CONSIDERATION OF REASONABLE ALTERNATIVES

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

Alternatives have been considered in those areas not subject to or specifically limited by the adequacy and compatibility criteria made applicable under the State of California agreement with the United States Atomic

Energy Commission, the predecessor to the United States Nuclear Regulatory Commission (NRC). (H&S Code § 115230.) The NRC categories A and B require that the State be “essentially identical” to the NRC; category C requires that the “essential objectives” are met; category D is not required for purposes of compatibility; and category H&S is not required for purposes of compatibility, but does have health and safety significance and requires adoption of regulations meeting the essential objectives for an adequate program. According to the agreement, the state is to use its “best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials . . . .” (H&S Code § 115235, art. V.) 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT

The Department analyzed whether and to what extent this proposal affects the following:

**A. The creation or elimination of jobs within the State of California.** The proposal will not impact the creation or elimination of jobs because it only addresses compatibility with the NRC through restructuring, clarifying and updating existing regulations, and making a number of nonsubstantial changes.

**B. The creation of new businesses or the elimination of existing businesses within the State of California.** The proposal will not impact the creation or elimination of businesses because it only addresses compatibility with the NRC through restructuring, clarifying and updating existing regulations, and making a number of nonsubstantial changes.

**C. The expansion of businesses currently doing business within the State of California.** The proposal will not impact the expansion of businesses because it only addresses compatibility with the NRC through restructuring, clarifying and updating existing regulations, and making a number of nonsubstantial changes.

**D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment.** The proposal increases and strengthens the health and welfare of California residents, worker safety, and protection of the State’s environment, because it addresses compatibility with the NRC through restructuring, clarifying, and updating existing regulations, as intended by the Legislature, as follows:

- Continues protection of the public health and safety, worker safety, and the environment, as established by the Legislature in the following provisions:
  - H&S Code. sections 114705, 114740, 114755, 114965, 114970, 115000, 115230, and 115235.
- Maintains compatibility with the standards and regulatory programs of the NRC, as specified in H&S Code sections 114965(a), 115000(b), and 115235 (article V).
- Maintains consistency with the regulatory programs of other states, as specified in H&S Code section 114965(c).
- Maintains an orderly regulatory pattern within the State, among the states, and between the federal government and the State, as specified in H&S Code section 114965(b).
- Initiates and administers programs of surveillance and control of those activities that could lead to the introduction of radioactive materials into the environment, as specified in H&S Code section 114705.
- Updates and clarifies existing regulations, and deletes unnecessary regulations.

CONTACT PERSONS

Inquiries concerning the subject matter in this notice may be directed to Phillip Scott of the Department’s Radiologic Health Branch, at (916) 440-7978. Inquiries related to the regulatory process may be directed to Laurel Prior, Office of Regulations, at (916) 440-7673.

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF REGULATIONS, AND  
RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting the Of-

Office of Regulations at [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov) or by phone at (916) 558-1710.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the Office of Regulations at [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov). The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough are available via the Internet at [www.cdph.ca.gov](http://www.cdph.ca.gov).

ATTACHMENTS

1. *Order to Implement Increased Controls Over Certain Radioactive Sources*, November 15, 2005, California Department of Public Health.
2. *Order to Implement Fingerprinting and Criminal History Record Checks for Unescorted Access to Radioactive Material in Quantities of Concern*, June 8, 2008, California Department of Public Health.

DOCUMENTS RELIED UPON

Reference 1.

*Adequacy and Compatibility of Agreement State Programs, Management Directive 5.9* as published in Volume 5: Governmental Relations and Public Affairs. <https://scp.nrc.gov/procedures/md0509.pdf>. Accessed on November 7, 2017.

Reference 2.

*Integrated Materials Performance Evaluation Program (IMPEP), Management Directive 5.6* as published in Volume 5: Governmental Relations and Public Affairs. <https://scp.nrc.gov/procedures/md0506.pdf>. Accessed on November 7, 2017.

Reference 3.

NRC Procedure SA-200, *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements — SA-200*. <https://scp.nrc.gov/procedures/sa200.pdf>. Accessed on November 7, 2017.

Reference 3a.

NRC Procedure SA-201, *Review of State Regulatory Requirements — SA-201*. <https://scp.nrc.gov/procedures/sa201.pdf>. Accessed on November 7, 2017.

Reference 4.

Summary of November 26, 2012 meeting with CHP staff.

**TITLE 17. DEPARTMENT OF PUBLIC HEALTH**

**Financial Surety (DPH-12-004)**

**NOTICE IS HEREBY GIVEN** that the California Department of Public Health (Department or CDPH) proposes to amend Section 30195.1, and to adopt Sections 30197, 30197.1, 30197.2, 30197.3, 30197.4, 30197.5, 30197.6, and 30197.7 in Title 17, Division 1, Chapter 5, Subchapter 4.0, Group 2, of the California Code of Regulations (17 CCR), Licensing of Radioactive Materials, Article 4. Licenses.

SUMMARY OF THE PROPOSED REGULATORY ACTION

This proposal updates funding requirements applicable to certain radioactive material licensees in order to improve decommissioning planning, and to ensure that the licensees maintain adequate financial coverage for decommissioning activities. It seeks to address changes made by the U.S. Nuclear Regulatory Commission (NRC) regarding decommissioning planning, as con-

tained in applicable sections of title 10, Code of Federal Regulations part 30 (10 CFR 30<sup>1</sup>), part 40 (10 CFR 40), and part 70 (10 CFR 70). Nonsubstantial changes are also proposed to existing regulations.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action described in this notice to:

California Department of Public Health  
Office of Regulations  
1415 L Street, Suite 500  
Sacramento, CA 95814

Comments may be submitted by facsimile (FAX) at (916) 440-5747 or by e-mail to [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov). The written comment period closes at **5:00 p.m. on April 9, 2018**. The Department will consider only comments received at the Department by that time. **Please include the package identifier DPH-12-004.**

Written comments should include the author's contact information so that the Department can provide notification of any further changes to the regulation proposal.

A public hearing has not been scheduled for this rule-making. However, the Department will conduct a hearing if a written request for a public hearing is received from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

The Department will consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

#### ASSISTIVE SERVICES

The Department can provide assistive services such as the conversion of written materials into Braille, large print, audiocassette, and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note taking, reading or writing assistance. To request these assistive services, please call (916) 558-1710 (or California Relay at 711 or 1-800-735-2929), email [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov) or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than 10 business days prior to a public hearing.

<sup>1</sup> This short format "10 CFR 30" for a given part of NRC regulations is used throughout the document for brevity. For example, "10 CFR 39.33" means title 10, Code of Federal Regulations, part 39 section 39.33.

#### AUTHORITY AND REFERENCE

The Department proposes to adopt, amend, or repeal, as applicable, the regulation sections identified in this document under the authority provided in Sections 115000, 115091, and 131200 of the Health & Safety Code<sup>2</sup> (H&S). This proposal implements, interprets, and makes specific sections 114965, 114970, 115060, 115091, 115092, 115230, 115235, 131050, 131051, and 131052 of the H&S Code.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

*Problem Statement:* Existing Department regulations that address decommissioning planning and maintenance of adequate financial coverage of decommissioning activities are not compatible with those of the NRC, and contain provisions that are out-of-date, or that have unclear references, inconsistencies, and grammatical errors.

#### **Anticipated Objectives and Benefits of the Proposed Regulation:**

*Objectives:* The broad objectives of this regulatory action are to:

- Ensure compatibility between Department regulations and NRC regulations.
- Update existing regulations.
- Clarify existing regulations.

*Benefits:* Anticipated monetary (and nonmonetary) benefits of this proposed regulatory action are:

- Continued protection of the public health and safety, worker safety, and environmental concerns established by the California Legislature in H&S Code sections 114705, 114740, 114755, 114965, 114970, 115000, 115230 and 115235.
- Compatibility with the standards and regulatory programs of the NRC, as specified in H&S Code sections 114965(a), 115000(b), and 115235 (article V).
- Consistency with the regulatory programs of other states, as specified in H&S Code section 114965(c).
- Orderly regulatory pattern within the State, among the States and between the federal government and the State, as specified in H&S Code section 114965(b).
- Updating and clarification of existing regulations and deleting unnecessary regulations.

<sup>2</sup> This short format "H&S Code section 114705" for a given Health and Safety Code section will be used throughout this document for brevity. For example, "H&S Code section 114705" means California Health and Safety Code section 114705.

**Evaluation of Inconsistency/Incompatibility with Existing State Regulations:**

The Department evaluated this proposal to determine whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of both the Department's existing general regulations, and those regulations specific to the regulatory control of radioactive material. Some inconsistencies in those specific regulations were found and are addressed in this proposal. An Internet search of other state agency regulations was also performed and it was determined that no other state regulations addressed the same subject matter and that this proposal was not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that this proposal, if adopted, would not be inconsistent or incompatible with existing state regulations.

