



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

	<i>Page</i>
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	
<i>Conflict of Interest Code—Notice File No. Z03-1124-03</i>	1913
Multi-County: BETA Healthcare Group Castaic Lake Water District	
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	
<i>Conflict of Interest Code—Notice File No. Z03-1125-01</i>	1914
State Agency: Department of Toxic Substances Control	
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	
<i>Conflict of Interest Code—Notice File No. Z03-1113-01</i>	1914
State Agency: State Board of Equalization	
TITLE 13. AIR RESOURCES BOARD	
<i>CA Motor Vehicle Service Information—Notice File No. Z03-1125-05</i>	1915
TITLE 13. AIR RESOURCES BOARD	
<i>Heavy Duty Diesel Truck Idling Emission Reduction—Notice File No. Z03-1125-06</i>	1919
TITLE 16. MEDICAL BOARD OF CALIFORNIA	
<i>Ethics Course Requirements—Notice File No. Z03-1125-09</i>	1922
TITLE 16. MEDICAL BOARD OF CALIFORNIA	
<i>Required Disclosure Language—Notice File No. Z03-1125-10</i>	1924
TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA	
<i>Control of Professional Practice—Notice File No. Z03-1120-01</i>	1925
TITLE 17. AIR RESOURCES BOARD	
<i>Area Designations 2004—Notice File No. Z03-1125-04</i>	1927

(Continued on next page)

*Time-Dated
Material*

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

List of Contractors Ineligible to Enter into State Contracts 1931

DEPARTMENT OF FISH AND GAME

CESA Consistency Determination for Humboldt Bay Bridges Seismic Retrofit Project, Humboldt County 1931

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Variance for Southwest Imaging Inc. 1932

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Variance for Turlock Irrigation District 1932

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Black Butte Reservoir Sportfish Consumption Report 1932

DECISION NOT TO PROCEED

DEPARTMENT OF MANAGED HEALTH CARE

Financial Solvency, OAL File Z02-1223-01, Published in the CRNR on January 3, 2002 1933

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State..... 1933

Sections Filed, July 23, 2003 to November 26, 2003..... 1934

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. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

BETA Healthcare Group
Castaic Lake Water District

A written comment period has been established commencing on **December 5, 2003** and closing on **January 19, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the

proposed conflict of interest code(s). Any written comments must be received no later than **January 19, 2004**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the amended conflict of interest codes of the following agencies:

CONFLICT OF INTEREST CODE

AMENDMENT

STATE AGENCY:

Department of Toxic Substances Control

A written comment period has been established commencing on **December 5, 2003**, and closing on **January 19, 2004**. Written comments should be directed to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code. Any written comments must be received no later than **January 19, 2004**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the

codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

State Board of Equalization

A written comment period has been established commencing on December 5, 2003 and closing on January 19, 2004. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, PhD, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his

review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than January 19, 2004. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATIONS FOR THE AVAILABILITY OF CALIFORNIA MOTOR VEHICLE SERVICE INFORMATION

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider the adoption of amendments to regulations regarding the availability of motor vehicle service information in California.

DATE: January 22, 2004

TIME: 9:00 am

PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium, Second Floor
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 22, 2004, and may continue at 8:30 a.m., January 23, 2004. This item might not be considered until January 23, 2004. Please consult the agenda for the meeting, which will be available at least 10 days before January 22, 2004, to determine the day on which this item will be considered.

The facility is accessible to persons with disabilities. If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected:

Amendment of title 13, California Code of Regulations (CCR), division 3, chapter 1, Motor Vehicle Pollution Control Devices; article 2, Approval of

Motor Vehicle Pollution Control Devices (New Vehicles), section 1969, Motor Vehicle Service Information—1994 and Subsequent Model Passenger Cars, Light-Duty and Medium-Duty Vehicles, and the document incorporated therein, “Society of Automotive Engineers (SAE) Recommended Practice J2534, “Recommended Practice for Pass-Thru Vehicle Programming,” January 2004, and incorporation by reference of the following documents: The Maintenance Council’s Recommended Practice RP1210A, “Windows(tm) Communication API,” July 1999, and SAE J2403, “Medium/Heavy-Duty E/E Systems Diagnosis Nomenclature,” October 1998.

BACKGROUND

Senate Bill 1146 (SB 1146), enacted in 2000 and principally codified at Health and Safety Code section 43105.5, directed the ARB to develop service information regulations no later than January 1, 2002. The legislation requires all manufacturers of 1994 and later model vehicles equipped with second generation, on-board diagnostic systems (OBD) to make available for purchase emission-related service information to independent service facilities and the aftermarket parts industry. On December 13, 2001, the Board approved adoption of the ARB’s service information regulation, which was formally implemented on March 30, 2003.

The regulation ensures that California service technicians have access to all service information literature, OBD descriptions and diagnostic information, training, and tools necessary to effectively diagnose and repair emission-related malfunctions. The regulation also requires vehicle manufacturers to make the information and tools available to aftermarket parts manufacturers to better ensure the availability of emissions-related replacement parts. Motor vehicle manufacturers are required under the regulation to make all text based service information available directly over the Internet. They are also required to make available for sale diagnostic tools that are supplied to their franchised dealerships. The data stream information on which these tools are based must also be made available to aftermarket diagnostic tool manufacturers to enable them to incorporate comparable emission-related functions into their tools. The regulation mandates that the prices charged by the vehicle manufacturers for the above information and tools must be fair, reasonable, and nondiscriminatory. Pursuant to the regulation, all light- and medium-duty vehicle manufacturers currently have operational service information websites on the Internet.

At the time the Board adopted the service information regulation, it directed the staff to monitor the implementation and effectiveness of the regulation, and to report back to the Board with necessary amendments within two years. Over the last two years,

the ARB staff has worked with vehicle manufacturer and independent service industry stakeholders, and is proposing amendments to address an unresolved issue from the December 2001 Board hearing. The staff is further proposing amendments to the regulation that expand the scope of the regulation to heavy-duty vehicles equipped with OBD systems.

In drafting the regulatory amendments, the ARB staff met with engine and vehicle manufacturers, aftermarket parts manufacturers, trade associations and other interested parties in various meetings and via phone calls. Staff issued Mail-Out MSO #2003-03 on July 7, 2003, which explained staff’s proposed amendments to the service information regulation. Several written comments were submitted to the ARB in response to the mail-out and were considered in the development of the final proposal. Following the issuance of the mail-out, the staff also held a public workshop on August 14, 2003, to discuss the draft proposal. Representatives from both the vehicle manufacturing and aftermarket industries attended, and provided comments and testimony.

