



# California Regulatory Notice Register

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NOVEMBER 7, 2003

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

**TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**NOTICE OF PROPOSED REGULATORY ACTIONS**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

**PROPOSED REGULATORY ACTION**

In this filing, the Board proposes to adopt Article 7, section 585, in Chapter 2, Subchapter 1 of Title 2 of the California Code of Regulations. This proposed regulatory action would establish criteria for reviewing requests for new forms of optional settlement 4 subject to Board approval.

**WRITTEN COMMENT PERIOD**

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on December 22, 2003. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via facsimile at (916) 326-3379; e-mail at [joe\\_parilo@calpers.ca.gov](mailto:joe_parilo@calpers.ca.gov); or mailed to the following address:

Joe Parilo, Regulations Coordinator  
 California Public Employees' Retirement System  
 400 P Street, Room 1120  
 P.O. Box 942702  
 Sacramento, California 94229-2702  
 Telephone: (916) 326-3484

**AUTHORITY AND REFERENCE**

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code section 20121. This action would interpret and make specific Government Code section 21458.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Government Code section 21458 permits a CalPERS member of the defined benefit plan to customize the distribution of his or her retirement allowance under an Option Settlement 4 (Option 4), provided the distribution results in a benefit that is the actuarial equivalent of the member's retirement allowance and is approved by the Board. This section has been in the Government Code since its enactment in 1931 and was amended in 1953 to impose a limitation on the amount that could be allocated to a beneficiary under Option 4. To date, seven (7) different forms of Option 4 have been approved.

The proposed regulatory action specifies criteria to be used when reviewing any request for a new form of Option 4.

**EFFECT ON SMALL BUSINESS**

The proposed regulatory action does not affect small business because it applies only to public employee retirement.

**DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION**

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** CalPERS has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of businesses in California to compete with businesses in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative

private person or business would necessarily incur in reasonable compliance with the proposed action.

- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no significant effect on housing costs.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

#### CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Chris Nishioka  
Chief, Benefit Services Division  
California Public Employees' Retirement System  
P.O. Box 942711  
Sacramento, California 94229-2711  
Telephone: (888) CalPERS (225-7377)

Please direct requests concerning processing of this regulatory action to Joe Parilo, Regulations Coordinator, at the address shown above, or Marilyn Clark at (916) 326-3007.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENTS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation as amended, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons (FSOR) can be obtained, once it has been prepared, by written request to Joe Parilo, Regulations Coordinator, at the address shown above.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' web

site at [www.calpers.ca.gov](http://www.calpers.ca.gov) under "Members/About CalPERS/Proposed Regulatory Actions."

#### PUBLIC HEARING

The Board has not scheduled a hearing, however, any interested person, or his or her duly authorized representative, may request a public hearing pursuant to Government Code section 11346.8. The request must be in writing and must be submitted to the Regulations Coordinator, at the address shown above, no later than 15 days prior to the close of the written comment period.

#### ACCESS TO HEARING ROOM

If a hearing is scheduled, the hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

#### AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations as amended after the public comment period has closed. It may further amend section 585 if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action. If a public hearing is held, the modified text will also be mailed to all persons who submitted oral or written comments at the hearing.

## TITLE 2. STATE ALLOCATION BOARD

### NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD  
PROPOSES TO AMEND AND ADOPT THE  
FOLLOWING REGULATION SECTIONS, ALONG  
WITH AN ASSOCIATED FORM, TITLE 2,  
CALIFORNIA CODE OF REGULATIONS,  
RELATING TO LEROY F. GREENE  
SCHOOL FACILITIES ACT OF 1998  
PROPOSED AMENDMENTS TO REGULATION  
SECTIONS: 1859.2, 1859.51, 1859.70, 1859.71.2,  
1859.78.4, AND 1859.103

REGULATION SECTIONS PROPOSED FOR ADOPTION: 1859.51.1 AND 1859.70.2

PROPOSED AMENDMENTS TO:

*Application for Funding*, Form SAB 50-04 (Revised 08/03), Referenced in Regulation Section 1859.2

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and adopt the above-referenced regulation sections, along with an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

#### AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing amendments to and adoption of various regulation sections under the authority provided by Sections 17070.35 and 17078.64 of the Education Code. The proposals interpret and make specific reference to Sections 17070.51, 17071.10, 17071.25, 17071.75, 17071.76, 17072.10, 17072.20, 17074.50, 17074.52, 17074.54, and 17074.56 of the Education Code.

#### INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facility Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facility Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The current SFP regulations are being amended to define a specific term and provide clarifying language changes to existing regulation sections and two sections are proposed for adoption, which provide guidance and direction to school districts for purposes of filing new construction applications with regard to school facilities constructed with local funds. They are as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments define an

additional specific term essential to these regulations and clarifies an existing definition.

Existing Regulation Section 1859.51 explains how new construction baseline eligibility will be adjusted and expands the components by which a new construction project's baseline eligibility will be adjusted. This Section also provides for an adjustment for new construction projects based on special day class loading standards, and provides a mechanism for adding pupils back into the eligibility baseline lost as a result of the SAB finding a material inaccuracy. The proposed amendment provides clarifying language changes.

Proposed adoption of Regulation Section 1859.51.1 specifies a timeframe and delineates the manner by which a school district can request an increase to its baseline eligibility that was reduced from their initial baseline eligibility due to constructing classrooms with local funding.

Existing Regulation Section 1859.70 requires a school district to complete a designated form that calculates its funding eligibility for new construction and modernization grants. It also provides the application guidelines for school districts affected by a reorganization election. The proposed amendments set forth the conditions by which the SAB provides new construction funding.

Proposed adoption of Regulation Section 1859.70.2 sets forth specific criteria allowing new construction projects that included classrooms that were considered ineligible for State funding due to the construction contract being signed in excess of 180 days prior to submittal of an Approved Application to participate and request State funding under the SFP.

Existing Regulation Section 1859.71.2 establishes the additional grant increase for new construction project plans that included an automatic fire detection/alarm system and/or sprinkler system for elementary, middle, high, severely disabled and non-severely disabled pupils. This Section also defines the criteria for new construction projects to be eligible for the additional grants. The proposed amendments reflect an adjustment to the grants based on the results from a survey conducted by the OPSC that represented actual costs from the northern, central, and southern geographic areas of California as well as suburban, urban and rural areas.

Existing Regulation Section 1859.78.4 establishes the additional grant increase for modernization project plans that include an automatic fire detection/alarm system for elementary, middle, high, severely disabled and non-severely disabled pupils. This Section also defines the criteria for modernization projects to be eligible for the additional grants. The proposed amendments reflect an adjustment to the grants based on the results from a survey conducted by the OPSC

that represented actual costs from the northern, central, and southern geographic areas of California as well as suburban, urban and rural areas.

Existing Regulation Section 1859.103 identifies SFP project savings and establishes when and how the savings may be utilized. It also specifies how interest earned on financial hardship projects will be treated. Further, it identifies another component for which project savings may be used towards, and provides an exception to the required use of savings that reduces the financial hardship grant for apportionments made for district-owned site acquisition. The proposed amendment limits the amount of funding for projects funded, pursuant to Regulation Section 1859.70.2, to eligible expenditures not to exceed the State apportionment for the project.

Existing Form SAB 50-04 is used when a school district is seeking funding for a new construction or modernization project. The proposed amendments provide a certification and incorporate clarifying language changes that are consistent with the proposed changes referenced in the above regulation sections, specifically Sections 1859.51 and 1859.70.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

#### ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory actions and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions.

- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the state.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)-(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

#### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory actions. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than December 22, 2003 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory actions, requests for a copy of the proposed regulatory actions or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory actions should be addressed to:

Lisa Jones  
Regulation Coordinator

Mailing Address: Office of Public  
School Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814

E-mail Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)

Fax No.: (916) 445-5526

#### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 322-1043. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Dennis Boydston, at (916) 322-0327.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory actions. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention

of the SAB would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED EMERGENCY REGULATIONS

California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 3

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend sections 3043.5, 3043.6 and 3044 in the California Code of Regulations (CCR), Title 15, Division 3 relating to inmate worktime credit earning.

