
NEW YORK STATE REGISTER

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on March 31, 2013
- the 45-day period expires on March 16, 2013
- the 30-day period expires on March 1, 2013

**ANDREW M. CUOMO
GOVERNOR**

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (RC) Revised Proposal/Continuation; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.state.ny.us)

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- 1 / Empire State Jobs Retention Program Tax Credit (E)
- 3 / Excelsior Jobs Program (E)

Education Department

- 5 / Diploma Requirements for Students with Disabilities (A)
- 7 / Renewals of a Provisional SAS Certificate and Reissuances of Initial Certificates (A)
- 8 / Individual Evaluation and Experience Requirements for Level III Teaching Assistant Certificates (A)
- 8 / Occupational Therapy (A)

Environmental Conservation, Department of

- 9 / Conforming the Requirement for Best Available Retrofit Technology to Recent Statutory Changes and Court Decisions (A)
- 11 / Section 326.2(b)(4)(ii) Is Amended to Allow the Use of Fluridone Pellets in Waters Less Than Two Feet Deep (A)
- 12 / To Amend Part 189 in Response to the Discovery of Chronic Wasting Disease in Pennsylvania (A)
- 12 / Uniform Procedures for Processing Permit Applications Submitted to the Department (A)

People with Developmental Disabilities, Office for

- 12 / Financial Reporting for Providers of OPWDD Services (A)

Public Service Commission

- 13 / Approval of the Transfer of a 115kV Circuit Breaker from NYSEG to AES ES Westover, LLC, on a Permanent Basis (A)
- 13 / To Increase the Charge Per Customer from \$100.00 to \$150.00 (P)
- 14 / Waiver of 16 NYCRR Sections 894.1 Through 894.4(b)(2) (P)
- 14 / Waiver of the Retirement Notice Period So That the Danskammer Facility May be Transferred and Demolished (P)
- 14 / To Consider the Asset Purchase Agreement with Princetown Cable Company, Inc. by Time Warner Cable Northeast LLC (P)
- 15 / To Increase the Charge Per Customer from \$100.00 to \$150.00 (P)

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- 15 / Ability of a New Owner of a Claimed Horse to Void the Claim (E)

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