PROPOSED AMENDMENTS

Below is a summary of the staff’s proposed amendments for consideration by the Board:

Testing Remanufactured On-Board Computers Equipped with Immobilizers

At the December 2001 Board hearing, significant discussion took place on the subject of passive anti-theft systems otherwise known as immobilizers. Specifically, the discussion focused on whether remanufacturers of on-board computers were entitled under SB 1146 to immobilizer initialization information necessary to facilitate bench testing of remanufactured immobilizer equipped computers. The Board adopted staff’s recommendation that the statute did not provide on-board computer remanufacturers with the right of access to specialized immobilizer initialization information. Nonetheless, the Board directed the staff to work with stakeholders to determine if there were ways for remanufacturers to effectively bench test rebuilt computers with immobilizer circuitry without compromising motor vehicle security.

Over the past two years, the ARB staff has held several discussions with vehicle manufacturers and on-board computer remanufacturers. Based on these discussions, the staff believes that a reasonably practical, cost-effective, and secure solution is available that will work with most vehicle manufacturers’ on-board computer designs. The solution centers on the use of generic scan tools and other low-cost tools and equipment that would allow on-board computer remanufacturers to use repair industry initialization procedures to bench test rebuilt computers. Under the recently finalized amendments to federal service

information requirements, vehicle manufacturers must provide these low-cost initialization methods for use by aftermarket service technicians. (40 Code of Federal Regulations (CFR), Part 86, section 86.096.38(g)(6).) These same methods can be adapted by on-board computer remanufacturers for their testing purposes. To further ensure the availability of these procedures in California, the ARB staff is proposing to amend the California regulation to include language similar to that in the federal service information rule. The amendment should also reduce immobilizer reinitialization costs for the vehicle service industry.

Heavy-Duty Applicability

The ARB is currently in the midst of developing requirements for all 2007 and later model year heavy-duty vehicles (i.e., vehicles weighing more than 14,000 pounds gross vehicle weight rating) to be equipped with OBD systems. Because OBD is an important tool used to diagnose and repair vehicles, staff is proposing an amendment to require manufacturers of heavy-duty engines and transmissions to make service information and tools available for purchase.

Minor revisions to the requirements, as they would apply to heavy-duty manufacturers, are included in the staff's proposal to reflect inherent differences between the light- and heavy-duty vehicle industries. The differences include an option for heavy-duty manufacturers to require users of diagnostic tools to be trained in their proper use as a condition of sale. Staff also proposes to allow the heavy-duty industry to use standardized practices for reprogramming and nomenclature already in existence for the industry.

J2534 Update

The existing regulation requires on-board computer reprogramming for 2004 and later model year light-/medium-duty vehicles to be in compliance with the Society of Automotive Engineers (SAE) J2534, which is incorporated by reference into title 13, CCR, section 1969(f)(3)(A). To address minor implementation issues that have arisen with the introduction of reprogramming equipment for 2004 model year vehicles, the SAE has amended the J2534 protocol by adding further detail and clarification. The staff is proposing that the most recent version of SAE J2534 document be incorporated into the regulation.

Other Modifications

Minor modifications are proposed to further harmonize the regulation with current federal service information requirements, to clarify existing requirements, and to improve the effectiveness of the regulation.

COMPARISON WITH FEDERAL REGULATIONS

The United States Environmental Protection Agency (U.S. EPA) approved amendments to its service information regulation on May 30, 2003. (See 40 Code of Federal Regulations part 86, sections 86094.38 et seq.) The amended federal rule, with one significant exception, is very similar to the ARB's existing regulation, including requirements for service information to be made available over the Internet and for the availability of diagnostic tools and training information. The primary difference between the two regulations is that the existing ARB service information regulation provides that the aftermarket parts industry is entitled to information and tools; the federal regulation ensures information access only to the service and repair industry. The broader scope of the California regulation was directed by the mandates of SB 1146.

The ARB and the U.S. EPA have worked towards harmonization to ensure that federal and state requirements do not conflict. With the staff's proposal, the regulations would continue to be similar with respect to most requirements. Some differences would, however, continue to exist. Most significantly, in accord with the directives of SB 1146 and other Health and Safety Code provisions, the scope of the California regulation would continue to apply to the aftermarket parts industry. Additionally, the regulation would be broadened under staff's proposal to include heavy-duty engine and transmission manufacturers. Federal requirements apply only to light- and medium-duty manufacturers (as defined under California regulations).

BENEFITS OF THE PROPOSAL

The ARB staff's proposal would help ensure that the heavy-duty vehicle service industry has access to adequate information, tools, and replacement parts necessary to diagnose and repair emission-related malfunctions. The proposed amendments will help to maximize the emission benefits to be realized by stringent 2007 and later model year emission standards for heavy-duty vehicles and the ARB's future OBD regulation for such vehicles. By 2010, the ARB projects that new heavy-duty diesel emission standards will reduce oxides of nitrogen and particulate matter statewide by 48.0 and 2.7 tons per day, respectively.

The proposal would also help to ensure that on-board computer remanufacturers have access to adequate information and tools to continue their business. The availability of lower cost replacement parts, including on-board computers, will increase the likelihood of prompt repairs when emission-related malfunctions do occur.

**AVAILABILITY OF DOCUMENTS AND
AGENCY CONTACT PERSONS**

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the potential environmental and economic impacts of the proposal, and supporting technical documentation. The staff report is entitled: "Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider Amendments to Regulations for the Availability of California Motor Vehicle Service Information."

Copies of the ISOR and full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on the ARB's website listed below or may be obtained from the ARB's Public Information Office, Visitors and Environmental Services Center, 1001 I Street, First Floor, Sacramento, California 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (January 22, 2003).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Dean Hermano, Air Resources Engineer, at (626) 459-4487, or Allen Lyons, Chief, Mobile Source Operations Division at (626) 450-6156.

Further, the agency representative and designated back-up contact person to whom non-substantive inquiries concerning the proposed administrative action may be directed are respectively Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, and Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the agency contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR and all subsequent regulatory documents, including the Final Statement of Reasons (FSOR), when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/cmvsip04/cmvsip04.htm>

**COSTS TO PUBLIC AGENCIES AND TO
BUSINESS AND PERSONS AFFECTED**

The determinations of the Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined pursuant to Government Code section 11346.5(a)(5) that the amendments will not create costs or mandates to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies. The Executive Officer has further determined pursuant to Government Code section 11346.5(a)(6) that the proposed regulatory amendments will not create any costs or savings to any state agency, or any cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500), of division 4, or other nondiscretionary cost or savings imposed on local agencies, or any cost or savings in federal funding to the state.

