

CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION – DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

**15-DAY COMMENT PERIOD
ILLUSTRATION OF CHANGES**

The Department of Fish and Wildlife, Office of Spill Prevention and Response is proposing changes to the original proposed express terms of the Confidentiality regulations (14 CCR 790.3). Those changes are illustrated as follows:

For the 45-day public comment period, the text was illustrated entirely in single underline.

For the 15-day public comment period, added text is illustrated in double underline and italics; deleted text in ~~single strikethrough and italics~~. The 45-day illustrations (i.e., single underline) remain.

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CHAPTER 1. GENERAL DEFINITIONS AND ABBREVIATIONS PROVISIONS

§ 790.3. Confidentiality of Submitted Documents and Information.

(a) A person submitting a document pursuant to this subdivision for review and approval by the Administrator, including applications, reports, and studies, may designate information in the submitted document that the person or entity believes to be exempt from public disclosure based on trade secret, proprietary, confidentiality, privilege, the California Public Records Act, or some other applicable law. Examples of such documents include but are not limited to an oil spill contingency plan, application for a certificate of financial responsibility, application for an oil spill response organization rating, application for a spill management team certification, application for independent drill monitor certification, or application for license of an oil spill cleanup agent.

(b) The person must assert a claim of exemption from disclosure at the time the information is submitted to the Administrator. The person must clearly and distinctly identify each paragraph, sentence, number, data, map, photograph, or other item, and provide the specific legal authority for *each item* that the person believes should be withheld from public disclosure. Clear labeling and citation to specific legal authority as to *each item* will greatly assist with appropriate redaction. Generic non-specific labeling of an entire section of a document or the entire document itself is not sufficient designation of information to be withheld and is not sufficient assertion or preservation of the justification for withholding information from public release and will not be considered.

(c) If a person designates information as exempt from public disclosure, then two different copies of the document must be submitted as follows:

(1) One copy shall contain the sensitive information. This document will be utilized by the Administrator in the review and approval process.

(2) One copy shall be submitted depicting the sensitive information as redacted, with the justification indicated.

(3) Any document submitted to any state agency for review, as required by this subdivision, must include all sensitive information.

~~(d) If the Administrator is requested to publicly disclose a document which has information that has been designated as exempt from disclosure in accordance with paragraph (b), then the Administrator may notify the person who submitted the document at least ten business days prior to the release of such information to allow that person to seek an appropriate remedy in Court, if applicable.~~

(e)(d) The Administrator will decide whether the designated information is exempt from disclosure, unless directed otherwise by a Court order.

Note: Authority cited: Section 8670.7.5, Government Code. Reference: Section 8670.7.5, Government Code.