PUBLIC HEARING

Date and Time: December 30, 2003  
9:00 a.m.–10:00 a.m.  
Place: Department of Water  
Resources Auditorium  
1416 Ninth Street  
Sacramento, CA 95814  
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **December 30, 2003 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)322-3842; or by e-mail at [RPMB@executive.corr.ca.gov](mailto:RPMB@executive.corr.ca.gov) before the close of the comment period.

CONTACT PERSON:

Please direct any inquiries regarding this action to:

**Rick Grenz, Chief,  
Regulation and Policy Management Branch  
Department of Corrections  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 322-9702**

In the event the contact person is unavailable, inquires should be directed to the following back-up person:

**Randy Marshall  
Regulation and Policy Management Branch  
Telephone (916) 324-6778**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Fred Lembach  
Institutions Division  
Telephone (916) 323-0138.**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Costs or savings to state agencies:  
Estimated savings (FY 02/03): \$7,300,000  
Two-for-one credit earning is currently being implemented.  
It has been addressed in the budget process and is reflected in the current budget.
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.corr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person

indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

This action will incorporate into the Director's Rules amended provisions governing inmate worktime credit earning.

Assembly Bill (AB) 3000, 2001-2002 Session, added PC Section 2933.3 to allow inmates eligible to earn one day of worktime credit for every one day of service who are assigned to a conservation camp assignment by the CDC, to instead earn two days of worktime credit for every one day of service. This enhanced worktime credit applies to service performed after January 1, 2003.

These regulations will bring the Department into compliance with the provisions of AB 3000.

The amended regulations will:

- Establish Work Group F and the two-for-one credit earning for inmates assigned to a conservation camp work assignment.
- Specify a process to determine an effective date in which inmates assigned to Work Group F shall revert to Work Group A-1, in the event an on-the-job injury excludes the inmate from conservation camp assignment.
- Clarify the definition of a non-adverse transfer.
- Specify that an inmate assigned to Work Group F and transferred for non-adverse reasons, shall revert to Work Group A-1 effective the date removed from camp assignment.
- Clarify the definition of an adverse transfer.
- Protect the credit earning status of an inmate who is removed from a program for adverse reasons and is subsequently exonerated of the charges.
- Clarify and explain the work group status of inmates who are approved and transferred for a Community Correctional Center program.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FAIR  
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P. O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse  
Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P. O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians &  
Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037

Vandergoot Equipment Co.  
P. O. Box 925  
Middletown, CA 95461

## DEPARTMENT OF FISH AND GAME

### CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1  
Tracking Number 2080-2003-023-05

PROJECT: Otay Mesa Generating Plant  
LOCATION: San Diego County  
NOTIFIER: Tom Miller, Calpine—Otay Mesa  
Generating Company

### BACKGROUND

The proposed action is the construction of an electric generating facility in the Otay Mesa area of southwest San Diego County, California. The project is a natural gas-fired, combined cycle, nominally rated 510 MW power plant. In addition to the power plant site, the project includes upgrades to existing electrical lines, and construction of a new 230 kV electrical transmission line, a natural gas supply line, a wastewater discharge line, and access roads. Project components completed within the power plant site include: mass and precise grading, storm drain system, two siltation/detention basins, irrigated landscaping on the exposed slopes, and fencing.

The action has been designed to avoid impacts to Otay tarplant (*Deinandra conjugens*, formerly *Hemizonia conjugens*) by tunneling beneath all known locations of this plant along the footprint of the natural gas supply line. However, Otay tarplant occurs in close proximity to the power generating site and also along the proposed pipeline route, and this annual species often recolonizes open and/or disturbed land with suitable soils, and therefore has potential to occur in the future within construction areas where tunneling

is not proposed. Otay tarplant is listed as endangered under the California Endangered Species Act, Fish and Game Code 2050, *et seq.* (“CESA”) and threatened under the federal Endangered Species Act.

On September 3, 2003, the U.S. Fish and Wildlife Service (“Service”) issued a Reinitiation of the Biological Opinion and Conference Opinion for the Calpine Corporation-Otay Mesa Generating Project, East Otay Mesa, San Diego County, California; (1-6-00-F-54R; California Energy Commission License 99-AFC-5) to address project changes since the original opinion, and described the project actions and set forth measures to mitigate impacts to the *Deinandra conjugens* and its habitat. On September 23 2003, the Director of the Department of Fish and Game (“Department”) received a notice from Mr. Tom Miller of Calpine—Otay Mesa Generating Company seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the biological opinion was consistent with CESA.

### DETERMINATION

After reviewing the above-referenced biological opinion and other relevant documents, the Department has determined that Biological Opinion # 1-6-00-F-54R is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Measures incorporated into the project and described in the federal biological opinion include but are not limited to the following elements:

- 1) To minimize direct impacts to Otay tarplants and Otay tarplant habitat, the project proponent will bore under (i.e., tunnel) all areas along the natural gas supply line that are within 150 feet of known populations of Otay tarplant, as well as high and moderate potential habitat. This will avoid direct impacts to Otay tarplants (i.e., avoid Otay tarplants being crushed from construction activities), and minimize impacts to the habitat that supports Otay tarplants (i.e., reduce soil disturbance from construction activities).
- 2) To minimize the effects of dust and debris from traffic and blasting, speed limits along access roads will be reduced, blast holes will be covered, and roads will be watered. An environmental compliance monitor will be on-site at all times during construction within 100 feet of known Otay tarplant locations to ensure that avoidance measures are implemented and to prevent accidental impacts.
- 3) There are two right-angle bends in the pipeline where boring or drilling cannot be done without surface disturbance. If Otay tarplants are discovered in these areas during pre-construction surveys,

any impacts to Otay tarplants will be offset by the purchase of Otay tarplant occupied habitat and on-site restoration of impact areas. Known locations of Otay tarplant will be compensated at a 4:1 ratio (both occupied acreage and numbers of individuals). Permanent impacts to high potential habitat will be mitigated at a 3:1 ratio, and temporary impacts to high potential habitat will be mitigated at a 2:1 ratio. Permanent impacts to moderate potential habitat will be mitigated at a 2:1 ratio, and temporary impacts to moderate potential habitat will be mitigated at a 1:1 ratio. Mitigation ratios are identified in Table 8 of the Biological Assessment (BA) and Conservation Measure 14 of the Biological Opinion.

- 4) If during tunnel construction there is a fracturing of the surface causing fluid to seep out, a condition known as “frac-out”, the localized seepage will be cleaned up. Depending on the location, frac-out could cause temporary impacts to Otay tarplant habitat. In the event that a frac-out occurs in high or moderate potential Otay tarplant habitat, compensation will occur consistent with the ratios identified above. Also, the area will be revegetated using the guidelines provided by the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) (Recon 2001), which includes qualitative and quantitative monitoring, success criteria, weed control, and reseeded as necessary.
- 5) The construction of the natural gas pipeline servicing the power plant will temporarily impact 1.11 acres of Diegan coastal sage scrub and 4.60 acre of non-native grassland located in Otay tarplant critical habitat. Temporary impacts to coastal sage scrub and non-native grassland vegetation within Otay tarplant critical habitat will be offset by the purchase of 1.67 acres of coastal sage scrub and 4.60 acres of non-native grassland habitat.
- 6) Unanticipated impacts to Otay tarplants and/or Otay tarplant potential habitat will be offset by the purchase of Otay tarplant occupied habitat (described in Table 8 of the BA and Conservation Measure 14). Additionally, temporary impacts will be revegetated consistent with the BRMIMP. These measures will ensure there is no net loss of Otay tarplant critical habitat.

Pursuant to section 2080.1 of the Fish and Game Code, no incidental take authorization under CESA will be required for incidental take of *Deinandra conjugens* as a result of the project. However, if the described project or any of the mitigation measures are changed, if the Service substantively amends the existing biological opinion or prepares a new biologi-

cal opinion that replaces the existing one, Calpine—Otay Mesa Generating Company will be required to obtain a new consistency determination or an incidental take permit from the Department.