The Executive Officer has also made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Executive Officer has further determined that there should be insignificant, potential direct cost impacts, as defined in Government Code section 11346.5(a)(9), on representative private persons or businesses acting in reasonable compliance with the proposed action. The proposed service information regulation will directly affect approximately 30 heavy-duty engine and transmission manufacturers. Although heavy-duty engine and transmission manufacturers would incur costs to comply with the regulation, some or all of these costs may be recoverable through the sale of service information and tools. The proposed amendments would likely have a small positive cost impact on independent service repair facilities and aftermarket part manufacturers that do business in California because of the greater availability of service information and tools. Although the proposed amendments may indirectly have some adverse cost impacts on heavy-duty vehicle franchised dealerships and service networks in California through the loss of some repair business to independent service facilities, the impact would be the result of increased competition, consistent with the intent of the Legislature in drafting SB 1146.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not result in the elimination of jobs or elimination of existing businesses within the State of California.

The Executive Officer has determined that the proposed action may possibly create some jobs, create new businesses, or promote the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the staff report.

The Executive Officer has further determined, pursuant to Government Code sections 11346.3(c) and 11346.5(a)(11), that the regulatory requirements for motor vehicle manufacturers to file reports are necessary for the health, safety, or welfare of the people of the state.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small business. Small businesses in the aftermarket service and parts industries should be positively affected by the availability of service information and tools. And, as noted above, while some heavy-duty vehicle dealerships and service network facilities may be adversely affected by the potential for increased competition, this result was the intent and purpose of SB 1146.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has been otherwise identified and brought to the attention of the agency 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.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, January 21, 2004**, and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
 Air Resources Board
 1001 "I" Street, 23rd Floor
 Sacramento, California 95814

Electronic mail is to be sent to: cmvsip04@listserv.arb.gov and received at the ARB by no later than **12:00 noon, January 21, 2004**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than **12:00 noon, January 21, 2004**.

The Board requests, but does not require, 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring any suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY

This regulatory action is proposed under the authority granted to the ARB in California Health and Safety Code sections 39600, 39601, 43000.5, 43018, 43105.5, and 43700. This action is proposed to implement, interpret or make specific sections 39027.3, 43104, and 43105.5 Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public adequately has been placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, for at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Visitors and Environmental Services Center, 1001 I Street, First Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF HEAVY-DUTY VEHICLE IDLING EMISSION REDUCTION REQUIREMENTS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the California regulations for 2007 and subsequent model year new heavy-duty diesel engines and vehicles.

DATE: January 22, 2004

TIME: 9:00 am

PLACE: California Environmental Protection Agency
Air Resources Board
1001 I Street
Auditorium, Second Floor
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 22, 2004, and may continue at 8:30 a.m., January 23, 2004. This item may not be considered until January 23, 2004. Please consult the agenda for the meeting, which will be available at least 10 days before January 22, 2004, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendment to title 13, California Code of Regulations (CCR), section 1956.8; and the incorporated "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002.

BACKGROUND

Health and Safety Code (HSC) sections 43013 and 43018 direct the ARB to adopt emission standards for new heavy-duty motor vehicles to achieve maximum feasible emission reductions. HSC section 43104 directs the ARB to adopt test procedures to ensure compliance with those emission standards. Further, in 2000, the Board approved the Diesel Risk Reduction Plan, which recommended tightening emission standards for heavy-duty vehicles beginning in the 2007 model year. The 2003 State and Federal Strategy for the California State Implementation Plan (SIP) also calls for the reduction of reactive organic gases (ROG) and oxides of nitrogen (NOx) that contribute to both particulate matter (PM) and ozone air pollution.

Exhaust emissions from heavy-duty diesel engines and vehicles have been regulated in California since 1979. With technological advancements and improved engine designs, more stringent standards have been implemented. The 2004 model-year engines, for example, must be certified to 50 percent lower NOx emissions than 1998 levels. When California's aftertreatment-forcing emission standards become effective in 2007, both NOx and PM emissions will be reduced by another 90 percent.

While never specifically targeted before, emissions from extended and unnecessary idling pose a significant air quality concern. Idling emissions are particularly significant at locations such as truck stops, travel centers and rest areas where truck drivers stop to rest for long periods of time. Idling emissions are also significant at warehouse/distribution centers and port terminals, where loading and unloading of freight often require long waiting periods. These locations can have a very high concentration of trucks running at idle for an extended period of time, thereby producing highly localized and concentrated emission levels. These emissions affect the health of the drivers, truck stop, warehouse, and ports personnel, and the neighboring community. The health concerns in particular become more serious when these idling hotspots are located in communities that are already impacted by air pollution.

In crafting the proposal, ARB staff met with engine manufacturers and other interested parties in several individual and group conference calls and meetings, including a public workshop on June 4, 2003.

STAFF PROPOSAL

The requirements in this proposal apply to all 2007 and subsequent model year diesel-fueled, on-road heavy-duty engines and vehicles produced for sale in California with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. Excluded are gasoline-fueled heavy-duty engines, heavy-duty engines used in buses, motorhomes, and emergency vehicles.

The proposal requires engine manufacturers to install an idle shutdown system that automatically turns the engine off after 5 minutes of continuous idle operation. The system must be tamper resistant and non-adjustable.

The proposal allows the use of alternative idle reduction devices/strategies in order to provide heating and air conditioning for cab comfort, engine oil heating for easy engine start-up in cold ambient conditions, and electric power to charge batteries and for on-board accessories. Such devices include an automatic stop-start system, on-board auxiliary devices such as fuel-fired heaters and auxiliary power units, and truck stop electrification equipment. The use of these devices, in lieu of operating the truck engine at idle, will result in significant NOx reductions. Reductions in ROG, carbon monoxide and carbon dioxide are also expected, but to a lesser extent depending on the type of alternative idle reduction device/strategy used.

COMPARABLE FEDERAL REGULATIONS

In January and October 2001, the U.S. EPA and ARB, respectively, adopted new, harmonized exhaust emission standards for new 2007 and subsequent

model heavy-duty diesel engines and vehicles. However, there are no comparable federal regulations addressing the idle reductions proposed herein.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the Proposed Regulatory Action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Public Hearing to Consider the Adoption of Heavy-Duty Vehicle Idling Emission Reduction Requirements."

