

**DEPARTMENT OF JUSTICE
Title 11. Law
Division 1. Attorney General
Chapter 18. Articles 1-9
Electronic Recording Delivery System**

January 9, 2014

**NOTICE OF MODIFICATIONS TO TEXT AND/OR FORMS RELATED TO
PROPOSED REGULATIONS**

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the Department of Justice is providing notice of changes made to proposed regulation section(s) 999.121, 999.129, 999.133, 999.137, 999.139, 999.141, 999.143, 999.144, 999.145, 999.164, 999.176, 999.190, 999.191, 999.192, 999.193, 999.195, 999.204, 999.217, 999.219. These changes are listed on the next page.

If you have any comments regarding the proposed changes, the Department of Justice will accept written comments between January 9, 2014 and January 24, 2014. All written comments must be submitted to the Department of Justice no later than 5:00 p.m. on Friday, January 24, 2014, and addressed to:

Michelle N. Mitchell, Field Representative
Department of Justice
California Justice Information Services Division
Electronic Recording Delivery System
P.O. Box 160526
Sacramento, CA 95816-0526
Telephone: (916) 227-1127

All written comments received by 5:00 p.m., on or before close of business on Friday, January 24, 2014, which pertain to the indicated changes will be reviewed and responded to by the Department of Justice's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

Current Changes to the ERDS regulations are bold and highlighted within the attached revisions:

Sections 999.129, 999.137, 999.141, 999.143, 999.144: are being revised to provide clarity as to which publications the users must reference. A timeframe of 12 months is being put in place for a Certified ERDS to become compliant with these regulations. The DOJ has determined 12 months is sufficient time to complete procurement and any other processes required to update the ERDS. If the county requires an extension a written request maybe submitted to the ERDS Program.

Sections 999.129, 999.137, 999.139, 999.141, 999.143, 999.144 are being revised to provide clarity as to which publications the user must reference for information relied upon. This revision also includes a timeframe for all certified ERDS to be in compliance with the listed publications. The following publications have been included within the above listed sections:

California County Information Services Directors Association “Best Practices”

(Pub. April 2003)

FIPS PUB 140-2: Security Requirements for Cryptographic Modules (Pub. May 2001 with a change notices as of December 2002)

FIPS PUB 180-4: Secure Hash Standard (Pub. March 2012)

FIPS PUB 186-4: Digital Signature Standard (DSS) (Pub. July 2013)

FIPS PUB 197: Advanced Encryption Standard (AES) (Pub. November 2001)

FIPS PUB 198-1: The Keyed-Hash Message Authentication Code (HMAC) (Pub. July 2008)

NIST SP 800-63-2: Electronic Authentication Guideline (Pub August 2013)

NIST SP 800-70 Rev. 2: National Checklists Program for IT Products-Guidelines for Checklist Users and Developers (Pub. February 2011)

NIST SP 800-88: Guidelines for Media Sanitization (Pub. September 2006)

Sections 999.121, 999.133, 999.137, 999.145, 999.191 are being revised to correct grammatical errors.

Sections 999.190, 999.192, 999.193, 999.195: Form 0002 Rev. 06/06 “Repealed” is being replaced with the correct revision of 02/07 “Repealed”.

Sections 999.190 and 999.195 are being revised to return to the original language for the requirements to become an ERDS Computer Security Auditor.

Section 999.217 is being revised to show that the ERDS Program representative will be conducting all local inspections.

Sections 999.121, 999.165, 999.176, 999.204, 999.219 ERDS Form 0008 is being revised for individuals transferring between title companies. Updating this form is a means for the County Recorders and the ERDS Program to track those individuals.

Section 999.219 is being revised from 10 days to 30 days to allow the County Recorders and the DOJ sufficient time for follow up questions.