## DEPARTMENT OF FISH AND GAME

### CESA CONSISTENCY DETERMINATION FOR PALCO Timber Harvest Humboldt County

On October 28, 2003, the Pacific Lumber Company (“PALCO”) notified the Department of Fish and Game (“Department”) that PALCO proposes to rely on authorization granted by the U.S. Fish and Wildlife Service (“USFWS”) in Incidental Take Permit number TE828950-0 to carry out a project that could adversely affect species protected under both the federal Endangered Species Act and California Endangered Species Act (“CESA”). The project is the harvest of certain timber stands in approved Timber Harvesting Plans (THPs) that contain “high quality” marbled murrelet habitat (type “D” stands). This request applies to approximately 10.6 acres of type “D” stands distributed within five THPs.

In a letter to PALCO dated October 6, 2003, USFWS concurred that the release for harvest of the identified stands was covered by and consistent with the conditions of Incidental Take Permit number TE828950-0 and with the process outlined in the PALCO Habitat Conservation Plan (section 6.1.2.3.5) for phasing harvest in areas with marbled murrelet (*Brachyramphus marmoratus*).

Pursuant to Fish and Game Code section 2080.1, PALCO is requesting that the Department determine that the Federal Incidental Take Permit is consistent with CESA for the above described harvest. If the Department determines that the Federal Incidental Take Permit is consistent, PALCO will not be required to obtain a separate incidental take permit under Fish and Game Code section 2081 for the project.

## DEPARTMENT OF FISH AND GAME

### CESA CONSISTENCY DETERMINATION FOR Rancho Santalina Project San Diego County

The Department of Fish and Game (“Department”) received notice on October 27, 2003 that Fieldstone Ranch Santalina, LLC proposes to rely on consultations between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (“CESA”). The

project consists of the construction of a housing development on 69.7 acres in the City of San Marcos, San Diego County, California. The project will impact native and non-native habitats which exist on the project site, including areas on which the thread-leaved brodiaea occurs.

The U.S. Fish and Wildlife Service, on August 25, 2003 issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (FWS-SDG-2198.8) which considers the federally threatened and state endangered thread-leaved brodiaea (*Brodiaea filifolia*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Fieldstone Ranch Santalina, LLC is requesting a determination that the federal biological opinion (FWS-SDG-2198.8) is consistent with CESA. The consistency determination is requested for the thread-leaved brodiaea which is both federally and State listed.

If the Department determines that the federal biological opinion is consistent with CESA, Fieldstone Ranch Santalina, LLC will not be required to obtain an incidental take permit under CESA for the proposed project.

## **DEPARTMENT OF FISH AND GAME**

### **CESA CONSISTENCY DETERMINATION FOR SR 78/Las Posas Interchange Project San Diego County**

The Department of Fish and Game ("Department") received notice on October 21, 2003 that the City of San Marcos proposes to rely on consultations between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act ("CESA"). The project consists of the construction, operation, and maintenance of a diamond configuration interchange at State Route 78 and Las Posas Road in San Diego County, California. The project will impact approximately 40 acres of native and non-native habitats, on which the thread-leaved brodiaea occurs.

The U.S. Fish and Wildlife Service, on April 29, 2003 issued to the Federal Highway Administration (FHWA), a no jeopardy federal biological opinion (FWS-SDG-2323.3) which considers the federally threatened and state endangered thread-leaved brodiaea (*Brodiaea filifolia*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the City of San Marcos is requesting a determination that the federal biological opinion (FWS-SDG-2323.3) is consistent with CESA. The

consistency determination is requested for the thread-leaved brodiaea which is both federally and State listed.

If the Department determines that the federal biological opinion is consistent with CESA, the City of San Marcos will not be required to obtain an incidental take permit under CESA for the proposed project.

## **DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

### **NOTICE OF PROPOSED SETTLEMENT RICHMOND TOWNHOUSES**

In accordance with Health and Safety Code sections 25300 et seq. (the Hazardous Substances Account Act), 58009 and 58010, the Department of Toxic Substances Control (DTSC) has the authority to enter into agreements whereby DTSC covenants not to sue or assert claims for environmental remediation against prospective purchasers of environmentally impacted properties, if such agreements are sufficiently in the public interest.

Notice is hereby given that DTSC proposes to enter into a Prospective Purchaser Agreement (PPA) associated with Richmond Townhouses. The PPA would resolve certain claims of DTSC against the prospective purchaser. The prospective purchaser, Carlson Boulevard L.P., a California Limited Partnership, plans to acquire the property at 2989 Pullman Avenue, Richmond, Contra Costa County, California (Assessor's Parcel Number 513-010-019). The purchaser commits to rehabilitation of both the physical and social structure of the Richmond Townhouses and to implement the Site Operation and Maintenance obligations in return for DTSC's covenant not to sue. The agreement is in the public interest because it provides the following:

1. The proposed construction of a new 7,500-square foot community building will provide, among other uses, an onsite Computer Learning Center for residents.
2. Funds will be provided for a full-time Project Services Coordinator and a full-time Computer Learning Center Instructor (CLC Instructor). The Project Services Coordinator will operate a variety of onsite programs for residents and will work with off-site social service agencies to bring additional programs onsite. The CLC Instructor will provide computer training at the new onsite Computer Learning Center.
3. Training programs in bakery and landscape/janitorial services will be provided to residents by Rubicon Programs, Inc., a local nonprofit agency. Rubicon Employment Services will provide job

training programs and assistance in finding employment. Basic skills classes in math and reading will also be made available.

4. All residents will be eligible to apply for The John Stewart Company Opportunities Fund, which provides scholarships to residents seeking education and job skills training. Grants are anticipated to range from \$1,000 to \$3,000, depending upon resident requests.
5. Two permanent social services positions will be created, and it is anticipated that the physical rehabilitation of the property will provide approximately 30,000 man hours of construction labor over a 12-month period.
6. A project Replacement Reserve will be funded from ongoing project cash flow to provide funds for major repairs, capital item replacements and any additional remediation activities required pursuant to the Soil Management Plan, Health and Safety Plan, and Operation and Maintenance Agreement.
7. DTSC will receive \$725,000 in past costs from the current property owner, provided that the sale of the property is completed.
8. The property will remain as affordable housing for very low-income households for at least the next 55-years.

DTSC is holding a 30-day comment period on this PPA. Written comments on this proposed settlement must be submitted on or before 5:00 p.m., December 8, 2003. To insure timely receipt by DTSC and Carlson Boulevard, L.P., you are requested to transmit your comments by facsimile or by overnight mail to the following simultaneously:

Mr. Patrick Lee  
 California Environmental Protection Agency  
 Department of Toxic Substances Control  
 700 Heinz Avenue, Suite 200  
 Berkeley, California 94710  
 Phone: (510) 540-3847  
 Facsimile: (510) 540-3819

John Stewart Company  
 c/o Mr. Jack Gardner, President  
 1388 Sutter Street, 11th Floor  
 San Francisco, California 94109  
 Phone: (415) 345-4400  
 Facsimile: (415) 614-9175

If you have any questions regarding the Prospective Purchaser Agreement, or wish a copy, please call the DTSC contact identified above.

## FISH AND GAME COMMISSION

### Notice of Proposed Changes in Regulations

(Continuation of Register 2003, No. 37-Z and Commission Meeting of August 4, 2003; Register 2003, No. 39-Z, and Commission Meeting of August 29, 2003; and Register 43-Z, and Commission Meeting of October 3, 2003.)

**(NOTE: To be responsive to public input on proposed changes in the sport fishing regulations, the Commission is exercising its powers under Section 202 of the Fish and Game Code. Some changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See the text of this notice.)**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 205, 220 and 315 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206 and 220 of said Code, proposes to amend sections 1.17, 1.59, 2.10, 5.00, 5.50, 5.75, 7.00, 7.50, 8.00 and 27.60, 29.15, 43 and 195, Title 14, California Code of Regulations (CCR), as part of the proposed Sport Fishing Regulations for years 2004 and 2005 (as explained in the following two paragraphs).