**AUTHORITY AND BACKGROUND**

The Radiation Control Law (H&S Code §§ 114960 through 115273) requires the Department to develop programs for licensing and regulating radioactive materials. (H&S Code § 115000(b).) The Department is the successor of the California Department of Health Services and, as such, has the authority to license and regulate radioactive material under the California Public Health Act of 2006. (Chapter 241, Statutes of 2006; SB 162, Ortiz.)

In 1962, the State of California ratified and approved an agreement with the United States Atomic Energy Commission, the predecessor of the NRC, by which the federal agency discontinued its regulatory authority over certain radioactive materials. (H&S Code § 115230.) By such action, California became an "Agreement State."

A provision of the agreement between California and the NRC requires that the State "use its best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials." (H&S Code § 115235, art. V.) The NRC's stated policy is "to evaluate Agreement State programs established pursuant to Section 274 of the Atomic Energy Act (AEA) of 1954, as amended, to ensure they are adequate to protect public health and safety and compatible with NRC's regulatory program."<sup>3</sup>

To determine a state's compatibility, the NRC uses Management Directive 5.9, *Adequacy and Compatibil-*

<sup>3</sup> *Adequacy and Compatibility of Agreement State Programs, Management Directive 5.9*, page 1. The document is available at the Nuclear Regulatory Commission, Office of State Programs website: <https://scp.nrc.gov/procedures/md0509.pdf> (Reference 1).

*ity of Agreement State Programs, Handbook 5.9.*<sup>4</sup> This handbook describes the specific criteria and process that are used to determine which NRC program elements should be adopted and implemented by an Agreement State for purposes of maintaining compatibility, and which NRC program elements have a particular health and safety significance. The NRC rates the elements according to the degree of compatibility required. Thus, the NRC requires that some elements be adopted by the states in a form identical to the NRC's, while other elements need not be adopted in identical form, but are still required to meet the "essential objective" of the program element. The NRC's overall determination of adequacy and compatibility for an Agreement State is made pursuant to Management Directive 5.6, *The Integrated Materials Performance Evaluation Program (IMPEP)*.<sup>5</sup> The NRC evaluates Agreement States every four years to determine if a state's radiation safety program meets the adequacy and compatibility criteria. If California fails to meet those criteria, the NRC may revoke California's status as an Agreement State and assume direct regulation and control of byproduct, source, and special nuclear matter within the State.

In conjunction with the NRC's IMPEP review every four years, the NRC procedures (SA-200<sup>6</sup>) require that Agreement States, when adopting regulations required for meeting the adequacy and compatibility determinations, submit proposed regulations to the NRC for review. The NRC then reviews the proposal to ensure that the proposed regulations meet the applicable NRC compatibility category, defined as follows:

**NRC Compatibility Categories<sup>7</sup> (underlined words are defined below)**

**Category A:** Basic radiation protection standard or related definitions, signs, labels or terms that are necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC;

**Category B:** Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC;

<sup>4</sup> *Ibid.*

<sup>5</sup> *Integrated Materials Performance Evaluation Program (IMPEP), Management Directive 5.6*. The document is available at the Nuclear Regulatory Commission, Office of State Programs website: <https://scp.nrc.gov/procedures/md0506.pdf> (Reference 2.)

<sup>6</sup> SA-200 is available at: <https://scp.nrc.gov/procedures/sa200.pdf> (Reference 3.)

<sup>7</sup> Volume 5, *Governmental Relations and Public Affairs, Adequacy and Compatibility of Agreement State Programs*, February 27, 1998, Handbook 5.9, Part II, pp. 4-7, available at: <https://scp.nrc.gov/procedures/md0509.pdf> (same link as Reference 1.)

**Category C:** Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications, or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met;

**Category D:** Not required for purposes of compatibility;

**Category NRC:** Not required for purposes of compatibility. These are NRC program elements that address areas of regulation that cannot be relinquished to Agreement States pursuant to the AEA or provisions of Title 10 of the Code of Federal Regulations. The State should not adopt these program elements;

**Category Health & Safety (H&S):** Program elements identified as H&S are not required for purposes of compatibility; however, they do have particular health and safety significance. The State should adopt the essential objectives of such program elements in order to maintain an adequate program.

[ ] = A bracket around a category (e.g., [B]) means that the section may have been adopted elsewhere and it is not necessary to adopt it again.

### Definitions<sup>8</sup>

**Conflict** means that the essential objectives of regulations or program elements are different and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement material on a nationwide basis.

**Duplication** means that identical regulations or program elements apply to the same material at the same time. Note: this definition applies primarily to review of Agreement State regulations.

**Essential objective** of a regulation or program element means the action that is to be achieved, modified, or prevented by implementing and following the regulation or program element. In some instances, the essential objective may be a numerical value (e.g., restriction of exposures to a maximum value) or it may be a more general goal (e.g., access control to a restricted area).

**Essentially identical** means the interpretation of the text must be the same regardless of the version (NRC or Agreement State) that is read.

**Gap** means that the essential objectives of NRC regulations or program elements are absent from the Agreement State program and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement materials on a nationwide basis.

The NRC amends its regulations continuously. The NRC's amendments directly impact the compatibility of State regulations with the NRC regulations, and have the potential to impact California's status as an Agreement State. On January 22, 2008, the NRC published proposed amendments for decommissioning planning,

applicable to certain radioactive materials licensees. (73 FR 3812 (Jan. 22, 2008.<sup>9</sup>)) The NRC issued its final rules on June 17, 2011 (76 FR 35512 (June 17, 2011)). The objective of the final rules is to ensure that licensees maintain adequate financial surety, in order to ensure that decommissioning activities can be carried out following shutdown of normal operations at a licensed facility.

The financial surety regulations are part of an overall NRC strategy to ensure the safety and protection of the public and the environment during and after the decommissioning of licensed facilities. State legislation was also enacted (Chapter 635, Statutes of 1993) to ensure that licensees and applicants set aside adequate funds for decommissioning costs. Both the NRC's and State's financial surety regulations are intended to ensure that state and local governments, and/or the general public, would not have to bear the costs of a decommissioning, should a licensee not be able to do so. Additionally, these surety regulations encourage safe design and operation of a licensee's facility, thereby enhancing protection of the environment and the public. If a radioactive materials facility remains in a non-operational status without being decommissioned, public health and safety could be compromised by leakage, contamination, and/or loss of control of radioactive materials. Availability of adequate funding is necessary to ensure that timely decommissioning of facilities takes place following cessation of licensed operations.

In amending its financial surety regulations, the NRC repealed a number of financial instrument options and amended, adopted, or repealed other provisions. Financial instrument options repealed by the NRC and its reasons for doing so are referenced below. The number in parentheses (e.g., (24)) indicates the number of NRC licensees using the indicated option. (76 FR 35517 (June 17, 2011).)

- Prepayment Mechanisms
  - Trust Funds (6) — Maintained.
  - Escrow Accounts (24) — Repealed.
  - Certificates of Deposit (3) — Repealed.
  - Government Funds (0) — Repealed.
  - Deposits of Government Securities (0) — Repealed.

**NRC's reason for repealing four of the five prepayment mechanism options:** Because of their relative risk in bankruptcy and their non-use by licensees, the NRC eliminated four of these five

<sup>9</sup> This short format of 76 FR 35512 (June 17, 2011) for citations to Federal Register publications will be used throughout the remainder of this document for brevity. For example, 76 FR 35512 (June 17, 2011) references Volume 76, Federal Register, page 35512, published on June 17, 2011.

<sup>8</sup> *Ibid*, pg. 17.

options as alternatives for providing financial assurance for decommissioning. The NRC staff reviewed several studies of escrows in bankruptcy and concluded that the most accurate summary of those studies was as follows: funds contained in escrows that are set up correctly before a licensee's entry into bankruptcy will likely be secure from transfer into the bankruptcy estate as assets of the debtor, and they will not be reachable by the bankruptcy trustee using doctrines of fraudulent conveyance or voidable preference. However, correctly setting up an escrow is difficult. The NRC was also concerned that a determination of the legal status of an escrow may cause considerable delay. Also, a bankruptcy trustee could attempt to use the automatic stay provisions of the bankruptcy code to stop payment by an escrow agent under the escrow, if that payment is occurring following the commencement of the bankruptcy action. While this attempt may fail, it could postpone the NRC's access to the funds held in the escrow and thereby preclude the prompt commencement of decommissioning. (76 FR 35523 (June 17, 2011).)

- Guarantee Mechanisms
  - Letters of Credit (84) — Maintained.
  - Parent Company Guarantees (24) — Maintained.
  - Licensee Self-Guarantee (21) — Maintained.
  - Surety Bonds (24) — Maintained.
  - Insurance Policies (0) — Maintained.
  - Lines of Credit (0) — Repealed.