Copies of the Staff Report and the full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (January 22, 2004).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Stephan Lemieux, Manager, On-Road Heavy-Duty Diesel Section, (626) 450-6162, or Mr. Daniel Hawelti, Air Resources Engineer, (626) 450-6149.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/hdvidle/hdvidle.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create any significant costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer 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 California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not significantly affect small businesses. The increase in the purchase price of new trucks with sleeper berths equipped with an alternative idling reduction device will be recaptured through fuel and maintenance savings within a 1- to 3-year period.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency 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.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon**, January 21, 2004, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: hdvidle@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon**, January 21, 2004.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon** January 21, 2004.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43013, 43018, 43101, 43102, 43104, and 43105, and sections 27156, 38390, 38391 and 38395, Vehicle Code. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39500, 43000, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43150-43154, 43202, 43204, 43205.5, 43206, 43205.5, 43206, and 43210-43213, Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such

event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

**TITLE 16. MEDICAL BOARD
OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Medical Board of California, 1430 Howe Avenue, Greg Gorges Conference Room, Sacramento, California, at 8:40 A.M., on Thursday, January 30, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Monday, January 19, 2004 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2018 of the Business and Professions Code, and Section 11400.20 of the Government Code, and to implement, interpret or make specific Sections 2227, 2228, 2229, and 2234 of the Business and Professions Code, and Sections 11400.20 and 11425.50(e) of the Government Code, the board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Adopt section 1358.1

Existing regulation, i.e., Condition 17 of the board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" (9th Edition, 2003), provides for an

ethics course, but does not address minimum requirements for the provider or course content.

The proposed regulation would specify all the criteria for an ethics course to include: duration; faculty; educational objective; method of instruction; content (background assessment, baseline assessment, participant's expectations, didactic presentation, experiential exercises, and a longitudinal follow-up); class size; evaluation; records; program completion; and change in course content or instructor.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulation will not have a significant adverse economic impact on businesses since the regulation would only be applicable to physicians and surgeons who are disciplined by the board, placed on probation, and ordered to take an ethics course as a condition of probation.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would not affect small businesses because the regulation is applicable only to physicians and surgeons who are disciplined by the board, placed on probation, and ordered to take an ethics course as a condition of probation.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either 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 proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained prior to, at or after the hearing upon request from the Contact Person or by accessing the website listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Kevin A. Schunke
 Address: Medical Board of California
 1430 Howe Avenue, Suite 92
 Sacramento, CA 95825
 Telephone No.: (916) 263-2368
 Fax No.: (916) 263-2387
 E-Mail Address: kschunke@medbd.ca.gov

The backup contact person is:

Name: Linda Whitney
 Address: Medical Board of California
 1430 Howe Avenue, Suite 92
 Sacramento, CA 95825
 Telephone No.: (916) 263-2389
 Fax No.: (916) 263-2387
 E-Mail Address: lwhitney@medbd.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Ana Facio
Address: Medical Board of California
1430 Howe Avenue, Suite 84
Sacramento, CA 95825
Telephone No.: (916) 263-2532
Fax No.: (916) 263-2530
E-Mail Address: afacio@medbd.ca.gov

Website Access: Materials regarding this proposal can be found at www.medbd.ca.gov.

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Division of Licensing of the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Medical Board of California, 1430 Howe Avenue, Greg Gorges Conference Room, Sacramento, California, at 10 a.m. on January 30, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Medical Board of California at its office not later than 5:00 p.m. on January 19, 2004 or must be received by the Medical Board at the hearing. The Medical Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 803.1(b)(5) of the Business and Professions Code, and to implement, interpret or make specific Sections 1355.35 of said Code, the Medical Board of California is considering changes to Chapter 2 of Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 1355.35

Business and Professions Code sections 803.1(b)(5) and 2027(a)(7) require the Medical Board to adopt in regulation the language it uses with its physician profiles on its Web site (www.medbd.ca.gov), including the definitions, disclaimers, and explanatory language used by the Medical Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: none

Nondiscretionary Costs/Savings to Local Agencies: none

Local Mandate: none

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: none

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses: The Medical Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Medical Board of California has determined that the proposed regulations would not affect small businesses because the regulations only impact the maintenance of the Medical Board's Web site.

CONSIDERATION OF ALTERNATIVES

The Medical Board of California must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either 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 proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained prior to, at or after the hearing upon request from the Medical Board of California at 1434 Howe Ave., Suite 92, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kevin A. Schunke
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2368
Fax No.: (916) 263-2387
E-Mail Address: kschunke@medbd.ca.gov

The backup contact person is:

Name: Linda Whitney
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: lwhitney@medbd.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Candis Cohen
Address: Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825

Telephone No.: (916) 263-2394
Fax No.: (916) 263-2387
E-Mail Address: c Cohen@medbd.ca.gov

Website Access: Materials regarding this proposal can be found at www.medbd.ca.gov.

**TITLE 16. PHYSICAL THERAPY
BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Shelter Pointe Hotel and Marina, 1551 Shelter Island Drive, San Diego, California at 9:00 a.m. on Tuesday, February 3, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on January 19, 2004 or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2696 of the Business and Professions Code, and to implement, interpret or make specific section 2630, 2655, 2655.7, 2695 of said Code, and section 13401 of the Corporations Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

1) Adopt section 1399.37.1

Business and Professions Code sections 2630, 2655, 2655.7, 2695 and section 13401 of the Corporations Code authorize the Board to establish guidelines for who may practice physical therapy and form a professional corporation.

The Physical Therapy Board of California has determined that the Physical Therapy Practice Act does not prohibit the offering of physical therapy

services by a corporation, which is not organized as a professional corporation. This is interpreted to mean that such a non-professional corporation may employ or retain licensed physical therapists to provide physical therapy services and that laypersons may own all or part of the shares of such a corporation. The Physical Therapy Board of California has since found this determination to be problematic when it is misinterpreted and the practice of physical therapy is being controlled by laypersons.

A partner or other person having ownership interest in a professional practice has the right to manage and control the actions of his or her partner or employee. Such a person who is not professionally licensed may not control decisions that effect the professional discretion of the licensee and adversely affect the care of the patient. A layperson that is a shareholder in a corporation providing physical therapy services also may not manage or control the professional actions or practice decisions of a physical therapist in the employ of such a corporation.

