

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Occupational Safety and Health**

NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS

Subject Matter of Regulations: Process Safety Management Program Assessment

TITLE 8, CALIFORNIA CODE OF REGULATIONS, SECTIONS 344.76 and 344.77

NOTICE IS HEREBY GIVEN that the Acting Chief of the Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), pursuant to the authority vested in her by Labor Code sections 60.5, 6308, and 7870 proposes modify the text of the following proposed regulations:

Amend Section 344.76 Determination of the Annual Process Safety Management Program Assessment.

PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present written comments regarding these proposed modifications. **Only comments directly concerning the proposed modifications to the text of the regulations will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94612

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations no later than 5:00 p.m. on Monday, March 17, 2014. Written comments may be submitted via facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Due to the inherent risks of non-delivery by facsimile transmission, the Acting Chief suggests, but does not require, that a copy of any comments transmitted by facsimile transmission also be submitted by regular mail.

Comments sent to other e-mail addresses or facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 9:00 A.M. and 4:30 P.M., Monday through Friday. Please contact the Division of Workers' Compensation's regulations coordinator, Ms. Maureen Gray, at (510) 286-7100 to arrange to inspect the rulemaking file.

FORMAT OF PROPOSED MODIFICATIONS

Deletions from the original codified regulatory text adopted on an emergency basis, effective October 29, 2013, are indicated by strike-through: ~~deleted language~~.

Additions to the original codified regulatory text adopted on an emergency basis, effective October 29, 2013, are indicated by underlining: added language.

SUMMARY OF PROPOSED CHANGES

Section 344.76: Determination of the Annual Process Safety Management Program Assessment

Subdivisions (b) and (c) are being amended to provide for the use of unfinished oil (USEIA product code 812) amounts *received by* oil refineries as the basis for determining the process safety management assessment factor for oil companies' refineries. The current regulation requires the use of unfinished oil (USEIA product code 812) amounts *input to* oil refineries.