**NRC's reason for repealing lines of credit option:** Although the line of credit was initially authorized for use to provide an alternative to licensees that elected not to use a surety or letter of credit, the NRC believed that it posed a greater risk than the other two surety methods, because it might be subject to underlying loan covenants that could make it more vulnerable to cancellation if the licensee experienced financial difficulties. However, since 1988, no NRC licensees have elected to use a line of credit to provide financial assurance for decommissioning. Because of its perceived greater risk of cancellation and its nonuse by NRC's licensees, the NRC decided to eliminate the line of credit as an alternative for providing financial assurance for decommissioning. (76 FR 35526 (June 17, 2011).)

The regulations that implement, interpret, and make specific the provisions of the Radiation Control Law

(H&S Code sections 114960 et seq.) are found in 17 CCR, sections 30100 through 30395.<sup>10</sup>

The Department proposes to make the following changes:

**Section 30195.1, Special Requirements for Issuance of Specific Licenses — Financial Surety for Decommissioning.** Currently, section 30195.1 incorporates by reference certain provisions in 10 CFR 30.35 and 40.36, as of January 1, 2007. Initially, the Department intended to re-incorporate by reference the NRC's recent changes. However, a review of the number of Department licensees using financial instrument options repealed by the NRC indicated that a number of Department licensees would be financially impacted if the Department repealed acceptance of a certificate of deposit (CD) as a surety option. Although the NRC repealed use of CDs as a surety option, the Department is retaining the CD option because the CD instrument is in fact held by the Department, in its name, and the Department does not anticipate that a bankruptcy court would order it to turn over a CD to a bankruptcy trustee. In enforcing decommissioning requirements, the Department is in fact exercising its State police and regulatory powers in order to protect public health and safety and the environment, and debtors and trustees in bankruptcy would have a duty to comply with environmental laws and regulations, including financial security provisions tied to environmental remediation obligations.

Thus, the Department proposes to:

- For Prepayment Mechanisms:
  - Maintain use of trust funds as did NRC.
    - (One CDPH licensee uses this option.)
  - Repeal use of escrow accounts, government funds, and government securities as did NRC.
    - (There are no CDPH licensees using these options.)
  - Maintain use of CDs, unlike NRC.
    - (10 CDPH licensees use this option.)
- For Guarantee Mechanisms:
  - Maintain letters of credit, parent company guarantees, licensee self-guarantees, surety bonds, and insurance policies as did NRC.
    - (70 CDPH licensees use these options.)
  - Repeal use of lines of credit as did NRC.
    - (There are no CDPH licensees using this option.)
- Maintain Statement of Intent Mechanisms (government entities only) and External sinking funds as did the NRC.

<sup>10</sup> This short format "17 CCR 30190" for a given regulation found within title 17, California Code of Regulations will be used throughout this document for brevity.

Section 30195.1 is amended to remove the incorporation by reference and present all requirements within 17 CCR, so that a licensee need only refer to 17 CCR. This proposal is intended to maintain certain existing financial instrument options, to provide clarity for licensees and Department staff, to be compatible and consistent with the NRC's changes, and to implement the Legislature's direction, as follows:

- Pursuant to H&S Code section 115091(a), Department regulations adopted for establishing financial sureties are to consider the appropriateness of the NRC's financial assurance regulations.
- Pursuant to H&S Code section 115235, article V, the State is to use its best efforts to maintain continuing compatibility between its program and the NRC's program for the regulation of like materials.

Existing regulations comply and are consistent with H&S Code section 115091(a), and meet the NRC's compatibility criteria. The NRC's compatibility categories for the 10 CFR provisions addressed in this proposal are as follows (76 FR 35561 (June 17, 2011)):

- Compatibility Category D
  - 30.35(c)(6), (d), (f), (h), and appendices A, C, D, and E;
  - 40.36(c)(5), (e), and (g); and
  - 70.25(c)(5), (d), (f), and (h).
- Compatibility Category H&S
  - 30.35(e)(1) and (2);
  - 40.36(d)(1) and (2); and
  - 70.25(e)(1) and (2).

Existing subsections 30195.1(a) and (b) are deleted and addressed in proposed sections 30197 through 30197.7, respectively, as follows:

- Restructure 30195.1 as follows:
  - Subsection (a) is placed in new section 30197, making it applicable to radioactive material except source material and special nuclear material (SNM). Corresponds to 10 CFR 30.35. SNM addressed in new section 30197.2.
  - Subsection (b) is placed in new section 30197.1, applicable only to source material. Corresponds to 10 CFR 40.36.
  - Subsection (c) is retained in 30195.1, and the section is restructured for clarity.

- Designate a section number to each 10 CFR part 30 appendix, and replace the appendix reference with a section number referenced below. The provisions of 10 CFR 30.35, 40.36, and 70.25 cite to and use the financial tests found in the appendices of part 30.
  - Appendix A = 30197.3
  - Appendix B = 30197.7
  - Appendix C = 30197.4
  - Appendix D = 30197.5
  - Appendix E = 30197.6
- Restructure 10 CFR provisions and appendices using California methodology.
- Make grammatical and punctuation changes, section internal reference changes, federal law reference changes, phraseology changes, etc.
- Revise section and appendix titles.

**Section 30197, Financial Surety for Decommissioning Except as Provided for in Sections 30197.1 and 30197.2**, is proposed to carry forward the existing provisions found in section 30195.1 that are specific to radioactive materials except source material and special nuclear material, which are addressed in proposed sections 30197.1 and 30197.2, respectively.

Source material is defined in H&S Code section 114985(e) as: “(1) uranium, thorium, or any other material which the department declares by rule to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the department declares by rule to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material in such concentration to be source material.”

Special nuclear material is defined in H&S Code section 114985(f) as: “(1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the department declares by rule to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.”

This proposed section recodifies 10 CFR 30.35, formerly incorporated by reference in section 30195.1(a). The section is structured nearly identical to 10 CFR 30.35 to maintain consistency and uniformity with the NRC, since some California licensees may also hold an NRC license. The NRC's compatibility categories for

10 CFR 30.35, including the changes made under 76 FR 35561 (June 17, 2011), are as follows:

- Compatibility Category B
  - Appendix B to part 30.
- Compatibility Category D
  - 30.35(c), (d), (f), (h), and appendices A, C, D, and E to part 30.
- Compatibility Category H&S
  - 30.35(a), (b), (e), and (g).

**Section 30197.1, Financial Surety for Decommissioning — Source material**, is proposed to carry forward the existing provisions found in section 30195.1(b) that are specific to source material, with revisions.

This proposed section recodifies 10 CFR 40.36, formerly incorporated by reference in section 30195.1(b). The section is structured nearly identical to 10 CFR 40.36, to maintain consistency and uniformity with the NRC, since some California licensees may also hold an NRC license. The NRC’s compatibility categories for 10 CFR 40.36, including the changes made under 76 FR 35561 (June 17, 2011), are as follows:

- Compatibility Category D
  - 40.36(c), (e), and (g).
- Compatibility Category H&S
  - 40.36(a), (b), (d), and (f).

**Section 30197.2, Financial Surety for Decommissioning — Unsealed Special Nuclear Material**, is proposed to be specific to special nuclear material (SNM) licensees and structured nearly identical to 10 CFR 70.25 in order to maintain consistency and uniformity with the NRC, since some California licensees may also hold an NRC license. The NRC’s financial assurance provisions in 10 CFR 30.35, 40.36, and 70.25 are nearly identically structured.

The NRC’s compatibility categories for 10 CFR 70.25, including changes made under 76 FR 35561 (June 17, 2011), are as follows:

- Compatibility Category NRC
  - 70.25(a)(1)
- Compatibility Category D
  - 70.25(c), (d), (f), and (h).
- Compatibility Category H&S
  - 70.25(a)(2), (b), (e), and (g).

**Section 30197.3, Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Surety of Funds for Decommissioning**, is proposed to carry forward the provisions incorporated by reference in existing section 30195.1(a), corresponding to appendix A of 10 CFR 30.

This proposed section is based on the 2007 version of appendix A, as currently incorporated by reference, and

revised to address the NRC’s changes in 76 FR 35512 (June 17, 2011).

**Section 30197.4, Criteria Relating to Use of Financial Tests and Self Guarantees for Providing Reasonable Surety of Funds for Decommissioning**, is proposed to carry forward the provisions incorporated by reference in existing section 30195.1(a), corresponding to appendix C of 10 CFR 30.

This proposed section is based on the 2007 version of appendix C, as currently incorporated by reference, and revised to address the NRC’s changes in 76 FR 35512 (June 17, 2011).