Proposed changes to sections as set forth in the first, second and third notices regarding Sport Fishing Regulations (Notice Register 2003, Nos. 37-Z, 39-Z and 43-Z, published September 14, 2003, September 26, 2003, October 24, 2003) remain the same, **except for additional public recommendations proposed for Subsection 7.50(b)(134) (see Informative Digests below).**

### INFORMATIVE DIGESTS/POLICY STATEMENT OVERVIEW

#### **Subsection (b)(134) of Section 7.50, Re: Upper Owens River Sport Fishing Restrictions**

The upper Owens River (the portion of the Owens River upstream from Crowley Lake) is primarily divided into two separate management areas, with differing sport fishing restrictions, as follows:

- (i) The 21-mile-long portion of the upper Owens River from highway 395 downstream to the Benton Bridge road crossing: This reach of the upper Owens River is a Commission-designated Catch-and-Release Water, and is known as the "catch-and-release area". Sport fishing regulations for this area allow fishing from the last Saturday in April through November 15 with a two-trout daily bag limit, and a maximum size limit of 16 inches total length. Special fishing methods restrictions for this area allow anglers to use only artificial lures with barbless hooks.

- (ii) The adjacent three miles of the upper Owens River, from Benton Road crossing downstream to the fishing monument, located approximately 1/4 mile upstream from Crowley Lake; This area is stocked regularly with catchable trout and managed as a put-and-take fishery. Sport fishing regulations for this area allow fishing from the Saturday preceding Memorial Day through September 30 with a five-trout daily bag limit, no size limit, and no special fishing methods restrictions.

The Owens River, for many years, has sustained one of the most popular and famous trout fisheries in the State. It is extremely important to the many and diverse recreational anglers who travel to Mono County to fish the Owens River, the only river system in the Eastern Sierra, and as such, it is critically important to the well-being of the tourism-based Mono County economy. To address the diverse needs and preferences of the angling public who use this area, the Department has intensively studied and managed the fisheries of Owens River drainage. Regulations developed by the Department are intended to provide the greatest opportunity for the greatest number of diverse constituents using the river based on sound biological findings from those studies. The Department believes the current regulation on the upper Owens River from Benton Bridge road crossing downstream to the fishing monument is unjustified and too restrictive.

**Because several members of the public have expressed concern that opening the season for the entire general trout season between Benton Bridge downstream to the fishing monument, the Department is proposing two regulation alternatives.**

**Alternative 1. In the area from Benton Bridge downstream to the fishing monument, the open fishing season would be from the last Saturday in April through the Friday preceding Memorial Day, and from October 1 through November 15 with a two to four fish daily bag limit. This section would also be open as indicated in current regulations from the last Saturday in April through September 30, with a five-fish daily bag limit.**

**Alternative No. 2. In the area from Benton Bridge downstream to the fishing monument, the open fishing season would be from the last Saturday in April through November 15 with a daily bag limit ranging from two to five trout.**

**Based on available information regarding the status of trout population and angler harvest rate potential, the Department's preferred alternative is Alternative No. 2, with a five-trout daily bag limit.**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Resources Building Auditorium, 1416 Ninth Street, Sacramento,

CA, on December 5, 2003, at 8:30 a.m., to consider adoption of the proposed Sport Fishing Regulations for the 2004 and 2005 seasons.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert Treanor or Jon Snellstrom at the preceding phone number. Jim Hopelain, (916) 445-3597, (Inland) Fisheries Program Branch, and Don Schultze (916) 651-7670, (Ocean Fishing) Marine Region have been designated to respond to questions on the substance of the proposed regulations. Copies of the initial statement of reason, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

#### IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed

regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed changes are expected to maintain angler satisfaction and provide necessary protection to the wild trout and salmon fishery.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### Notice to Interested Parties

#### Announcement of a Public Comment Period

#### Public Comments on the Final Draft Guidance for Assessing Exposures and Health Risks at Existing and Proposed School Sites

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available for review and comment the Final Draft Report "GUIDANCE FOR SCHOOL SITE RISK ASSESSMENT PURSUANT TO HEALTH AND SAFETY CODE SECTION 901(f): GUIDANCE FOR ASSESSING EXPOSURES AND HEALTH RISKS AT EXISTING AND PROPOSED SCHOOL SITES." Health and Safety Code Section 901(f) requires OEHHA to develop and publish a guidance document for use by the Department of Toxic Substances Control and other state and local environmental and public health agencies to assess exposures and health risks at existing and proposed school sites. It specifically requires that the guidance include consideration of child-specific routes of exposure unique to the school environment, in addition to those routes in existing exposure models. The final draft report will be posted on the OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)) on November 7, 2003.

OEHHA is following the requirements set forth in Health and Safety Code Section 57003 for receiving public input. This public review and comment period follows an earlier public workshop and comment period on this document. Previous responses to comments received are incorporated in this final draft report. OEHHA requests comments on this final draft report be delivered to OEHHA by 5:00 p.m. December 8, 2003. Comments received by that date will be considered during preparation of the final version of the guidance document. The responses to significant comments from the public will be available on the OEHHA Web site upon publication of the final guidance document.

If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below. Written requests or comments should be addressed to:

Mr. Leon Surgeon  
Integrated Risk Assessment Section  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010  
1001 I Street  
Sacramento, California 95812-4010  
FAX: (916) 322-9705

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**Notice to Interested Parties  
October 28, 2003**

**ANNOUNCEMENT OF SECOND PUBLIC  
COMMENT PERIOD**

**Public Comments on the Second Draft Technical  
Support Document for a Proposed Public Health  
Goal for ARSENIC in Drinking Water**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency previously made available the first Draft Technical Support Document for a Proposed Public Health Goal (PHG) for Arsenic in Drinking Water. This draft document was posted on the OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)) on March 7, 2003. A one-day public workshop was held on May 2, 2003, to discuss the scientific basis of the proposed PHG. OEHHA follows the requirements set forth in Health and Safety Code, Sections 57003 and 116365, for conducting the workshop and receiving public input.

Following the workshop and public comment period, OEHHA evaluated all the comments received, and completed a revised draft technical support document proposing a PHG for arsenic in drinking water. OEHHA will submit the notice for a second comment period to be published in the *California Regulatory Notice Register (CRNR)* on November 7, 2003. Written comments regarding the revised risk assessment must be received at OEHHA by 5:00 p.m. on December 8, 2003, to be considered. The responses to the significant comments from the public and scientific reviewers will be available on the OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)) upon publication of the final risk assessment for arsenic.

The Public Health Goal (PHG) technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116361(a), enacted January 2001, requires OEHHA to develop a PHG for arsenic in drinking water. PHGs published by OEHHA will be considered by the California Department of Health Services as the health basis for the development of the drinking water standard or maximum contaminant level (MCL) for arsenic.

Printed copies of the revised draft technical support document may also be obtained for a fee from:

Instant Copying and Laser Printing  
2015 Shattuck Avenue  
Berkeley, California 94720  
Phone: (510) 704-9700  
Fax: (510) 704-9970

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below. Written requests or comments should be addressed to:

Ms. Moira Sullivan  
Pesticide and Environmental Toxicology Section  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
1515 Clay Street, 16th Floor  
Oakland, California 94612

Attention: PHG Project

Fax: (510) 622-3218

**DECISION NOT TO PROCEED**

**BUREAU OF AUTOMOTIVE REPAIR**

**NOTICE OF DECISION NOT TO  
PROCEED WITH RULEMAKING ACTION**

The Bureau of Automotive Repair has decided not to proceed with its rulemaking action described in the Notice published in the *California Regulatory Notice Register*, No. 2003, 40-Z, on October 3, 2003, OAL File No. Z03-0922-06, concerning Title 16, section(s) 3395.4.

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**BOARD OF CHIROPRACTIC EXAMINERS**  
Cardiopulmonary Resuscitation/Basic Life Support

This rulemaking requires chiropractors to maintain current certification in Cardiopulmonary Resuscitation CPR/Basic Life Support (BLS).