The Physical Therapy Board of California proposes to adopt section 1399.37.1 to prohibit a person other than a licensed physical therapist, a physical therapy corporation as specified in section 2690 of the Code, or any other person authorized by law, from directing or controlling the professional practice of physical therapy. The proposed adoption of 1399.37.1 would also specify that a licensed physical therapist who authorizes or permits his or her professional practice to be directed or controlled to be in violation of this section and subject to disciplinary action.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new

businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The Physical Therapy Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations would not affect small businesses since compliance is placed with the individual licensee.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of the reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 1418 Howe Avenue, Suite 16, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Rebecca Marco
 1418 Howe Avenue, Suite 16
 Sacramento, CA 95825
 (916) 263-2550
 (916) 263-2560—Fax Number
Rebecca_Marco@dca.ca.gov

The backup contact person is:

Steve Hartzell
 1418 Howe Avenue, Suite 16
 Sacramento, CA 95825
 (916) 263-2550
 (916) 263-2560—Fax Number
Steve_Hartzell@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Rebecca Marco at (916) 263-2550.

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER
 PROPOSED AMENDMENTS TO THE AREA
 DESIGNATION CRITERIA AND AREA
 DESIGNATIONS FOR STATE AMBIENT
 AIR QUALITY STANDARDS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the regulations establishing designation criteria, and to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional or unclassified for pollutants with State ambient air quality standards set forth in section 70200 of title 17, California Code of Regulations.

DATE: January 22, 2004

TIME: 9:00 am

PLACE: California Environmental Protection Agency
 Air Resources Board
 1001 I Street
 Auditorium, Second Floor
 Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 22, 2004 and may continue at 8:30 a.m., January 23, 2004. This item may not be considered until January 23, 2004. Please consult the agenda for

the meeting, which will be available at least 10 days before January 22, 2004, to determine the order in which the scheduled items will be considered.

This facility is accessible to persons with disabilities. If you have special accommodation or language needs, please contact ARB's Clerk of the Board at (916) 322-5594, or sdorias@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION
 AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to sections 60200, 60201, 60202, and 60206; adoption of new section 60210; amendments to sections 70302, 70303, 70303.1, 70303.5, and 70304, and appendices 1, 2, and 3 to sections 70300 through 70306, title 17, California Code of Regulations (CCR).

Background: Pursuant to section 39606 of the Health and Safety Code (H&SC), the Board is charged with the responsibility to adopt standards of ambient air quality for each air basin in consideration of the public health, safety and welfare. The Board has adopted State ambient air quality standards (State Standards) for ten pollutants, set forth in section 70200, title 17, CCR. The California Clean Air Act in H&SC section 39607(e) also requires the Board to establish and periodically review designation criteria. These criteria provide the basis for designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified with respect to the State standards.

Under H&SC section 39607(e), the Board first established designation criteria at a public hearing in June 1989 (sections 70300 through 70306, and appendices 1 through 4, thereof, title 17, CCR). The Board has amended these designation criteria several times since then, most recently in 1998. State law further requires the ARB to establish and annually review the area designations for State standards. During the annual review, ARB determines whether changes to the existing area designations are warranted, based on an evaluation of recent air quality data.

In past years, the ARB has made area designations for nine pollutants: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM10), sulfates, lead, hydrogen sulfide, and visibility reducing particles. This year marks the first time the ARB will be making area designations for the new State PM2.5 standard that the Board adopted in June 2002. In addition, this year's designations also incorporate changes made to the State annual PM10 standard, as well as the State sulfates standard.

The State PM_{2.5} standard is 12 micrograms per cubic meter ((g/m³), measured as an annual arithmetic mean. When the Board adopted the PM_{2.5} standard, they also made modifications to the existing State annual PM₁₀ standard. The Board lowered the existing State annual PM₁₀ standard from 30 (g/m³ to 20 (g/m³. At that time the Board also revised the averaging method (from an annual geometric mean to an annual arithmetic mean) as well as the measurement method for determination of attainment of the 24-hour sulfates standard. The Board changed the measurement method for the State sulfates standard. The old sulfates method was based on total suspended particulate matter (TSP) measurements, while the new method is based on PM₁₀ measurements. All of these changes became effective on July 5, 2003.

Area Designation Criteria: The designation criteria specify the data requirements, the size of the designated areas, and other requirements for determining the appropriate area designation category. Based on the designation criteria and specific requirements applicable to the nonattainment-transitional designation category for ozone specified in H&SC section 40925.5(a), the Board designates areas as attainment, nonattainment, nonattainment-transitional or unclassified for each of the ten pollutants with State standards set forth in section 70200, title 17, CCR.

Based upon review of the designation criteria, the ARB staff is proposing several changes to these criteria. The primary change concerns the new PM_{2.5} standard. When ARB adopted the State PM_{2.5} standard, it was included in section 70200, title 17, CCR. Because the designation criteria apply to all pollutants with standards specified in section 70200, title 17, CCR, PM_{2.5} is already included among the pollutants for which the ARB makes area designations. However, the designation criteria do not specify any default geographic area for the PM_{2.5} designations. There are two options under the designation criteria: air basin or county. The ARB staff is proposing to add PM_{2.5} to the list of pollutants that are designated by air basin. Similar to ozone and PM₁₀, PM_{2.5} is a regional pollutant that can impact a large area. However, similar to other pollutants, the designation criteria allow the Board to designate a smaller area, if justified. In several areas of the State, ARB staff is proposing PM_{2.5} designations for areas smaller than an air basin.

The ARB staff is also proposing several other minor changes to the designation criteria. These amendments would not change the way in which the Board makes the area designations for State standards. These changes include: (1) clarifying how ozone nonattainment-transitional designations are applied to air districts that span more than one air basin, (2) adding additional language to clarify the data

representativeness and data completeness requirements, and (3) minor language changes to provide clarification and consistency among the various provisions of the designation criteria. These changes would amend sections 70302, 70303, 70303.1, 70303.5, and 70304, and appendices 1, 2, and 3 to sections 70300 through 70306, title 17, CCR.

Area Designations: Based on the designation criteria, H&SC section 39608 requires the Board to designate areas of California for State standards and to update these designations annually. The area designations comprise sections 60200 through 60209, title 17, CCR. This year's review of the area designations is based on air quality data from 2000 through 2002. The amendments include new area designations for PM_{2.5}, which are proposed to be included in a new section 60210, as well as changes to the existing area designations for several areas for ozone, carbon monoxide, and sulfates. Note that although the Board modified the State annual PM₁₀ standard, a review of the air quality data indicated no change to the existing State PM₁₀ area designations was necessary. In addition to the area designation changes, the staff proposes amending section 60200, title 17, CCR, which contains descriptions of non-county areas that are designated. The proposed changes would update the area boundary description for the city of Calexico and add new area boundary descriptions for Central San Bernardino County (consistent with the San Bernardino County portion of the federal Southeast Desert Modified AQMA for ozone) and the Portola Valley area of Plumas County.