**Section 30197.5, Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Surety of Funds for Decommissioning by Commercial Companies That Have No Outstanding Rated Bonds**, is proposed to carry forward the provisions incorporated by reference in existing section 30195.1(a), corresponding to appendix D of 10 CFR 30.

This proposed section is based on the 2007 version of appendix D, as currently incorporated by reference, and revised to address the NRC’s changes in 76 FR 35512 (June 17, 2011).

**Section 30197.6, Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Surety of Funds for Decommissioning by Nonprofit Colleges, Universities, and Hospitals**, is proposed to carry forward the provisions incorporated by reference in existing section 30195.1(a), corresponding to appendix E of 10 CFR 30.

This proposed section is based on the 2007 version of appendix E, as currently incorporated by reference, and revised to address the NRC’s changes in 76 FR 35512 (June 17, 2011).

**Section 30197.7, Schedule of Material Quantities for Use in Determining Financial Surety Amounts**, is proposed to carry forward the provisions incorporated by reference in existing section 30195.1(a), corresponding to appendix B of 10 CFR 30 (January 1, 2007), resulting in no regulatory effect. The NRC has designated appendix B of 10 CFR 30 as compatibility category B, meaning Agreement States must adopt equivalent regulations that are essentially identical to the NRC’s provision. Therefore, appendix B of 10 CFR 30 is proposed to be adopted in an essentially identical manner.

## CONSIDERATION OF ALTERNATIVES

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

sons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Alternatives have been considered in those areas not subject to or specifically limited by the adequacy and compatibility criteria made applicable under the State of California agreement with the United States Atomic Energy Commission, the predecessor to the United States Nuclear Regulatory Commission. (H&S Code § 115230.) The NRC categories A and B require that the State be “essentially identical” to the NRC; category C requires that the “essential objectives” are met; category D is not required for purposes of compatibility; and category H&S is not required for purposes of compatibility, but does have health and safety significance and requires adoption of regulations meeting the essential objectives for an adequate program. According to the agreement, the state is to use its “best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials. . . .” (H&S Code § 115235, art. V.) 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; would be as effective and less burdensome to affected private persons than the proposed action; or, would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

**Local Mandate:** The Department has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs that require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

**Mandated by Federal Law or Regulations:** Not applicable. See Authority and Background on Pg. 3 of this document.

**Other Statutory Requirements:** None.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

**Mandate on local agencies and school districts:** Not applicable.

**Cost or savings to any state agency:** None.

**Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:** None.

**Other nondiscretionary cost or savings imposed on local agencies:** None.

**Cost or savings in federal funding to the state:** None.

**Cost impacts on a 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. This proposal comports with NRC’s adoption except that CDPH is retaining use of certificates of deposits (CD) for purposes of establishing required financial surety. By retaining use of CDs, licensees using CDs will not be required to establish a new financial instrument resulting in a savings annually from \$181 to \$16,475, if the licensee used letters of credit or surety bonds for the new financial surety instrument.

**Statewide adverse economic impact directly affecting businesses and individuals:** There is no impact because the proposal clarifies activities currently performed by licensees or applicants and it would not require a licensee to establish a new financial instrument.

**Significant effect on housing costs:** The Department has determined that the proposed regulations will not have an impact on housing costs.

**Business Reporting Requirement:** No report required.

**Small Business Determination:** There would be an effect on small businesses because they will be legally required to comply with the regulations, and may incur a detriment from the enforcement of the regulation.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department analyzed whether and to what extent this proposal affects the following:

1. **The creation or elimination of jobs within the State of California.** This proposal is not likely to create new jobs because it clarifies activities currently performed by licensees or applicants.
2. **The creation of new businesses or the elimination of existing businesses within the State of California.** This proposal is unlikely to create new businesses because it clarifies activities currently performed by licensees or applicants.
3. **The expansion of businesses currently doing business within the State of California.** This proposal is unlikely to result in the expansion of businesses currently doing business in California because it clarifies activities currently performed by licensees or applicants.
4. **The benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment.** This proposal increases the benefits to the health and welfare of California residents and worker safety because it increases the likelihood that licensees will improve decommissioning planning, and have adequate funds for effective decommissioning. This proposal would benefit the State's environment because it reduces the likelihood that an operating facility will become a legacy site. The above benefits specifically demonstrate:
  - Continued protection of the public health and safety, worker safety, and the environment, as established by the Legislature in the following provisions:
    - H&S Code sections 114705, 114740, 114755, 114965, 114970, 115000, 115230, and 115235.
  - Compatibility with the standards and regulatory programs of the NRC, as specified in H&S Code sections 114965(a), 115000(b), and 115235 (article V).
  - Consistency with the regulatory programs of other states, as specified in H&S Code section 114965(c).
  - Evidence of orderly regulatory pattern within the State, among the states, and between the federal government and the State, as specified in H&S Code section 114965(b).
  - Initiation and administration of programs of surveillance and control of those activities that could lead to the introduction of radioactive materials into the environment, as specified in H&S Code section 114705.

## REFERENCES

1. *Adequacy and Compatibility of Agreement State Programs, Management Directive 5.9* as published in Volume 5: Governmental Relations and Public Affairs. Available at: <https://scp.nrc.gov/procedures/md0509.pdf>. Accessed April 8, 2016.
2. *Integrated Materials Performance Evaluation Program (IMPEP), Management Directive 5.6* as published in Volume 5: Governmental Relations and Public Affairs. Available at: <https://scp.nrc.gov/procedures/md0506.pdf>. Accessed April 8, 2016.
3. NRC Procedure SA-200, *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements — SA-200*. Available at: <https://scp.nrc.gov/procedures/sa200.pdf>. Accessed April 8, 2016.
- 3a. NRC Procedure SA-201, *Review of State Regulatory Requirements — SA-201*. Available at: <https://scp.nrc.gov/procedures/sa201.pdf>. Accessed April 8, 2016.
4. NRC Review Summary Sheets, *Domestic Licensing of Special Nuclear Material*, available at: <https://scp.nrc.gov/regulationtoolbox/10cfr70.pdf>. Accessed April 8, 2016.
5. NUREG-1757, Vol. 3, Rev. 1, *Consolidated Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness*, NRC, February 2012, available at: <https://www.nrc.gov/docs/ML1204/ML12048A683.pdf>. Accessed April 8, 2016.
6. Comparison of title 10 CFR 30.35, 2007 and 2014 versions.
7. Comparison of title 10 CFR 40.36, 2007 and 2014 versions.

## CONTACT PERSONS

Inquiries concerning the subject matter in this notice may be directed to Phillip Scott of the Department's Radiologic Health Branch, at (916) 440-7978. Inquiries related to the regulatory process may be directed to Laurel Prior, Office of Regulations, at (916) 440-7673.

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the

rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting the Office of Regulations at [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov) or by phone at (916) 558-1710.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the Office of Regulations at [Regulations@cdph.ca.gov](mailto:Regulations@cdph.ca.gov). The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout are available via the Internet at [www.cdph.ca.gov](http://www.cdph.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**Project:** LandSmart on-the-Ground for Sonoma Creek — Vineyard Project 1  
**Location:** Sonoma County  
**Applicant:** John MacLeod  
**Notifier:** Kevin Cullinen, Sonoma Resources Conservation District

**Background**

Project Location: The LandSmart on-the-Ground for Sonoma Creek — Vineyard Project 2 (Project) is located at is located at 740 Indian Springs Road, Kenwood, California, 95452, at a property owned by John MacLeod, Assessor Parcel Numbers (APN) 050-140-064, 050-140-065, 050-140-066, 050-140-067, and affects unnamed tributaries to Sonoma Creek. The unnamed tributaries to Sonoma Creek may support populations of California red-legged frogs (*Rana Aurora*).

Project Description: John MacLeod (Applicant) proposes to enhance or restore habitat within unnamed tributaries to Sonoma Creek to provide a net conservation benefit to reduce erosion and sedimentation downstream. The Project includes implementing a series of stream crossing modifications to handle large storm events including placing rock riprap at two locations, and removing a 12-inch culvert and replacing it with an 18-inch wide, 30-foot long culvert at another.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.01 acres and 80 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: 1) rock riprap, 2) grass seed, 3) erosion control materials, 4) compost, and 5) 18-inch culvert.

Project Timeframes:

Start date: June 2018  
Completion date: August 2018  
Work window: June 1 to September 30

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California, the San Francisco Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order), CIWQS Reg. Meas. 414388, CIWQS Place ID 836712 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts from sediment and erosion on-site from stormwater flows.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On January 8, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on January 8, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number 2018, Volume No. 4–Z) on January 26, 2018. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

**Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, and contain the following categories: 1) Construction–period Water Quality Protection and Erosion and Sedimentation Control Measures; 2) Post–construction and Sediment Control and Water Quality Protection Requirements; 3) General Program Conditions for Vegetation Management; and 4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Environmental Protection Measures for LandSmart Program Projects Covered by the Sonoma RCD LandSmart Program Mitigated Negative Declaration Document*.

**Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Monitoring and Reporting Plan LandSmart On–the–Ground for Sonoma Creek Vineyards, Indian Springs Ranch, MacLeod Family Vineyard, Kenwood, California*, prepared by the Sonoma RCD.

**Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- CIWQS Reg. Meas. and CIWQS Place ID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to [karen.weiss@wildlife.ca.gov](mailto:karen.weiss@wildlife.ca.gov).

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency de-

termination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DECISION

**DISAPPROVAL DECISION**

DISAPPROVAL DECISION

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at [www.oal.ca.gov](http://www.oal.ca.gov) under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**CALIFORNIA HIGHWAY PATROL**

**State of California  
Office of Administrative Law**

**In re:  
California Highway Patrol**

**Regulatory Action:**

**Title 13, California Code of Regulations**

**Adopt sections: 1070, 1071, 1072, 1073, 1074**

**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2017-1221-02S**

**OAL Matter Type: Regular (S)**

SUMMARY OF REGULATORY ACTION

In this regular rulemaking action, the California Highway Patrol (“CHP”) proposed to adopt criteria for determining which types of tire traction devices are approved for use on California highways. Additionally, CHP proposed to adopt regulations specifying the placement of and performance standards for tire traction devices.

On December 21, 2017, CHP submitted the above-referenced rulemaking action to the Office of Administrative Law (“OAL”) for review. On February 6, 2018, OAL notified CHP of OAL’s decision to disapprove the proposed rulemaking.

OAL disapproved the above-referenced rulemaking action because the proposed regulations failed to comply with the necessity and clarity standards of the Administrative Procedure Act (the “APA”). Additionally, CHP failed to follow procedural requirements in adopting the proposed regulations. All of these issues must be resolved prior to OAL’s approval of the regulations. This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

CONCLUSION

OAL disapproved the above-referenced rulemaking action for the foregoing reasons. Pursuant to Government Code section 11349.4, subdivision (a), CHP may resubmit revised regulations and rulemaking documents within 120 days of their receipt of this Decision of Disapproval. A copy of this Decision was emailed to CHP on the date indicated below. If you have any questions, please contact me at (916) 324-6948.

Date: February 13, 2018

Steven J. Escobar  
Attorney

For: Debra M. Cornez  
Director

Original: Joe Farrow, Commissioner  
Copy: Joseph Mosinski

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

File# 2018-0124-02  
CALIFORNIA EARTHQUAKE AUTHORITY  
Conflict-of-Interest Code

This is a Conflict-of-Interest Code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2  
 AMEND: 56800  
 Filed 02/07/2018  
 Effective 03/09/2018  
 Agency Contact: Niel Hall (916) 661-5558

File# 2017-1227-01  
 DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 Pilot Program — Indecent Exposure

This action by the Department of Corrections and Rehabilitation adopts section 3999.24 of Title 15 of the California Code of Regulations as a pilot program on indecent exposure. This filing is exempt from Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This filing is effective on filing with the Secretary of State and remains in effect for two years pursuant to Penal Code section 5058.1.

Title 15  
 ADOPT: 3999.24  
 Filed 02/07/2018  
 Effective 02/07/2018  
 Agency Contact: Anthony Carter (916) 445-2220

File# 2018-0124-05  
 DEPARTMENT OF PESTICIDE REGULATION  
 Filtering Facepiece Definition

The Department of Pesticide Regulation filed this action to update and clarify provisions for filtering facepiece respirators.

Title 3  
 AMEND: 6000, 6739  
 Filed 02/12/2018  
 Effective 04/01/2018  
 Agency Contact:  
 Linda Irokawa-Otani (916) 445-3991

File# 2018-0201-02  
 DEPARTMENT OF STATE HOSPITALS  
 Emergency Readopt — Sexually Violent Predator Act (SVPA) Evaluations

This emergency action readopts the prior emergency action that amended procedures for updating evaluations under the Sexually Violent Predator Act (Welf. & Inst. Code, secs. 6600-6609.3). (See OAL File No. 2017-0807-02E.)

Title 9  
 ADOPT: 4020, 4020.1  
 Filed 02/12/2018  
 Effective 02/14/2018  
 Agency Contact: Trini Balcazar (916) 651-3222

File# 2017-1229-01  
 DIVISION OF WORKERS' COMPENSATION  
 Medical Provider Suspension Procedure

The Division of Workers' Compensation submitted this timely certificate of compliance action to adopt six sections and an article 5.1 under title 8, division 1, chapter 4.5, subchapter 1 of the California Code of Regulations. The regulations implement suspension, hearing, and related procedures for physicians, practitioners, or providers that meet specified criteria in subdivision (a)(1) of Labor Code section 139.21.

Title 8  
 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4, 9788.5, 9788.6  
 Filed 02/07/2018  
 Effective 02/07/2018  
 Agency Contact: Alan Hersh (510) 286-0642

File# 2018-0205-01  
 FAIR EMPLOYMENT AND HOUSING COUNCIL  
 Emergency Regulations Regarding Gender-Neutral Facility Signage

This emergency action readopts the prior emergency action that clarified that the requirement for gender-neutral signage for single-occupancy facilities does not apply to nonwater carriage disposal facilities in workplaces covered by sections 1526, 3364, 3457, and 5192 in title 8 of the California Code of Regulations.

Title 2  
 AMEND: 11034  
 Filed 02/13/2018  
 Effective 02/13/2018  
 Agency Contact: Brian Sperber (213) 337-4495

File# 2018-0122-01  
 FAIR POLITICAL PRACTICES COMMISSION  
 Additional AB 249 Regulation Updates

The Fair Political Practices Commission (FPPC) filed this regulatory action to implement A.B. 249 (Stats. 2017, ch. 546) by amending and repealing regulations addressing campaign disclosures.

OAL's review of FPPC regulations is limited to the provisions of the APA as it existed on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer (April 27, 1992, C010924 [nonpub. opn.]).) As such, OAL's review is limited to determining if the proposed regulations comply with "the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State." (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2  
AMEND: 18420.1, 18432.5, 18440, 18531.10,  
18533, 18901.1 REPEAL: 18450.4  
Filed 02/13/2018  
Effective 03/15/2018  
Agency Contact: Sasha Linker (916) 322-5660

File# 2018-0122-02  
FAIR POLITICAL PRACTICES COMMISSION  
Restrictions on Contributions

The Fair Political Practices Commission (FPPC) filed this regulatory action to expressly permit unlimited contributions from a state candidate to another state candidate's recall committee, legal defense fund, or candidate controlled ballot measure committee.

OAL's review of FPPC regulations is limited to the provisions of the APA as it existed on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer (April 27, 1992, C010924 [nonpub. opn.]).) As such, OAL's review is limited to determining if the proposed regulations comply with "the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State." (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2  
AMEND: 18535  
Filed 02/13/2018  
Effective 03/15/2018  
Agency Contact: Cesar R. Cuevas (916) 322-5660

File# 2018-0122-03  
FAIR POLITICAL PRACTICES COMMISSION  
AB 249 Regulation Updates

The Fair Political Practices Commission (FPPC) filed this regulatory action to implement A.B. 249 (Stats. 2017, ch. 546) by amending and repealing regulations addressing campaign disclosures.

OAL's review of FPPC regulations is limited to the provisions of the APA as it existed on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer (April 27, 1992, C010924 [nonpub. opn.]).) As such, OAL's review is limited to determining if the proposed regulations comply with "the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State." (Former

Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2  
AMEND: 18247.5, 18402, 18420, 18423, 18435,  
18450.5, 18521.5  
REPEAL: 18225, 18450.3  
Filed 02/13/2018  
Effective 03/15/2018  
Agency Contact: Cesar R. Cuevas (916) 322-5660

File# 2018-0123-02  
NEW MOTOR VEHICLE BOARD  
2017-2018 ACP Fees

The New Motor Vehicle Board submitted this action without regulatory effect for the annual update of the Arbitration Certification Program (ACP) fee based on the formula established in section 553.70 of title 13 of the California Code of Regulations. The updated ACP fee will decrease from \$.589 to \$.586, which will be applicable to each new motor vehicle sold, leased, or otherwise distributed during calendar year 2016.

Title 13  
AMEND: 553.70  
Filed 02/13/2018  
Agency Contact: Danielle R. Vare (916) 327-3129

File# 2017-1229-02  
OFFICE OF STATEWIDE HEALTH PLANNING  
AND DEVELOPMENT  
Patient Data Reporting — Inpatient Expected Source of  
Payment Update

This change without regulatory effect by the Office of Statewide Health Planning and Development ("OSHPD") updates the list of licensed plans for Expected Source Payment by adding newly licensed plans, updating existing plan names of certain licensees, and removing three plans that are no longer licensed. The list is also reorganized to maintain the alphabetical order of the listed plans.