Title 16  
California Code of Regulations  
ADOPT: 356.1  
Filed 10/22/03  
Effective 11/21/03  
Agency Contact:  
Lavella Matthews (916) 263-6465

**BOARD OF EDUCATION**  
Classroom and Nonclassroom-Based Instruction in Charter Schools

The regulatory action deals with classroom and nonclassroom based instruction in charter schools. (Prior OAL File 03-0321-06S)

Title 5  
California Code of Regulations  
ADOPT: 11963, 11963.1, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6  
Filed 10/28/03  
Effective 10/28/03  
Agency Contact: Debra Strain (916) 319-0641

**BOARD OF EDUCATION**  
Supplemental Services

This Certificate of Compliance filing makes permanent the Board's prior emergency adoption of a definition of a demonstrated record of effectiveness applicable to providers of supplemental educational services.

Title 5  
California Code of Regulations  
ADOPT: 13075  
Filed 10/29/03  
Effective 10/29/03  
Agency Contact: Debra Strain (916) 319-0641

**BOARD OF EQUALIZATION**  
Place of Sale & Use for Purposes of Bradley Burns

This action clarifies the rule for determining the place of a sale, and thus the allocation of sales tax revenue, for transactions in which one place of business of a retailer that has more than one place of business in California, participates in the sale.

Title 18  
California Code of Regulations  
AMEND: 1802  
Filed 10/29/03  
Effective 11/28/03  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF PRISON TERMS**  
Administrative Appeals

In this regulatory action, the Board of Prison Terms amends regulations pertaining to the procedures and requirements for administrative appeals of the Board's decisions.

Title 15  
California Code of Regulations  
AMEND: 2051, 2052, 2054  
Filed 10/27/03  
Effective 11/26/03  
Agency Contact: Lori Manieri (916) 445-5277

**DEPARTMENT OF CORRECTIONS**  
Credits—Two For One Credit Earning

This operational necessity emergency action implements Penal Code section 2933.3 by granting two days of worktime credit for every one day of service performed by an inmate assigned to conservation camp work.

Title 15  
California Code of Regulations  
AMEND: 3043.5, 3043.6, 3044  
Filed 10/23/03  
Effective 10/23/03  
Agency Contact: Randy Marshall (916) 324-6778

**DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
Conflict of Interest Code

The Department of Fair Employment and Housing is amending its conflict of interest code found at the captioned citation, which was approved for filing by the Fair Political Practices Commission on June 23, 2003.

Title 2  
California Code of Regulations  
Filed 10/23/03  
Effective 11/22/03  
Agency Contact: Steven Crooks (916) 227-2883

**DEPARTMENT OF FOOD AND AGRICULTURE**  
Mexican Fruit Fly Interior Quarantine

This Certificate of Compliance removes the quarantine for Mexican fruit fly from approximately 49 square miles in the Monterey Park area of Los Angeles.

Title 3  
California Code of Regulations  
AMEND: 3417(b)  
Filed 10/27/03  
Effective 10/27/03  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Oriental Fruit Fly Interior Quarantine**

This emergency rulemaking establishes an approximate 137 square miles surrounding an infestation in the Ontario are of San Bernardino County and includes a small portion of Los Angeles County (Pomona) as the area under quarantine for Oriental fruit fly.

Title 3  
California Code of Regulations  
AMEND: 3423 (b)  
Filed 10/27/03  
Effective 10/27/03  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF MANAGED HEALTH CARE**  
**Record Retention**

This action adopts standards and a schedule for the retention and destruction of records maintained by the Department.

Title 28  
California Code of Regulations  
ADOPT: 1009  
Filed 10/29/03  
Effective 11/28/03  
Agency Contact:  
Elaine Paniewski (916) 324-9024

**DEPARTMENT OF MANAGED HEALTH CARE**  
**Interpretive Opinions Regulation**

This regulatory action amends the requirements for submitting an interpretative opinion request to the Department.

Title 28  
California Code of Regulations  
AMEND: 1005  
Filed 10/27/03  
Effective 11/26/03  
Agency Contact:  
Elaine Paniewski (916) 324-9024

**DEPARTMENT OF MOTOR VEHICLES**  
**California Ignition Interlock Device Program**

The regulatory action deals with the California Ignition Interlock Device Program.

Title 13  
California Code of Regulations  
AMEND: 125.00, 125.02, 125.06, 125.10, 125.12, 125.14, 125.16, 125.18, 125.20, 125.22  
Filed 10/29/03  
Effective 11/28/03  
Agency Contact: Ann Myrick (916) 657-8857

**DEPARTMENT OF SOCIAL SERVICES**  
**Anticipating Income & changes in the Food Stamp Program**

This emergency regulatory action amends state regulations concerning anticipating income and

changes in the food stamp program to conform to recent federal amendments.

Title MPP  
California Code of Regulations  
AMEND: 63-503, 63-504, 63-505  
Filed 10/28/03  
Effective 11/01/03  
Agency Contact:  
Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF SOCIAL SERVICES**  
**Community Care Licensing (CCL) Transitional Housing Placement**

Assembly Bill No. 427 (Chapter 125, Statutes of 2001) provides for the licensing of transitional housing placement programs which are intended to provide opportunities for youth to develop independent living skills and employment skills improving their chances of success in society as adults living independently. This emergency regulatory action implements AB 427 by specifying the requirements for transitional housing placement programs. Pursuant to section 13 of AB 427, this regulatory action and its first readoption are deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare, are exempt from review by the Office of Administrative Law, and shall remain in effect for 180 days.

Title 22, MPP  
California Code of Regulations  
ADOPT: 86000, 86001, 86005, 86009, 86010, 86018, 86020, 86022, 86023, 86024, 86028, 86030.5, 86031.5, 86036, 86044, 86044.5, 86045, 86061, 86064, 86065, 86065.2, 86065.3, 86065.4, 86065.5, 86066, 86068.1, 86068.2, 86068.3, 86068.4, 86070, 86072, 86073, 8  
Filed 10/27/03  
Effective 10/27/03  
Agency Contact:  
Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**  
**Financial Assurance Regulations**

The California Department of Toxic Substances Control is amending the form "Certificate of Insurance—Closure/Post Closure" which is incorporated by reference in the captioned sections, with a revision date of (10/03) changed from revision date (12/00). The Certificate of Insurance—Closure/Post Closure can be found at Title 40, Code of Federal Regulations, section 264.151(a)(1). These changes are made in accordance with Health and Safety Code section 25159.1 and are deemed nonsubstantive pursuant to Health and Safety Code section 25159.1. These regulations govern financial assurance requirements under the Standards for Owners and Operators

of Hazardous Waste Treatment, Storage, and Disposal Facilities and under Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.

Title 22  
California Code of Regulations  
AMEND: 66264.143, 66264.145, 66265.143, 66265.145  
Filed 10/22/03  
Effective 11/21/03  
Agency Contact: Joan Ferber (916) 322-6409

**EMPLOYMENT DEVELOPMENT DEPARTMENT**  
Home Health Care Industry

This regulatory action amends the definition of “occupational therapist” to make it consistent with statute, and makes other minor text corrections to the section.

Title 22  
California Code of Regulations  
AMEND: 4304.3 (renumber to 4304-3)  
Filed 10/27/03  
Effective 11/26/03  
Agency Contact: Laura Colozzi (916) 654-7712

**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**  
Prohibition of Smoking in the Workplace

This emergency regulatory action prohibits anyone from smoking tobacco products in an enclosed space at a place of employment and prohibits an employer from knowingly or intentionally permitting smoking at the place of employment, unless the place of employment is excluded under Labor Code section 6404.5, subdivision (d).

Title 8  
California Code of Regulations  
ADOPT: 5148  
Filed 10/27/03  
Effective 10/27/03  
Agency Contact: Marley Hart (916) 274-5721

**STATE WATER RESOURCES CONTROL BOARD**  
Emergency Regulations to Conform with Budget Act 2003/04 (ch 157 st 2003)

This emergency rulemaking action revises the existing fee schedules for various categories of dischargers to implement the provisions of the 2003 State Budget Act and statutes of 2003–04 First Extraordinary Session, chapter 1. Pursuant to Water Code, section 13260(f) the regulations are deemed to be an emergency, are not subject to review by the Office of Administrative Law, and shall remain in effect until revised by the state board.