PM_{2.5}:

Based on a review of 2000 through 2002 area quality data, staff proposes the following designations for the State PM_{2.5} standard. Since this is the first year for these area designations, they would be included in a new section 60210:

- *Attainment:* Lake County Air Basin
- *Nonattainment:* San Diego Air Basin, San Francisco Bay Area Air Basin, San Joaquin Valley Air Basin, South Coast Air Basin, a portion of Sacramento Valley Air Basin (Butte and Sacramento counties and the portion of Placer County within the air basin), a portion of Imperial County (the city of Calexico), Ventura County, Central San Bernardino County (consistent with the San Bernardino County portion of the federal Southeast Desert Modified AQMA for ozone), and the Portola Valley area of Plumas County.
- *Unclassified:* remaining areas of the State based on a review of 2000 through 2002 air quality, the staff proposes the following changes to the existing area designations for ozone, carbon monoxide and sulfates:

Ozone:

- Designate San Luis Obispo County and the portion of Sonoma County in the North Coast Air Basin as attainment. These areas are currently designated as nonattainment-transitional.
- Designate Butte County and the North Central Coast Air Basin as nonattainment. These areas are currently designated as nonattainment-transitional. These designations occur by operation of law, based on data for record for the applicable time period.
- Designate Colusa County as nonattainment-transitional. The County is currently designated as nonattainment. This change occurs by operation of law, based on data for record for the applicable time period.

Carbon Monoxide:

- Designate the Los Angeles County portion of the South Coast Air Basin as nonattainment-transitional. This area is currently designated as nonattainment.

Sulfates:

- Designate the San Bernardino County portion of the Searles Valley Planning Area as attainment. This area is currently designated as nonattainment.

COMPARABLE FEDERAL REGULATIONS

The proposed changes are amendments to existing State regulations. There are no comparable federal or local regulations.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSONS

The ARB staff has prepared a Staff Report for the proposed regulatory action. This "Initial Statement of Reasons" (ISOR), includes a summary of the potential environmental and economic impacts of the proposal, environmental justice considerations, and supporting technical documentation. The Staff Report is entitled: "Initial Statement of Reasons for Proposed Rulemaking: Proposed Amendments to the Area Designation Criteria and Area Designations for State Ambient Air Quality Standards and Maps of Area Designations for State and National Ambient Air Quality Standards."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 "I" Street, Visitors and Environmental Services Center, First Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to our scheduled January 22, 2004, hearing.

Upon its completion, the Final Statement of Reasons (FSOR) will be available, and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Inquires concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Ms. Marcella Nystrom, Staff Air Pollution Specialist at (916) 323-8543 or via email at mnystrom@arb.ca.gov, or Ms. Gayle Sweigert, Manager, Air Quality Analysis Section, Planning and Technical Support Division, (916) 322-6923 or via email at gsweigert@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Ms. Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Ms. Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. The material is available for inspection upon request to the contact persons.

If you are a person with disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594, or sdorias@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/area04/area04.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments are presented below.

The proposed amendments to the designation criteria and area designation regulations do not contain any requirements for action. Subsequent requirements for action may result after additional steps, such as plan preparation and approval, are taken. The designation criteria provide the basis for determining the appropriate area designations for State standards, and the area designations are simply labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves contain no requirements for action, they have no direct economic impact, and the following general determinations are appropriate.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state under Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer also 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 California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report (ISOR).

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because the proposed regulatory action does not contain any requirements for action.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency 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.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by email before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received no later than 12:00 noon, January 21, 2004, and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to area04@listserv.arb.ca.gov and received at the ARB no later than 12:00 noon, January 21, 2004.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than 12:00 noon, January 21, 2004.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under authority granted in Health and Safety Code sections 39600, 39601, 39606, 39607, 39608, and 40925.5. The amendments to the regulations are proposed to implement, interpret, and make specific sections 39606, 39607, 39608 and 40925.5 of the H&SC.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantive or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 "I" Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990.

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

PUBLIC INTEREST NOTICE

**CESA CONSISTENCY DETERMINATION FOR
Humboldt Bay Bridges Seismic Retrofit Project
Humboldt County**

The Department of Fish and Game ("Department") received notice on November 10, 2003 that the California Department of Transportation ("Caltrans") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of performing construction on and modifications to the footings of the State Route 255 bridge over Humboldt Bay in order to improve Seismic protection. Adverse effects to listed salmon species could result from pile driving activities as well as from removal of areas containing eelgrass beds.

The National Marine Fisheries Service (NOAA Fisheries), on September 5, 2003, issued to the Federal Highway Administration (FHWA), a no jeopardy federal biological opinion (151422SWR02AR6410:MK) which considers the Federally and State threatened Coho Salmon (*Oncorhynchus kisutch*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination on whether the Federal Biological Opinion 151422SWR02AR6410:MK is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, Caltrans will not be required to obtain an incidental take permit under CESA for the proposed project.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**CALIFORNIA REGULATORY REGISTER
NOTICE ACTION DESCRIPTION FOR A
SMALL LOAD OPERATIONS VARIANCE
ISSUED BY THE STATEWIDE
COMPLIANCE DIVISION, TRANSPORTATION
SECTION, FOR SOUTHWEST
IMAGING INCORPORATED**

On November 10, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Southwest Imaging Incorporated, a registered transporter of hazardous waste, to conduct small load operations authorized under the California Code of Regulations, title 22, section 66263.46. The variance permits the grantee to transport up to 100 kilograms per load, and no greater than 1000 kilograms per calendar month of RCRA-exempt hazardous waste directly to an authorized facility using a shipping paper instead of a hazardous waste manifest.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on November 30, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**CALIFORNIA REGULATORY REGISTER
NOTICE ACTION DESCRIPTION FOR AN
EMERGENCY RESPONSE INCIDENT, PCB
WASTE, AND CONSOLIDATION
OPERATIONS VARIANCE ISSUED BY THE
STATEWIDE COMPLIANCE DIVISION,
TRANSPORTATION SECTION, FOR
TURLOCK IRRIGATION DISTRICT**

On November 19, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Turlock Irrigation District, a registered transporter of hazardous waste, to conduct emergency response incident, PCB Waste, and consolidation operations authorized under the California Code of Regulations, title 22, sections 66263.43, 66263.44, and 66263.45, respectively. The variance permits the grantee to transport hazardous waste to a

designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C. The hazardous waste must then be manifested to an authorized facility.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on December 31, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

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

NOTICE TO INTERESTED PARTIES

ANNOUNCEMENT OF FINAL REPORT

**EVALUATION OF POTENTIAL HEALTH
EFFECTS OF EATING FISH FROM BLACK
BUTTE RESERVOIR (GLENN AND TEHAMA
COUNTIES): GUIDELINES FOR
SPORT FISH CONSUMPTION**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) previously made available two drafts of the report entitled Evaluation of Potential Health Effects of Eating Fish from Black Butte Reservoir (Glenn and Tehama Counties): Guidelines for Sport Fish Consumption. The report represents an evaluation of findings on mercury in fish from Black Butte Reservoir, and provides guidelines for limiting consumption of fish from Black Butte Reservoir, Glenn and Tehama Counties. A one-day public workshop was held at the Glenn County Courthouse to discuss the scientific basis for the report and consumption guidelines, and to receive public comment. OEHHA follows the requirements set forth in Health and Safety Code, Section 57003(a), for conducting the workshop and receiving public input.