Title 22  
AMEND: 97232  
Filed 02/08/2018  
Agency Contact:  
Kimberly Gustafson (916) 326-3939

File# 2017-1222-02  
STATE MINING AND GEOLOGY BOARD  
Fees Calculation and Schedule

This rulemaking action by the State Mining and Geology Board amends sections 3697, 3698, and 3699 in title 14 of the California Code of Regulations to align with Public Resources Code section 2207 and to clarify the method of calculating annual fees paid by mine operators.

Title 14  
 AMEND: 3697, 3698, 3699  
 Filed 02/07/2018  
 Effective 04/01/2018  
 Agency Contact: Nicholas Lash (916) 310-1082

(Renumbered 20236), 20249.5  
 (Renumbered 20237), 20250  
 (Renumbered 20238), 20255  
 (Renumbered 20250), 20258  
 (Renumbered 20240), 20260  
 (Renumbered 20241), 20261  
 (Renumbered 20242), 20265  
 (Renumbered 20251), 20266  
 (Renumbered 20252), 20267  
 (Renumbered 20253) REPEAL: 20202,  
 20203, 20204, 20205, 20206, 20207,  
 20208, 20209, 20210, 20211, 20212,  
 20215, 20245, 20249, 20251, 20252,  
 20253, 20254, 20256, 20257, 20259,  
 20262

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN September 13, 2017 TO  
 February 14, 2018**

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

01/11/18 ADOPT: 20130, 20131, 20132, 20133, 20134, 20135, 20136, 20137, 20138  
 01/08/18 ADOPT: 20140, 20141, 20142, 20143, 20144  
 12/20/17 AMEND: 1859.76  
 11/30/17 AMEND: 10, 51.2, 52.1, 52.10, 52.11, 53.2, 53.3, 57.1, 58.6, 58.10, 58.13, 60.1, 64.1, 64.2, 64.3, 64.5, 67.2, 67.3, 67.6  
 11/27/17 AMEND: 18531.5  
 11/27/17 AMEND: 1859.190, 1859.194, 1859.195, 1859.198  
 11/21/17 AMEND: 559.502  
 11/21/17 AMEND: 59640  
 11/15/17 AMEND: 18535  
 10/26/17 ADOPT: 571.1  
 10/23/17 AMEND: 11024  
 10/23/17 AMEND: 59740  
 10/10/17 AMEND: 10500  
 10/09/17 AMEND: 59780  
 10/04/17 ADOPT: 280, 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.55.1, 547.55.2, 547.56, 547.57, 547.57.1, 547.52.2, 547.57.3, 547.57.4, 547.58, 547.58.1, 547.58.2, 547.58.3, 547.58.4, 547.58.5, 547.58.6, 547.58.7, 547.58.8, 547.58.9 AMEND: 281, 282 REPEAL: 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.56, 547.57  
 09/22/17 AMEND: 1859.2, 1859.81  
 09/21/17 AMEND: 59620  
 09/20/17 ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4

**Title 2**

02/13/18 AMEND: 18420.1, 18432.5, 18440, 18531.10, 18533, 18901.1 REPEAL: 18450.4  
 02/13/18 AMEND: 18535  
 02/13/18 AMEND: 18247.5, 18402, 18420, 18423, 18435, 18450.5, 18521.5 REPEAL: 18225, 18450.3  
 02/13/18 AMEND: 11034  
 02/07/18 AMEND: 56800  
 01/23/18 AMEND: 59530  
 01/18/18 AMEND: 18351  
 01/11/18 ADOPT: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20222, 20223, 20224, 20228, 20235, 20260, 20261, 20262, 20263, 20264, 20265, 20266, 20267, 20268, 20270, 20271, 20272, 20273, 20274, 20275, 20276, 20277, 20278, 20279, 20280 AMEND: 20200, 20201, 20213 (Renumbered 20215), 20214 (Renumbered 20216), 20216 (Renumbered 20217), 20217 (Renumbered 20218), 20220, 20220.5 (Renumbered 20260), 20221, 20222 (Renumbered 20225), 20223 (Renumbered 20226), 20224 (Renumbered 20232), 20227, 20225 (Renumbered 20230), 20226 (Renumbered 20229), 20230 (Renumbered 20231), 20235 (Renumbered 20233), 20236 (Renumbered 20234), 20247

**Title 3**

02/12/18 AMEND: 6000, 6739  
 01/29/18 AMEND: 3439(b)  
 01/29/18 AMEND: 3439(b)  
 01/25/18 ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856  
 01/24/18 AMEND: 2

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 8-Z**

01/22/18 AMEND: 3439(b)  
 01/18/18 AMEND: 3439(b)  
 01/16/18 AMEND: 3439(b)  
 01/16/18 AMEND: 3424(c), 3591.12  
 01/16/18 AMEND: 3439(b)  
 01/03/18 AMEND: 3435(b)  
 12/26/17 AMEND: 3435  
 12/21/17 AMEND: 3439(b)  
 12/20/17 AMEND: 6000, 6619, 6724, 6764, 6768,  
 6769, 6776  
 12/15/17 AMEND: 3439(b)  
 12/13/17 AMEND: 3435(b)  
 12/13/17 AMEND: 3435(d)  
 12/12/17 ADOPT: 1391.7 AMEND: 1391, 1391.1,  
 1391.3  
 12/11/17 AMEND: 3439(b)  
 12/07/17 ADOPT: 8000, 8100, 8101, 8102, 8103,  
 8104, 8105, 8106, 8107, 8108, 8109,  
 8110, 8111, 8112, 8113, 8114, 8115,  
 8200, 8201, 8202, 8203, 8204, 8205,  
 8206, 8207, 8208, 8209, 8210, 8211,  
 8212, 8213, 8214, 8215, 8216, 8300,  
 8301, 8302, 8303, 8304, 8305, 8306,  
 8307, 8308, 8400, 8401, 8402, 8403,  
 8404, 8405, 8406, 8407, 8408, 8409,  
 8500, 8501, 8600, 8601, 8602, 8603,  
 8604, 8605, 8606, 8607, 8608  
 12/07/17 AMEND: 3439(b)  
 12/05/17 AMEND: 3591.5  
 11/28/17 AMEND: 3406(c), 3591.5(b)  
 11/22/17 AMEND: 3435(b)  
 11/21/17 AMEND: 3435(b)  
 11/21/17 REPEAL: 1408.22  
 11/20/17 AMEND: 3591.15  
 11/20/17 AMEND: 3435(b)  
 11/15/17 AMEND: 6728  
 11/09/17 AMEND: 3435(b)  
 11/07/17 ADOPT: 6690, 6691, 6692  
 11/07/17 ADOPT: 2852.5 AMEND: 2850, 2851,  
 2852, 2853, 2854, 2855, 2856  
 11/06/17 AMEND: 3435(b)  
 11/02/17 AMEND: 3435(b)  
 10/23/17 AMEND: 3435(b)  
 10/16/17 AMEND: 3591.15  
 10/16/17 AMEND: 3439(b)  
 09/28/17 AMEND: 3439(b)  
 09/28/17 AMEND: 3435(b)  
 09/27/17 AMEND: 3435(b)  
 09/21/17 AMEND: 1430.142  
 09/19/17 AMEND: 3406(c), 3591.5(b)  
 09/14/17 AMEND: 3439

**Title 4**

01/25/18 AMEND: 1685, 1688

01/24/18 ADOPT: 4002.10, 4206, 4207 AMEND:  
 4001, 4200, 4201  
 01/17/18 AMEND: 12386, 12391, 12566  
 01/17/18 AMEND: 12386, 12391, 12566  
 01/09/18 ADOPT: 1597.5, 1597.6 AMEND: 1554,  
 1581.1, 1588, 1597, 1853  
 01/08/18 AMEND: 12120, 12303, 12362  
 01/02/18 AMEND: 12261, 12264  
 12/28/17 AMEND: 4300, 4302, 4304, 4306, 4307,  
 4308  
 12/21/17 AMEND: 8078.8, 8078.10  
 12/19/17 AMEND: 232  
 12/13/17 AMEND: 10032, 10036  
 12/07/17 AMEND: 12200.3, 12200.5, 12200.14,  
 12202, 12205.1, 12220.3, 12220.5,  
 12220.14, 12222, 12225.1, 12301.1,  
 12342, 12350, 12352, 12357, 12358  
 12/01/17 ADOPT: 5259 AMEND: 5000, 5033,  
 5035, 5037, 5054, 5060, 5101, 5102,  
 5120, 5144, 5170, 5191, 5212, 5230,  
 5240, 5250, 5540  
 11/30/17 AMEND: 12218.11, 12236  
 11/29/17 AMEND: 10176, 10177, 10178, 10179,  
 10180, 10181, 10182, 10183, 10184,  
 10185, 10186, 10187, 10188, 10189,  
 10190  
 11/16/17 AMEND: 1844  
 11/02/17 AMEND: 10170.2, 10170.3, 10170.4,  
 10170.9, 10170.10  
 10/31/17 AMEND: 711  
 10/31/17 AMEND: 10031, 10032, 10033, 10035,  
 10036  
 10/18/17 ADOPT: 12250, 12260, 12261, 12262,  
 12263, 12264, 12285, 12287, 12290  
 AMEND: 12003, 12200, 12200.7,  
 12200.9, 12200.10A, 12200.11,  
 12200.18, 12220, 12220.18, 12560,  
 12562 REPEAL: 12200.13, 12200.16,  
 12200.21, 12220.13, 12220.16, 12220.21  
 10/13/17 ADOPT: 5145, 5146, 5233 AMEND:  
 5000, 5020, 5031, 5033, 5050, 5051,  
 5054, 5061, 5062, 5063, 5106, 5144,  
 5170, 5191, 5192, 5194, 5200, 5220,  
 5230, 5240, 5250, 5255, 5258, 5260,  
 5300, 5342, 5350, 5370, 5400, 5450,  
 5560, 5600 REPEAL: 5221  
 10/09/17 ADOPT: 5700, 5710, 5711, 5720, 5721,  
 5722, 5730, 5731 AMEND: 5000, 5020,  
 5100  
 10/05/17 AMEND: 1632