Title 23  
California Code of Regulations  
AMEND: CCR Title 23, Division 3, Chapter 9, section 2200 & 2200.5  
Filed 10/27/03  
Effective 11/26/03  
Agency Contact: Ted Cobb (916) 341-5171

**CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN JUNE 25, 2003 TO OCTOBER 29, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

07/01/03 AMEND: 1038

**Title 2**

10/23/03  
10/10/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145  
10/10/03 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28  
10/09/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1  
10/09/03 AMEND: 1859.77.2  
10/09/03 AMEND: 1555  
10/06/03 AMEND: 18320, 18321, 18361, 18370, 18419, 18420, 18703.1, 18747  
10/02/03 ADOPT: 18709  
09/15/03 ADOPT: 18951  
09/12/03 AMEND: 37000  
08/29/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153 08/28/03  
08/25/03 ADOPT: 1859.71.4, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145  
08/18/03 AMEND: 599.515  
08/14/03 ADOPT: 18531.5

**CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 45-Z**

08/13/03 AMEND: 41000  
08/01/03 ADOPT: 22100, 22110, 22120, 22130  
07/29/03 AMEND: 18404.1  
07/14/03 AMEND: 56800  
07/14/03 AMEND: 649.11  
07/14/03 AMEND: Chapter 55, Section 54400  
07/07/03 ADOPT: 1859.77.3 AMEND: 1859.2,  
1859.77.2

**Title 3**

10/27/03 AMEND: 3423 (b)  
10/27/03 AMEND: 3417(b)  
10/20/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4,  
755.5, 755.6, 756, 756.1, 756.2, 756.3,  
757, 758, 758.1, 759 AMEND: 753.2  
REPEAL: 757, 759, 759.1, 759.2, 759.3,  
759.4, 795.5  
10/14/03 AMEND: 3423(b)  
10/06/03 AMEND: 1430.35, 1430.36  
09/30/03 AMEND: 3651, 3655, 3658, 3662  
09/29/03 AMEND: 3055.6(c)  
09/25/03 AMEND: 3417  
09/11/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
6784 AMEND: 6000 REPEAL: 6450,  
6450.1, 6450.2, 6450.3, 6784  
08/26/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3  
08/26/03 AMEND: 1380.19 (b), (q), (r), (t),  
1402.12, 1446.7, 1454.14, 1462.15  
08/21/03 ADOPT: 820, 820.1, 820.2, 820.3, 820.4,  
820.5, 820.6, 820.7, 820.8  
08/12/03 AMEND: 4500  
07/29/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4,  
760.5, 760.6, 760.7, 760.8, 760.9  
07/28/03 ADOPT: 3650, 3651, 3652, 3653, 3654,  
3655, 3656, 3657, 3658, 3659, 3660,  
3661, 3662, 3663, 3663.5  
07/24/03 AMEND: 3417(b)  
07/10/03 AMEND: 3700(c)  
07/08/03 AMEND: 3700(c)  
07/03/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4,  
755.5, 755.6, 756, 756.1, 756.2, 756.3,  
757, 758, 758.1, 759 AMEND: 753.2  
REPEAL: 757, 759, 759.1, 759.2, 759.3,  
759.4, 759.5  
06/26/03 AMEND: 3417(b)

**Title 4**

10/14/03 ADOPT: 12371 AMEND: 12370  
10/02/03 AMEND: 4001  
09/23/03 ADOPT: 2100, 2101, 2102, 2103, 2104,  
2105 AMEND: 1928  
09/18/03 AMEND: 1979.1  
09/16/03 AMEND: 1867  
09/08/03 ADOPT: 12300, 12301, 12302, 12303,  
12304, 12305, 12306, 12307, 12308,  
12309, 12310 AMEND: 12301, 12303  
09/02/03 AMEND: 2000  
08/25/03 ADOPT: 12250

08/18/03 AMEND: 12101, 12122  
07/14/03 ADOPT: 10151, 10152, 10153, 10154,  
10155, 10156, 10157, 10158, 10159,  
10160, 10161, 10162  
06/26/03 AMEND: 12100, 12101, 12104, 12105,  
12120, 12122, 12124, 12126, 12128,  
12130, 12132, 12140, 12142

**Title 5**

10/29/03 ADOPT: 13075  
10/28/03 ADOPT: 11963, 11963.1, 11963.2,  
11963.3, 11963.4, 11963.5, 11963.6  
10/20/03 AMEND: 80020.1  
09/23/03 ADOPT: 18270.5, 18280, 18281  
AMEND: 18023, 18272, 18273, 18274,  
18275, 18279  
09/11/03 ADOPT: 76215 AMEND: 76000, 76010,  
76120, 76130, 76200, 76210 REPEAL:  
76100, 76110  
09/04/03 ADOPT: 18074, 18074.1, 18074.2,  
18074.3, 18075, 18075.1, 18075.2,  
18076, 18076.1, 18076.2 AMEND:  
18413, 18428 REPEAL: 18021  
08/26/03 ADOPT: 11971, 11972, 11973, 11974,  
11975, 11976, 11977, 11978, 11979,  
11979.5  
07/31/03 AMEND: 80014, 80015, 80015.1, 80023  
REPEAL: 80085, 80085.1, 80086, 80087,  
80088, 80412, 80413.2, 80414, 80422,  
80-680-80690.1  
07/21/03 ADOPT: 1068-1074  
07/18/03 ADOPT: 80473, 80473.1  
07/03/03 AMEND: 51023.5

**Title 7**

07/23/03 AMEND: 213(i)

**Title 8**

10/27/03 ADOPT: 5148  
10/20/03 ADOPT: 5035(c) AMEND: 5035(b)  
10/16/03 AMEND: 21200  
10/09/03 ADOPT: 341.17  
10/06/03 AMEND: 10104, 10107.1, 10111.2  
08/26/03 AMEND: 3273  
08/25/03 AMEND: 2561.31, 2561.32, 4885, 5022  
08/04/03 ADOPT: 3458 AMEND: 3437  
07/31/03 AMEND: 1532, 1532.1, 1535, 5198,  
5200, 5201, 5207, 5211, 5214, 5218,  
5220  
07/28/03 AMEND: 3016, 3120.6, 2122.0  
07/24/03 AMEND: 1532.1  
07/21/03 AMEND: 5557  
07/11/03 ADOPT: 5248, 5252.1, 5253.1, 5298.1,  
5307, 5308 AMEND: 1504, 5236, 5237,  
5238, 5239, 5240, 5241, 5242, 5243,  
5244, 5245, 5246, 5247, 5251, 5252,

5253, 5254, 5256, 5257, 5258, 5262,  
5267, 5268, 5269, 5270, 5276, 5277,  
5278, 5279, 5280, 5291, 5292, 5293,

07/11/03 AMEND: 1504, 1637

07/03/03 AMEND: 1635, 1710

07/03/03 ADOPT: 5006.1 AMEND: 5006

06/26/03 AMEND: 421, 422, 422.1, 423, 424.1,  
424.2, 424.3, 424.4, 425.1, 425.2, 426,  
427.1, 427.2, 427.3, 427.4, 428

**Title 10**

09/11/03 ADOPT: 250.70

09/09/03 AMEND: 2498.6

09/09/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3,  
2278.4, 2278.5

09/05/03 ADOPT: 2791.3, 2792.33, 2810.3, 2836,  
2860 AMEND: 2731, 2790.5, 2791.8,  
2792.26, 2848, 2853, 2910, 2911, 2912,  
2930, 2950, 3000, 3006

09/04/03 ADOPT: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41, 2698.42 REPEAL: 2698.40,  
2698.41, 2698.42, 2698.43, 2698.44,  
2698.45

09/02/03 AMEND: 2498.6

08/28/03 AMEND: 2498.6

08/26/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,  
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,  
2192.10, 2192.11, 2192.12, 2192.13