OEHHA has revised the report as appropriate in response to review comments from the public at the workshop and during the two public review and scientific comment periods. OEHHA is making the final document available at the OEHHA Web site <http://www.oehha.ca.gov>. A copy of the report is also available by calling (916) 327-7319. Responses to major comments are included in the report.

If you would like to receive further information on this announcement, or have questions, please contact Dr. Robert Brodberg using the information provided below.

Dr. Robert K. Brodberg
 California Environmental Protection Agency
 Office of Environmental Health Hazard Assessment
 Pesticide and Environmental Toxicology Section
 P.O. Box 4010
 Sacramento, California 95812-4010
 Phone: (916) 323-4763
 Fax: (916) 327-7320

DECISION NOT TO PROCEED

DEPARTMENT OF MANAGED HEALTH CARE

November 25, 2003

Office of Administrative Law
 300 Capitol Mall, Suite 1250
 Sacramento, CA 95814

RE: Financial Solvency Proposed Regulation
 OAL file # Z-02-1223-01

To The Office of Administrative Law:

Pursuant to Government Code section 11347, the Department of Managed Health Care (Department) is giving notice of its decision not to proceed with its proposed regulation regarding Financial Solvency, OAL file # Z-02-1223-01. This terminates the effect of the notice of proposed regulatory action regarding the above referenced file, which was published in the California Regulatory Notice Register on January 3, 2002.

The Department is not precluded from proposing a new regulatory action that is similar or identical to the above referenced regulation.

Sincerely,

Brian J. Bartow
 Assistant Chief Counsel
 Department of Managed Health Care

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 EDUCATION

Administering Medication to Pupils or Otherwise Assisting Pupils

In this regulatory action, the State Board of Education adopts regulations pertaining to local education agencies administering medication to pupils or otherwise assisting pupils in the administration of medication during the regular school day.

Title 5
 California Code of Regulations
 ADOPT: 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611
 Filed 11/20/03
 Effective 11/20/03
 Agency Contact: Debra Strain (916) 319-0641

DEPARTMENT OF INDUSTRIAL RELATIONS

Conflict of Interest Code

This is a Conflict of Interest Code filing that is being submitted for filing with the Secretary of State and printing only. The filing has been approved by the Fair Political Practices Commission and is exempt from OAL review.

Title 8
 California Code of Regulations
 Filed 11/20/03
 Effective 12/20/03
 Agency Contact:
 Walter L. Harris (415) 703-4333

DEPARTMENT OF SOCIAL SERVICES

CalWORKs 180-Day family Reunification Extension

The readoption of this emergency rulemaking action permits the parents of children who have been removed from the home and receiving out-of-home care to continue to receive CalWORKs funded services, such as substance abuse and mental health services, if the county determines such services are necessary for family reunification.

Title MPP
 California Code of Regulations
 AMEND: 40-181.1,(e), 40-181.22, 42-710.6, 42-711.51, 42-721.1, 42-721.41, 44-314.1, 80-310(r), 82-812.6
 Filed 11/26/03
 Effective 11/26/03
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
 Oral/Practical Examination

The Osteopathic Medical Board of California is amending sections 1610, 1615, and 1690, and repealing section 1622, pertaining to applications and refund of fees, applications, oral/practical examinations, and fees. These captioned amendments and repeal are in compliance with Stats. 2003, Ch. 789.

Title 16
 California Code of Regulations
 AMEND: 1610, 1615, 1690 REPEAL: 1622
 Filed 11/25/03
 Effective 11/25/03
 Agency Contact:
 Linda J. Bergman (916) 263-3100

STATE ASSISTANCE FUND FOR ENTERPRISE BUSINESS AND INDUSTRIAL
 Conflict of Interest Code

This is a Conflict of Interest Code filing that is being submitted for filing with the Secretary of State and printing only. The filing has been approved by the Fair Political Practices Commission and is exempt from OAL review.

Title 2
 California Code of Regulations
 Filed 11/20/03
 Effective 12/20/03
 Agency Contact: Mary Jo Dutra (707) 577-8621

STATE WATER RESOURCES CONTROL BOARD
 TMDL for Pathogens in Morro Bay and Chorro & Los Osos Creeks

This action amends the Central Coast Region Basin Plan by adopting a Total Maximum Daily Load (TMDL) for pathogens in Morro Bay, including Chorro and Los Osos Creeks.

Title 23
 California Code of Regulations
 ADOPT: 3924
 Filed 11/19/03
 Effective 11/19/03
 Agency Contact: Joanne Cox (916) 341-5552

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN JULY 23, 2003 TO NOVEMBER 26, 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 2

- 11/20/03
- 11/10/03 ADOPT: 18728.5 AMEND: 18703.3
- 11/03/03 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2
- 10/23/03
- 10/10/03 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28
- 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
- 10/09/03 AMEND: 1859.77.2
- 10/09/03 AMEND: 1555
- 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
- 10/06/03 AMEND: 18320, 18321, 18361, 18370, 18419, 18420, 18703.1, 18747
- 10/02/03 ADOPT: 18709
- 10/01/03 ADOPT: 559.937.3
- 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
- 08/13/03 AMEND: 41000
- 08/01/03 ADOPT: 22100, 22110, 22120, 22130
- 07/29/03 AMEND: 18404.1

Title 3

11/06/03 AMEND: 3700 (d)
 11/06/03 AMEND: 2303, 2309, 2311
 11/03/03 ADOPT: 6148, 6148.5, 6216, 6217
 AMEND: 305, 6168, 6170, 6386, 6500,
 6502, 6505, 6508, 6512
 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 AMEND: 1380.19 (b), (q), (r), (t),
 1402.12, 1446.7, 1454.14, 1462.15
 08/26/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3
 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)