**Title 5**

01/29/18 AMEND: 19810

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 8-Z**

01/29/18	AMEND: 40601, 40803, 40804, 40804.1, 40806, 40900, 40901	09/27/17	AMEND: 5191(b)
01/25/18	ADOPT: 854.1, 854.2, 854.3, 854.4, 854.5, 854.9 AMEND: 850, 851, 851.5, 853, 855, 856, 859 REPEAL: 853.5, 853.6, 853.7, 853.8	09/26/17	AMEND: 5189.1(t)(2)
01/22/18	AMEND: 27000	09/14/17	AMEND: 336
01/11/18	AMEND: 9517.3	<b>Title 9</b>	
11/28/17	AMEND: 9510, 9512, 9513, 9518, 9529, 9810	02/12/18	ADOPT: 4020, 4020.1
11/27/17	AMEND: 19810	01/16/18	AMEND: 7140.5
11/21/17	ADOPT: 71396	01/12/18	AMEND: 4350
11/16/17	ADOPT: 11526 AMEND: 11520, 11524, 11525	12/05/17	AMEND: 400
11/16/17	ADOPT: 11534.1 AMEND: 11530, 11533, 11534	11/22/17	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717
11/13/17	REPEAL: 620, 621, 622, 623, 624, 625, 626, 627	10/18/17	AMEND: 7211, 7212.2, 7212.4, 7213.2, 7213.3, 7213.6, 7214.1, 7215.1, 7218, 7220, 7220.3, 7221, 7225
11/07/17	ADOPT: 9517.1	<b>Title 10</b>	
10/18/17	AMEND: 851, 853.5, 853.7, 855, 856	01/29/18	AMEND: 6704, 6708, 6710
<b>Title 8</b>		01/23/18	AMEND: 2498.4.9
02/07/18	ADOPT: 9788.1, 9788.2, 9788.3, 9788.4, 9788.5, 9788.6	01/22/18	AMEND: 2498.6
01/24/18	REPEAL: 16410, 16411, 16412, 16413, 16414	01/17/18	AMEND: 2498.6
01/11/18	ADOPT: 9792.23.10, 9792.23.11, 9792.23.12 AMEND: 9792.20, 9792.22, 9792.23, 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24.1, 9792.24.2, 9792.24.3, 9792.24.4	01/17/18	AMEND: 2498.5
01/08/18	AMEND: 336	11/27/17	ADOPT: 2303.23, 2303.24, 2303.25, 2303.26, 2303.27, 2303.28 AMEND: 2303, 2303.1, 2303.2, 2303.4, 2303.5, 2303.8, 2303.9, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.17, 2303.19, 2303.21, existing 2303.22 renumbered as 2303.29, existing 2303.23 renumbered as 2303.30, and existing 2303.24 renumbered as 2303.22
01/02/18	AMEND: 10205.13, 10205.14	10/26/17	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
12/28/17	AMEND: 9789.17.3, 9789.19	10/05/17	ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007
12/21/17	AMEND: 344.18	09/21/17	AMEND: 2498.6
12/07/17	ADOPT: 9792.27.1, 9792.27.2, 9792.27.3, 9792.27.4, 9792.27.5, 9792.27.6, 9792.27.7, 9792.27.8, 9792.27.9, 9792.27.10, 9792.27.11, 9792.27.12, 9792.27.13, 9792.27.14, 9792.27.15, 9792.27.16, 9792.27.17, 9792.27.18, 9792.27.19, 9792.27.20, 9792.27.21, 9792.27.22, 9792.27.23	09/21/17	ADOPT: 6854, 6856, 6864
12/05/17	AMEND: 5155	09/20/17	AMEND: 2498.5
11/28/17	AMEND: 9789.25	09/20/17	AMEND: 6902, 6903, 6904
11/28/17	ADOPT: 6056.1 AMEND: 6052, 6056, 6057, 6060 REPEAL: 6062	<b>Title 11</b>	
10/26/17	ADOPT: 1711 AMEND: 1712, 1713, 1717 REPEAL: 1711, 1721	01/30/18	AMEND: 20
10/09/17	AMEND: 1646(a)	01/29/18	ADOPT: 26.20
10/02/17	ADOPT: 1535.1, 5205, 8359.1 AMEND: 5155	01/16/18	AMEND: 2084, 2086, 2088, 2089, 2090, 2091, 2092, 2095, 2096, 2107, 2109
09/28/17	ADOPT: 9788.1, 9788.2, 9788.3, 9788.4	01/02/18	ADOPT: 4260, 4261, 4262, 4263, 4264
		11/29/17	AMEND: 2030, 2038, 2060
		11/29/17	AMEND: 2030, 2038, 2060
		11/27/17	AMEND: 301, 303, 308, 411, 415, 420
		11/07/17	ADOPT: 999.224, 999.225, 999.226, 999.227, 999.228, 999.229
		10/05/17	AMEND: 78.4

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10/05/17 AMEND: 78.6  
 10/05/17 ADOPT: 78.7

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02/13/18 AMEND: 553.70  
 02/01/18 AMEND: 1212.5, 1218, 1239, 1264  
 01/25/18 AMEND: 1152.3  
 12/28/17 ADOPT: 1294  
 12/22/17 ADOPT: 17.00, 17.02, 17.04, 17.06  
 AMEND: 15.00, 15.01  
 12/07/17 AMEND: 1152.6.1  
 11/20/17 ADOPT: 160.02, 160.04, 106.06, 161.00,  
 161.02, 161.04, 161.06 AMEND: 160.00  
 11/16/17 AMEND: 1157.21  
 11/15/17 AMEND: 180.00  
 11/13/17 ADOPT: 2774 AMEND: 2750, 2751,  
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 2758, 2759, 2760, 2761, 2762, 2763,  
 2764, 2765, 2766, 2767, 2767.1, 2768,  
 2769, 2770, 2771, 2772, 2773  
 11/13/17 AMEND: 225.00, 225.03, 225.09,  
 225.12, 225.15, 225.30, 225.35, 225.39,  
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 10/30/17 AMEND: 423.00  
 10/25/17 AMEND: 26.01, 26.02  
 10/23/17 AMEND: 1153  
 10/16/17 ADOPT: 2208, 2208.1, 2208.2 AMEND:  
 1956.8

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02/07/18 AMEND: 3697, 3698, 3699  
 02/06/18 AMEND: 1038  
 01/25/18 AMEND: 1038  
 01/03/18 AMEND: 18943, 18944, 18945.1  
 01/02/18 ADOPT: 722  
 12/27/17 AMEND: 699.5  
 12/21/17 ADOPT: 128  
 12/20/17 AMEND: 933, 933.1, 933.2, 933.3,  
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956.2, 956.3, 956.4, 956.5, 956.6, 956.7,  
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 12/13/17 ADOPT: 3504.6  
 12/12/17 AMEND: 3950 REPEAL: 3951, 3952,  
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 12/06/17 AMEND: 4970.00, 4970.03, 4970.05,  
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 12/05/17 AMEND: 265  
 12/05/17 AMEND: 18660.40  
 11/28/17 ADOPT: 17403.3.2, 17403.3.3 AMEND:  
 17402, 17403.0, 17403.8, 17405.0,  
 17409.3, 18103.1, 18221.5  
 11/20/17 ADOPT: 1.95  
 11/16/17 AMEND: 2975  
 11/15/17 AMEND: 1038  
 11/14/17 AMEND: 1035.1, 1035.2, 1035.3  
 10/31/17 AMEND: 917, 917.2, 917.3, 917.4,  
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10/24/17 AMEND: 25231  
 10/04/17 AMEND: 18419  
 09/29/17 AMEND: 29.80, 122  
 09/26/17 AMEND: 300  
 09/19/17 AMEND: 1094.16