08/25/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3,  
2278.4, 2278.5

08/21/03 ADOPT: 2187.4

08/21/03 ADOPT: 2175.6, 2175.7, 2175.8, 2175.9,  
2178

08/12/03 AMEND: 2615.3

08/04/03 ADOPT: 2698.102, 2698.600, 2698.602,  
2698.604 AMEND: 2698.100, 2698.200,  
2698.201, 2698.202, 2698.203, 2698.204,  
2698.205, 2698.206, 2698.207, 2698.208,  
2698.300, 2698.301, 2698.302, 2698.303,  
2698.401, 2698.403, 2698.405, 2698.407,  
2698.500, 2698.201,

07/31/03 ADOPT: 2699.6612, 2699.6827  
AMEND: 2699.6500, 2699.6600,  
2699.6607, 2699.6611, 2699.6705,  
2699.6715, 2699.6717, 2699.6725,  
2699.6813, 2699.6815, 2699.6819

07/29/03 AMEND: 5002, 5009, 5010

07/21/03 ADOPT: 1709.1, 1717.2, 1730.1, 1737.1,  
1737.2, 1738.6 AMEND: 1710, 1717.2,  
1726, 1730, 1732.2, 1737, 1737.1,  
1737.3, 1738, 1738.2, 1738.3, 1738.5,  
1740.1, 1740.4, 1741.1

07/21/03 ADOPT: 2361

07/15/03 ADOPT: 2716.1, 2790.1.5, 2805.1.5

07/14/03 AMEND: 2190.05, 2190.7

07/14/03 ADOPT: 2020, 2021 AMEND: 250.51

07/11/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3,  
2194.4, 2194.5, 2194.6, 2194.7, 2194.8

07/03/03 AMEND: 260.102.14

07/03/03 AMEND: 2498.2

**Title 11**

10/07/03 AMEND: 1004, 1005

10/01/03 ADOPT: 995

09/29/03 ADOPT: 1081(a)(34)

08/25/03 ADOPT: 977.52 AMEND: 977.20,  
977.43, 977.44, 977.45, 977.50, 977.51

08/21/03 AMEND: 1005, 1080, 1081

08/07/03 AMEND: Article 20, Section 51.19

07/28/03 AMEND: 1007

07/21/03 ADOPT: 1009, 1083 AMEND: 1001,  
1070, 1071, 1082

07/08/03 AMEND: 1005

07/03/03 AMEND: 1081

06/26/03 AMEND: 1002

**Title 12**

08/12/03 ADOPT: 506, 507

**Title 13**

10/29/03 AMEND: 125.00, 125.02, 125.06,  
125.10, 125.12, 125.14, 125.16, 125.18,  
125.20, 125.22

10/16/03 AMEND: 1956.1, 1956.2, 1956.4,  
1956.8, 2112

10/10/03 ADOPT: 158.00

08/21/03 ADOPT: 551.10 AMEND: 551.8, 553,  
553.40

08/11/03 ADOPT: 225.00, 225.03, 225.06, 225.09,  
225.12, 225.15, 225.18, 225.21, 225.24,  
225.27, 225.30, 225.33, 225.36, 225.39,  
225.42, 225.45, 225.48, 225.51, 225.54,  
225.57, 225.60, 225.63, 225.66, 225.69,  
225.72

07/23/03 AMEND: 25.01

07/18/03 AMEND: 330.02, 330.06, 330.20,  
330.32, 330.42, 330.44, 330.46, 330.48

06/26/03 AMEND: 181.00

**Title 14**

10/16/03 AMEND: 4400

10/14/03 ADOPT: 17346, 17346.1, 17346.2,  
17346.3, 17346.4, 17346.5, 17346.6,  
17346.7, 17347, 17347.1, 17348, 17349

10/06/03 AMEND: 120.7, 190

09/26/03 AMEND: 502

09/18/03 AMEND: 180.2

09/05/03 AMEND: 12010

09/04/03 AMEND: 300(a)

09/02/03 AMEND: 120.7, 190

08/28/03 AMEND: 671.1

08/21/03 AMEND: 677

08/21/03 AMEND: 791.7

08/14/03 AMEND: 11900

08/13/03 AMEND: 27.82, 27.83  
 08/08/03 ADOPT: 4970.09 AMEND: 4970.00,  
 4970.01, 4970.02, 4970.03, 4970.04,  
 4970.05, 4970.06, 4970.07, 4970.08,  
 4970.10, 4970.11, 4970.12, 4970.13,  
 4970.14, 4970.15, 4970.16, 4970.17,  
 4970.18, 4970.19, 4970.20, 4970.21,  
 4970.22, 4970.23, 4970.24, 4970.25,  
 4970.2  
 08/07/03 AMEND: 7.50(b)(5), 7.50(156)  
 07/22/03 AMEND: 15053, 15064, 15092, 15112,  
 15130, 15152, 15378, and Appendix E  
 07/14/03 AMEND: 708  
 07/07/03 AMEND: 18464, 18465  
 06/30/03 AMEND: 230  
 06/26/03 AMEND: 791.7, 870.15, 870.17, 870.19,  
 870.21,  
 06/26/03 AMEND: 1.74

**Title 14, 27**

07/10/03 ADOPT: 17225.25, 17380, 17380.1,  
 17381, 17381.1, 17381.2, 17380.1,  
 17382, 17383, 17383.1, 17383.2,  
 17383.3, 17383.4, 17383.5, 17383.6,  
 17383.7, 17383.8, 17383.9, 17383.10,  
 17384, 17384.1, 17385, 17386, 18223,  
 18223.5 AMEND: 18831, 21565 RE-  
 PEAL: 17225.

**Title 15**

10/27/03 AMEND: 2051, 2052, 2054  
 10/23/03 AMEND: 3043.5, 3043.6, 3044  
 10/14/03 AMEND: 4941  
 10/14/03 AMEND: 2000, 2041, 2042, 2043, 2044  
 08/21/03 AMEND: 3075.1  
 07/08/03 REPEAL: 3901.7.4, 3901.9.1, 3901.9.4,  
 3901.17.1, 3901.17.2, 3901.17.3,  
 3901.17.4, 3901.17.5, 3901.19.1,  
 3901.19.2, 3901.19.3, 3901.19.4,  
 3901.19.5, 3901.19.6, 3901.21.3,  
 3901.35.1, 3901.35.2

**Title 16**

10/22/03 ADOPT: 356.1  
 10/16/03 AMEND: 390.2  
 10/16/03 ADOPT: 360  
 09/30/03 ADOPT: 1313.01, 1313.02, 1313.03,  
 1313.04, 1313.05, 1313.06  
 09/29/03 AMEND: 1361  
 09/11/03 ADOPT: 1775.1 AMEND: 1775, 1775.2,  
 1775.3, 1775.4 REPEAL: 1775.15, 1777,  
 1777.1, 1777.2, 1777.3, 1777.4, 1777.5,  
 1778, 1778.1, 1778.2, 1778.3  
 09/04/03 AMEND: 1920  
 09/02/03 AMEND: 1397.61  
 08/26/03 AMEND: 109, 111(a)  
 08/07/03 AMEND: 1388.6  
 07/28/03 AMEND: 1732.2

07/24/03 ADOPT: 4170  
 07/24/03 ADOPT: 1399.675 AMEND: 1399.669,  
 1399.670, 1399.676, 1399.678, 1399.679  
 REPEAL: 1399.675  
 07/23/03 AMEND: 1399.157  
 07/21/03 AMEND: 1397.62  
 07/17/03 AMEND: 1021  
 07/17/03 AMEND: 1920  
 07/07/03 ADOPT: 326  
 07/07/03 AMEND: 355.1  
 07/03/03 AMEND: 317  
 06/26/03 ADOPT: 1993.2, 1993.3 AMEND: 1991