Title 4

11/06/03 ADOPT: 12200, 12201, 12202, 12203,
 12204, 12205, 12206, 12207, 12208,
 12209, 12210, 12211, 12212, 12213,
 12214, 12220, 12221, 12222, 12223,
 12224, 12225, 12226, 12227, 12228,
 12229, 12230, 12231, 12232
 10/30/03 ADOPT: 12270, 12271, 12272
 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

Title 5

11/20/03 ADOPT: 600, 601, 602, 603, 604, 605,
 606, 607, 608, 609, 610, 611

11/06/03 ADOPT: 1068, 1069, 1070,, 1071, 1072,
 1073, 1074
 11/04/03 ADOPT: 15060, 15070, 15071
 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
 09/22/03 ADOPT: 40520, 40521, 40522, 40523
 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,
 80680-80690.1

Title 7

07/23/03 AMEND: 213(i)

Title 8

11/20/03
 11/13/03 AMEND: 32120, 32125, 32135, 32603,
 32605, 32620, 32635, 32798, 32980,
 61000, 61090, 31240, 61380, 61420,
 61480
 11/12/03 ADOPT: 15220, 15220.1, 15220.2,
 15220.3, 15200.4, 15220.5, 15220.6,
 15220.7, 15220.8 AMEND: 15201,
 15210, 15210.1, 15210.2, 15216, 15430
 10/30/03 ADOPT: 3663(g), 3663(h)
 10/30/03 AMEND: 4968
 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

Title 9

11/18/03 ADOPT: 1840.112 AMEND: 1830.215

Title 10

11/18/03 ADOPT: 2361
 11/07/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8
 10/31/03 AMEND: 260.102.14
 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: 2175.6, 2175.7, 2175.8, 2175.9, 2178
 08/21/03 ADOPT: 2187.4
 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

Title 11

11/13/03 AMEND: 1005
 11/12/03 ADOPT: 994, 994.1, 994.2, 994.3, 994.4, 994.5, 994.6, 994.7, 994.8, 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16
 11/10/03 AMEND: 2010, 2030, 2060 REPEAL: 2031, 2032, 2034, 2035, 2036
 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

Title 12

08/12/03 ADOPT: 506, 507

Title 13

11/04/03 AMEND: 1956.1, 1956.8, 1961, 1965, 1978, 2065,
 10/30/03 AMEND: 1214
 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

Title 14

11/18/03 REPEAL: 895, 895.1, 913.13, 936.13, 956.13, 916.13, 936.13.1, 956.13.1, 916.13.2, 936.13.2, 956.13.2, 916.13.3, 936.13.3, 956.13.3, 916.13.4, 936.13.4, 956.13.4, 916.13.5, 936.13.5, 936.13.5, 956.13.5916.13.6, 936.13.6, 956.13.6, 916.13.7, 936.13.7, 956
 11/13/03 AMEND: 163, 164
 11/07/03 AMEND: 52.10, 150.06, 150.16
 11/03/03 AMEND: 18464, 18465
 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: 791.7
 08/21/03 AMEND: 677
 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)

Title 15

11/07/03 AMEND: 2576, 2578, 2580
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

Title 16

11/25/03 AMEND: 1610, 1615, 1690 REPEAL:
1622
11/13/03 ADOPT: 1314.1 AMEND: 1300.4
11/12/03 AMEND: 1399.662, 1399.666, 1399.667,
1399.668
11/03/03 ADOPT: 2317, 2317.1, 2317.2, 2326.5,
2328.1
10/22/03 ADOPT: 356.1
10/16/03 ADOPT: 360
10/16/03 AMEND: 390.2
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: 1399.675 AMEND: 1399.669,
1399.670, 1399.676, 1399.678, 1399.679
REPEAL: 1399.675
07/24/03 ADOPT: 4170
07/23/03 AMEND: 1399.157

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

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: 1630
09/15/03 AMEND: 462.180
09/04/03 AMEND: 17000.30
08/12/03 REPEAL: 24501, 24502
08/07/03 AMEND: 24345-4

Title 20

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

Title 22

11/03/03 ADOPT: 115500, 115510, 115520 RE-
PEAL: MPP Section 12-223.2 through .22
10/27/03 AMEND: 4304.3 (renumber to 4304-3)
10/22/03 AMEND: 66264.143, 66264.145,
66265.143, 66265.145
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: 51319, 51507.2, 51515, 51517,
51521
09/04/03 AMEND: 1089-1
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:

Title 22, MPP

11/18/03 ADOPT: 84065.2(a)(1)(A)(1)(A)(2),
64065.5(b)(1)(b)(2), 64065.7(d),
8400(b)(b)(1)(2)(3)(4)(),
84222(a)(5)(B)(a)(12)(a)(13),
84265(c)(1)(C)(D)(c)(4)(C)(D)(e)(e)(1),
84268.3(a)(1), 84272.1(e), 84274(c)(3),
84275(c), 84277(a)(1), 84278(g),
84278.1(g) AMEND:

11/12/03 ADOPT: 102416.1 AMEND: 80001, 80019, 80019.1, 80019.2, 80054, 80061, 80065, 80066, 87101, 87219, 87219.1, 87454, 87565, 87566, 87801, 87819, 81819.1, 87854, 87861, 87865, 87866, 101152, 101170, 101170.1, 101170.2, 101195, 101212, 101216, 101217, 102352,

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

Title 23

11/19/03 ADOPT: 3924

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

Title 25

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

09/29/03 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

09/19/03 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

Title MPP

11/26/03 AMEND: 40-181.1(e), 40-181.22, 42-710.6, 42-711.51, 42-721.1, 42-721.41, 44-314.1, 80-310(r), 82-812.6

10/31/03 ADOPT: 30-501, 30-502, 30-503, 30-504, 30-505, 30-506, 30-507, 30-900, 30-901, 30-902, 30-903, 30-904, 30-905, 30-906, 30-907, 30-908, 30-909, 30-910, 30-911, 30-912, 30-913, 30-914, 30-915, 30-916, 30-917, 30-918, 30-919, 30-920, 31-236 AMEND: 11-400t,

10/30/03 AMEND: 44-315, 89-201

10/28/03 AMEND: 63-503, 63-504, 63-505

09/16/03 ADOPT: 49-037 AMEND: 49-005, 49-020, 49-035, 49-040, 80-310

09/11/03 AMEND: 63-405, 63-503

09/08/03 AMEND: 63-405

08/08/03 AMEND: 63-300, 63-407, 63-408, 63-410, 63-411, 63-503, 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

