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# 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 November 24, 2013
- the 45-day period expires on November 9, 2013
- the 30-day period expires on October 25, 2013

**ANDREW M. CUOMO  
GOVERNOR**

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## 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](http://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

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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](http://www.dos.state.ny.us))

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- 1 / Incorporation by Reference in 1 NYCRR of the 2013 Edition of National Institute of Standards and Technology ("NIST") Handbook 44 (P)

**Corrections and Community Supervision, Department of**

- 2 / Contraband Drugs (A)

**Criminal Justice Services, Division of**

- 2 / NYS Accreditation, and Y-STRs and Other Testing (A)

**Environmental Conservation, Department of**

- 2 / Model Environmental Assessment Forms (AA)

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- 3 / Registration and Financial Responsibility Requirements for Mortgage Loan Servicers (E)
- 7 / Supplementary Uninsured/Underinsured Motorist Insurance (A)
- 7 / Force-Placed Insurance (P)

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- 10 / Recognition of Establishment of the Gaming Commission (A)

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- 11 / Expand Medicaid Coverage of Enteral Formula (E)

**Labor, Department of**

- 13 / Responding to Requests for Information and Employer Relief of Charges (A)

**Mental Health, Office of**

- 13 / Medical Assistance Rates of Payment for Residential Treatment Facilities for Children and Youth (A)

**Public Service Commission**

- 14 / Adopting Emergency Rule As a Permanent Rule (A)
- 14 / Major Water Rate Filing (P)
- 14 / NY-Sun Initiative Within the Customer-Sited Tier of the RPS Program (P)
- 15 / Allocation of Uncommitted SBC-III Funds (P)
- 15 / EEPS Program Years 2014 - 2015 (P)
- 15 / Transportation Service Under Service Classification (SC) Nos. 7 and 14 (P)
- 16 / Waiver of PSC Regulations, 16 NYCRR sections 85-2.9(d), (e), 86.3(a)(1)(i), (iii), (2), (b)(2), 86.4(b) and 88.4(a)(4) (P)
- 16 / Waiver of 16 NYCRR Sections 894.1 Through 894.4(b)(2) (P)
- 16 / Whether to Permit the Use of the PM-2104 Electric Submeter (P)
- 16 / NY-Sun Initiative Within the Customer-Sited Tier of the RPS Program (P)
- 17 / EEPS Program Years 2014 - 2020 (P)
- 17 / Energy Efficiency Portfolio Standard, System Benefits Charge, and Renewable Portfolio Standard Funds and a Green Bank (P)

**Taxation and Finance, Department of**

- 17 / Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith (A)
- 18 / Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith (P)
- 18 / Mailing of Certain Excise Tax Documents (P)
- 19 / Offers in Compromise (P)
- 21 / Service of Process on the Department (P)

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- 75 / Executive Order No. 113: Continuing the Suspension or Modification of Certain Provisions of Law and Regulations.

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