**Title 17**

10/09/03 AMEND: 50604, 50608, 54326, 54370,  
 56003, 56082, 57540, 58510, 58671  
 09/25/03 AMEND: 54001, 54010  
 09/23/03 ADOPT: 13676 AMEND: 13675  
 09/04/03 AMEND: 60065.1, 60065.2, 60065.3,  
 60065.4, 60065.5, 60065.6, 60065.7,  
 60065.8, 60065.9, 60065.10, 60065.11,  
 60065.12, 60065.13, 60065.14, 60065.15,  
 60065.16, 60065.17, 60065.18, 60065.19,  
 60065.20, 60065.21, 60065.22, 60065.23,  
 60065.24, 60065.25, 60065  
 08/21/03 ADOPT: 1031.2, 1031.3  
 07/28/03 AMEND: 58420  
 07/18/03 ADOPT: 30315.10, 30315.20, 30315.22,  
 30315.23, 30315.24, 30315.33, 30315.34,  
 30315.35, 30315.36, 30315.50, 30315.51,  
 30315.52, 30315.60, 30316, 30316.10,  
 30316.20, 30316.22, 30316.30, 30316.40,  
 30316.50, 30316.60, 30316.61, 30317,  
 30317.10, 30317.20, 303

**Title 17, 18**

07/03/03 AMEND: 94011

**Title 18**

10/29/03 AMEND: 1802  
 10/14/03 AMEND: 462.040, 462.240  
 09/16/03 ADOPT: 1620.1  
 09/15/03 AMEND: 462.180  
 09/15/03 AMEND: 1630  
 09/04/03 AMEND: 17000.30  
 08/12/03 REPEAL: 24501, 24502  
 08/07/03 AMEND: 24345-4  
 07/18/03 AMEND: 1592  
 06/26/03 ADOPT: 1803.5

**Title 20**

08/19/03 AMEND: 1601, 1602, 1603, 1604,  
 1605.1, 1605.3, 1606, 1607, 1608

**Title 22**

10/27/03 AMEND: 4304.3 (renumber to 4304-3)  
 10/22/03 AMEND: 66264.143, 66264.145,  
 66265.143, 66265.145

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10/16/03 ADOPT: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51532.3, 51535, 51535.1, 51544, 54501  
 09/26/03 AMEND: 70217, 70225, 70455  
 09/23/03 AMEND: 67450.42  
 09/23/03 ADOPT: 97244, 97245, 97246, 97247, 97248, 97249, 97250 AMEND: 97045, 97210, 97211, 97212, 97213, 97215, 97241 REPEAL: 97214, 97239, 97242, 97243  
 09/15/03 AMEND: 51509  
 09/11/03 ADOPT: 64670, 64671.05, 64671.08, 64671.09, 64671.10, 64671.15, 64671.30, 64671.35, 64671.40, 64671.55, 64671.65, 64671.70, 64671.75, 64671.80, 64671.85, 64673, 64674, 64675, 64675.5, 64676, 64677, 64677.5, 64678, 64678.5, 64679, 64680, 64681, 64682, 646  
 09/11/03 AMEND: 12901  
 09/04/03 AMEND: 1089-1  
 09/04/03 AMEND: 51319, 51507.2, 51515, 51517, 51521  
 09/02/03 AMEND: 1253-(b)-1  
 08/28/03 ADOPT: 51008.1 AMEND: 51104, 51515, 51520, 51521  
 08/18/03 AMEND: 51215.6  
 08/07/03 AMEND: 12000  
 08/05/03 ADOPT: 51200.01 AMEND: 51000.4, 51000.30, 51000.45, 51000.50, 51000.55, 51200, 51451 REPEAL:  
 07/21/03 ADOPT: 1326-3 AMEND: 1251-1, 1253(a)-1, 1326-2, 1326-4, 1326-5, 1326-6  
 07/17/03 AMEND: 51315, 51515  
 07/10/03 ADOPT: 66261.111, 66263.32, 66264.78, 66265.78 AMEND: 66264.72, 66265.72 REPEAL: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 6627030,  
 07/01/03 AMEND: 12805  
 06/26/03 AMEND: 97018, 97041

**Title 22, MPP**

10/27/03 ADOPT: 86000, 86001, 86005, 86009, 86010, 86018, 86020, 86022, 86023, 86024, 86028, 86030.5, 86031.5, 86036, 86044, 86044.5, 86045, 86061, 86064, 86065, 86065.2, 86065.3, 86065.4, 86065.5, 86066, 86068.1, 86068.2, 86068.3, 86068.4, 86070, 86072, 86073, 8  
 09/08/03 AMEND: 102395  
 07/24/03 AMEND: 101170, 102370  
 07/14/03 ADOPT: 102416.1 AMEND: 80001, 80019, 80019.1, 80019.2, 80054, 80061, 80065, 80066, 87101, 87219, 87219.1, 87454, 87565, 87566, 87801, 87819, 87819.1, 87854, 87861, 87865, 87866,

101152, 101170, 101170.1, 101170.2, 101195, 101212, 101216, 101217, 102352,

07/01/03 AMEND: 89372(b), 89387(d)(1)(C), 89572.2(a)(1)

**Title 23**

10/27/03 AMEND: CCR Title 23, Division 3, Chapter 9, section 2200 & 2200.5  
 09/23/03 ADOPT: 2050.6 AMEND: 2050, 2050.5, 2051, 2052, 2053, 2064, 2066, 2067  
 09/11/03 ADOPT: 3989.1  
 08/26/03 ADOPT: 2729, 2729.1  
 08/21/03 ADOPT: 3717  
 08/19/03 ADOPT: 3989  
 08/19/03 ADOPT: 497.1, 497.2, 497.3, 497.4, 497.5, 497.6, 497.7, 497.8, 467.9, 497.10, 497.11, 497.12  
 08/18/03 ADOPT: 3939.3  
 08/14/03 ADOPT: 3944  
 07/15/03 ADOPT: 3964  
 07/15/03 ADOPT: 3945  
 07/01/03 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517

**Title 25**

09/29/03 ADOPT: 7715, 7716, 7717, 7718, 7719, 7720, 7721, 7722, 7723, 7724, 7725, 7726, 7727, 7728, 7729, 7730, 7731, 7732, 7733, 7734, 7735, 7736, 7737, 7738, 7739, 7740, 7741, 7742, 7743, 7744, 7745, 7746, 7747, 7748, 7749, 7750, 7751, 7752, 7753, 7754 7755, 77  
 09/29/03 ADOPT: 7239, 7300.1, 8212.2, 8300, 8301, 8302, 8304, 8305, 8306, 8307, 8308, 8309, 8310, 8311, 8312, 8313, 8314, 8315, 8316 AMEND: 7204, 7234, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7310, 7311, 7312, 7313, 7314, 7315, 7318, 7319, 7320, 7321, 73  
 09/19/03 ADOPT: 7003 AMEND: 7000, 7002, 7004, 7005, 7006, 7008, 7012, 7016 REPEAL: 7010, 7014, 7018

**Title 27**

08/07/03 ADOPT: 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018

**Title 28**

10/29/03 ADOPT: 1009  
 10/27/03 AMEND: 1005  
 10/20/03 AMEND: 1300.67.8  
 09/23/03 ADOPT: 1300.74.72  
 09/18/03 ADOPT: 1300.87  
 09/16/03 AMEND: 1300.67  
 07/24/03 ADOPT: 1300.71, 1300.71.38  
 07/24/03 AMEND: 1300.43.3  
 07/21/03 AMEND: 1000

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**Title MPP**

10/28/03	AMEND: 63-503, 63-504, 63-505	07/29/03	AMEND: 40-181.1(e), 40-181.22, 42-710.6, 42-711-51, 42-721.1, 41, 44-314.1, 80-301(r), 82-812.6
09/16/03	ADOPT: 49-037 AMEND: 49-005, 49-020, 49-035, 49-040, 80-310	07/22/03	AMEND: 31-001, 31-002, 31-075, 31-401, 31-405, 31-410, 31-420, 31-440, 31-445
09/11/03	AMEND: 63-405, 63-503	06/30/03	AMEND: 11-405.2, 11-406(f)
09/08/03	AMEND: 63-405	06/26/03	ADOPT: 47-120, 47-430 AMEND: 40-107, 40-131, 40-181, 42-711, 47-301
08/08/03	AMEND: 63-300, 63-407, 63-408, 63-410, 63-411, 63-503, 63-505		