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12/11/17 AMEND: Title 14, Sections: 18474, 18475, 18476, 18478, 18489, 18491,

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 02/05/18 AMEND: 1006, 1062  
 02/01/18 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12  
 01/02/18 AMEND: 3000, 3030, 3190, 3269  
 12/29/17 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1  
 12/21/17 AMEND: 8004, 8004.1  
 12/18/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7  
 12/12/17 AMEND: 8199  
 11/30/17 AMEND: 1  
 11/27/17 AMEND: 3600(b), 3600(e)  
 11/03/17 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792  
 10/09/17 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334  
 10/04/17 AMEND: 3000, 3030, 3190, 3269  
 10/04/17 AMEND: 18419  
 09/25/17 ADOPT: 3570, 3572, 3573, 3580 AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3  
 09/19/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to

3043.7), 3043.6 (renumbered to 3043.8),  
3044 REPEAL: 3042, 3043.1, 3043.2,  
3043.3, 3043.4, 3043.7

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01/17/18 AMEND: 1760  
01/17/18 AMEND: 420.1 REPEAL: 424.5  
01/11/18 AMEND: 427.10, 427.30  
01/03/18 AMEND: 1937.11  
12/20/17 ADOPT: 2039.5  
12/19/17 AMEND: 1735.2  
12/07/17 ADOPT: 5000, 5001, 5002, 5003, 5004,  
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11/16/17 ADOPT: 3351.7.1, 3351.7.2, 3371.7.3  
AMEND: 3371.1  
10/31/17 AMEND: 904, 905  
10/19/17 AMEND: 1364.10, 1364.11, 1364.13,  
1364.15  
10/10/17 AMEND: 1358  
10/06/17 ADOPT: 1993.4 AMEND: 1993.2  
REPEAL: 1993.3  
10/02/17 AMEND: 1914  
09/21/17 ADOPT: 1379.01, 1379.02, 1379.03,  
1379.04, 1379.05, 1379.06, 1379.07,  
1379.08, 1379.09  
09/19/17 ADOPT: 1702.1, 1702.2, 1702.5  
AMEND: 1702

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12/07/17 ADOPT: 40100, 40101, 40102, 40115,  
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40130, 40131, 40133, 40135, 40137,  
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40165, 40167, 40169, 40175, 40177,  
40178, 40180, 40182, 40200, 40205,  
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40270, 40272, 40275, 40277, 40280,  
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11/20/17 AMEND: 95673  
11/13/17 AMEND: 60003  
10/19/17 ADOPT: 1235, 1236, 1237  
09/18/17 ADOPT: 95803, 95835, 95859, 95871,  
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95977.1, 95978, 95979, 95980, 95980.1,  
95981, 95981.1, 95983, 95985, 95987,  
95990, 96014, Appendix C

**Title 18**

01/05/18 ADOPT: 30100, 30101, 30102, 30201,  
30202, 30203, 30204, 30205, 30301,  
30302, 30303, 30304, 30305, 30401,  
30402, 30403, 30501, 30502, 30601,  
30602, 30603, 30604, 30605, 30606,  
30701, 30702, 30703, 30704, 30705,  
30707, 30708, 30709, 30710, 30711,  
30800, 30801, 30802, 30803, 30804,  
30805, 30806, 30807, 30808, 30809,  
30810, 30811, 30812, 30813, 30814,  
30815, 30816, 30817, 30818, 30819,  
30820, 30821, 30822, 30823, 30824,  
30825, 30826, 30827, 30828, 30829,  
30830, 30831, 30832

**Title 20**

01/30/18 ADOPT: 4.5, 8.3, 9.5 AMEND: 1.3, 1.4,  
1.7, 1.9, 1.13, 1.14, 1.17, 3.1, 3.3, 4.6

	(renumbered from 4.5), 6.3, 7.2, 7.3, 7.6, 8.1, 8.2 (renumbered from 8.3), 8.4, Article 9 (title), 9.4, 9.6 (renumbered from 9.5), 12.1, 13.7, 13.8, 13.11, 13.12, 13.13, 13.14, 14.1, 14.2, 14.5, 14.6, 15.1, 15.3, 16.1, 16.2, 17.1 REPEAL: 8.2, 8.6, 9.6, 9.7		130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211
01/25/18	AMEND: 1602, 1605.3, 1606	09/28/17	AMEND: 35000
10/05/17	AMEND: 1602, 1606, 1607	09/18/17	ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190
<b>Title 21</b>		09/15/17	ADOPT: 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369, 85375, 89900, 89901, 89918, 89920, 89922, 89940, 89942, 89964, 89965, 89968.1, 89968.2, 89970, 89987, 89990 AMEND: 80001, 80020, 80022, 80028, 80065, 80068, 80070, 80072, 80087, 85000, 85068.2
01/04/18	ADOPT: 1478.1, 1478.2 AMEND: 1476	<b>Title 23</b>	
11/28/17	ADOPT: 1700.1, 1700.2, 1700.3, 1705.1, 1706.1, 1707.1 AMEND: 1700 [renumbered to 1701.1], 1701 [renumbered to 1701.2], 1702.1, 1703 [renumbered to 1702.2], 1704.1 [renumbered to 1703.1], 1704.2 [renumbered to 1703.2], 1704.3 [renumbered to 1703.3], 1704.4 [renumbered to 1703.4], 1704.5 [renumbered to 1703.5], 1704.6 [renumbered to 1703.6], 1705.1 [renumbered to 1704.1], 1705.2 [renumbered to 1704.2], 1705.3 [renumbered to 1704.3], 1705.4 [renumbered to 1704.4], 1705.5 [renumbered to 1704.5], 1705.6 [renumbered to 1704.6], 1705.7 [renumbered to 1704.7], 1705.8 [renumbered to 1704.8]	01/24/18	ADOPT: 700.1, 700.2, 700.3, 700.4, 700.5, 700.6
<b>Title 22</b>		12/26/17	ADOPT: 3949.13
02/08/18	AMEND: 97232	12/15/17	AMEND: 64300, 64305, 64310, 64315
01/24/18	AMEND: 97177.10, 97177.67, 97177.70	12/14/17	AMEND: 64444, 64445, 64445.1, 64447.4, 64465, 64481
01/11/18	ADOPT: 97268 AMEND: 97215, 97218, 97219, 97253, 97254, 97255	11/20/17	AMEND: 2922
12/18/17	ADOPT: 2925	11/16/17	AMEND: 3682.2, 3682.3, 3702.1, 3702.2, 3702.3, 3702.4, 3717
12/08/17	AMEND: 2608-1, 2627(b)-1	11/06/17	AMEND: 2200, 2200.5, 2200.6, 2200.7
12/05/17	AMEND: 2706-2, 3301(d)-1, 3201-1, 3303-1, 3303.1(c)-1 REPEAL: 3303(b)-1	11/06/17	ADOPT: 1070.5 AMEND: 1062, 1064, 1066, 1068, 1070
11/16/17	ADOPT: 63750.80 AMEND: 63850	10/19/17	ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20
10/30/17	AMEND: 72517	10/05/17	ADOPT: 2910 REPEAL: 2910
<b>Title 22, MPP</b>		<b>Title 25</b>	
12/21/17	ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071,	01/18/18	AMEND: 10001
		11/08/17	ADOPT: 8313, 8313.1, 8313.2, 8317, 8318 AMEND: 8300, 8301, 8302, 8303, 8305, 8307, 8308, 8309, 8310, 8311, 8312, 8314, 8315, 8316
		10/12/17	ADOPT: 5535, 5535.5, 5536, 5536.5
		<b>Title 27</b>	
		02/05/18	AMEND: 25705
		02/01/18	AMEND: 27000
		01/29/18	AMEND: 27001
		01/02/18	ADOPT: 25603.3
		12/28/17	AMEND: Appendix B; Div. 3; Subd. 1; Ch. 2
		12/20/17	AMEND: 27001
		11/20/17	AMEND: 25600.1, 25600.2, 25601, 25602, 25603, 25607, 25607.2, 25607.5, 25607.6, 25607.7, 25607.12, 25607.13
		11/15/17	AMEND: 27001

11/15/17 AMEND: 27001  
10/30/17 ADOPT: 25607.32, 25607.33  
10/30/17 AMEND: 27000

**Title MPP**

01/17/18 AMEND: 47-260  
01/17/18 AMEND: 46-430  
12/28/17 AMEND: 41-440, 42-711, 42-716,  
42-717, 44-207  
11/16/17 AMEND: 44-211