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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:

- Santa Monica Bay Restoration Commission
- Center for Water Education
- Quality Education Commission
- Public Employment Services Authority

A written comment period has been established commencing on **February 13, 2004** and closing on **March 29, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention Jeanette Turvill, 428 J Street, Suite 620, Sacramento, CA 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 **March 29, 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 costs has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Section 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 revisions 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 Jeanette Turvill, 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 Jeanette Turvill, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE OF PROPOSED REGULATORY ACTION

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

PROPOSED REGULATORY ACTION

In this filing, the Board proposes to establish section 599.516 in Title 2 of the California Code of Regulations. This proposed regulatory action provides the Board the authority to seek the funding for, or otherwise arrange for, payment of the Medicare Part B penalties on behalf of annuitants, should the Board determine it would be less costly to pay the Medicare Part B penalty rather than allow Medicare eligible annuitants to remain in a basic health plan.

WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 pm on March 29, 2004. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax at (916) 326-3379; email at the following address: marilyn_clark@calpers.ca.gov; or mailed to the following address:

Marilyn Clark, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702
Telephone: (916) 326-3007

PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Health Benefits Committee:

April 20, 2004
10:00 a.m. (or upon the conclusion of the Benefits and Program Administration Committee Meeting)
California Public Employees' Retirement System
400 P Street
Sacramento, California 95814

ACCESS TO HEARING ROOM

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

AUTHORITY AND REFERENCE

Government Code section 22773 grants the CalPERS Board "all powers reasonably necessary to carry out the powers and responsibilities expressly granted or imposed upon it" under PEMHCA. In addition, Government Code section 22775 empowers the CalPERS Board to adopt all necessary rules and regulations to carry out the provisions of PEMHCA, "including but not limited to establishing the scope and content of a basic health benefits plan, regulations fixing reasonable minimum standards for health benefits plans, regulations fixing the time, manner, method and procedures for determining whether approval of any plan should be withdrawn, and regulations pertaining to any other matters it may be expressly authorized or required to provide for by rule or regulation by the provisions of this part." When adopting such rules and regulations, section 22775 directs the Board to "be guided by the needs and welfare of individual employees, particular classes of employees, and of the State, as well as prevailing practices in the field of prepaid medical and hospital care." The CalPERS Board is granted additional rulemaking authority with regard to specific sections of PEMHCA by Government Code sections 22775.5, 22777, 22810 and 22861.

This proposed action would implement, interpret and make specific Government Code section 22810(f) by establishing regulatory authority for the Board to pay the penalty on the late enrollment into Medicare Part B for its Medicare-eligible members enrolled in a basic health plan.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This proposed action would implement, interpret and make specific Government Code section 22810(f) by establishing regulatory authority for the payment of the penalty for late enrollment in Medicare Part B on behalf of designated Medicare-eligible annuitants who are enrolled in a basic health plan if the Board determines that payment of such penalty, and transfer of the annuitants to a Medicare plan would be less costly than their continued enrollment in the basic plan.

EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to state and public agency participation under the PEMHCA.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: The proposed regulatory action does not impose a mandate on local agencies or school districts.

B. COST OR SAVINGS TO ANY STATE AGENCY:

The proposed regulatory action does not impact costs or savings for any state agency.

C. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT: The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.

D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES: The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.

E. COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE: The proposed regulatory action does not impact any federal funding to the state.

F. ADVERSE ECONOMIC IMPACT: CalPERS has made an initial determination that the proposed regulatory actions will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.

G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES: CalPERS is not aware of any cost impacts that a representative private person, or business would necessarily incur in reasonable compliance with the proposed action.

H. IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA: The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

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

Doug McKeever, Assistant Division Chief
Office of Employer & Member Health Services
California Public Employees' Retirement System
P.O. Box 942714
Sacramento, California 94229-2714
Telephone: (916) 326-3579
Fax: (916) 658-1277
E-mail: doug_mckeever@calpers.ca.gov

Please direct requests concerning processing of this regulatory action to Marilyn Clark, Regulations Coordinator, at (916) 326-3007, or Barbara Galli, backup Regulations Coordinator, at (916) 558-4098.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Marilyn Clark, Regulations Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' web site at www.calpers.ca.gov under Members, About CalPERS, Proposed Regulatory Actions.

AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed amendment to the regulation after the public comment period has closed. It may amend section 599.516 as modified if the changes are sufficiently related to the original text so the public could have anticipated them.

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

TITLE 9. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Amendment of Sections 9846, 10125, and 10564, and Adoption of Chapter 8 (commencing with Section 13000), Division 4, Title 9, California Code of Regulations

NOTICE OF RULEMAKING AND PUBLIC COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the California Department of Alcohol and Drug Programs proposes to adopt regulations requiring certification for all individuals providing counseling services in alcohol or other drug (AOD) programs. These regulations will be contained in Chapter 8 (commencing with Section 13000), Division 4, Title 9, California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulatory action adopts Chapter 8 (commencing with Section 13000) and amends Sections 9846, 10125, and 10564 of Division 4, Title 9 of the California Code of Regulations by establishing requirements for certification of staff who provide counseling services in alcohol and other drug (AOD) programs. Health and Safety Code Sections 11833, 11834.27, 118136, 11836.15, 11876, and 11880 and implementing regulations at Sections 9846, 10125, and 10564 do not currently specify minimum standards of education and experience for AOD counselors. These regulations will protect the public health, safety, and welfare by establishing such minimum standards, ensuring that AOD counselors can provide the best possible services to participants, patients, and residents of AOD programs. Highlights of these new regulations are discussed below:

- Counselor certification regulations will apply to all individuals providing counseling services in an AOD program licensed or certified by the Department of Alcohol and Drug Programs (ADP).
- Within six (6) months all non-certified individuals providing counseling services in an AOD program shall be registered to obtain certification by one of the certifying organizations specified in the regulations. New hires will have six (6) months from the date of hire to register.
- Registrants shall complete certification as an AOD counselor within five (5) years of the date of registration.
- Counselors currently certified must register with one of the certifying organizations listed in the regulations.
- Licensed professionals are not required to be certified.

- Licensed professionals shall complete forty (40) hours of continuing education every two (2) years. Such education shall be based on "Addiction Counseling Competencies, The Knowledge, Skills, and Attitudes of Professional Practice" (TAP 21) and shall be provided or approved by the AOD program employing the licensed professional.
- Counselors with a minimum of five (5) years of counseling experience may "test out" by achieving a passing score as determined by the certifying organization.
- All certifying organizations shall become accredited with The National Commission for Certifying Agencies (NCCA) within two (2) years after the regulations become effective and shall maintain continuous accreditation.
- Prior to certification as an AOD counselor, the certifying organization shall require:

Completion of a minimum of 315 hours of education and training, including:

The curriculum specified in TAP 21

Provision of services to special populations such as aging individuals; individuals with co-occurring disorders such as mental illness and AOD problems; individuals with disabilities; gay, lesbian, or transgendered individuals; individuals with cultural differences; and individuals on probation or parole.

Education on ethics, and communicable diseases such as tuberculosis, hepatitis B or C, or AIDS

Training on prevention of sexual harassment.

Completion of a minimum of 2,080 documented hours of work experience providing counseling in an AOD program.

Completion of forty (40) hours of continuing education every two (2) years.

- Registrants and certified AOD counselors shall be required to sign a code of conduct.
- ADP will investigate all complaints including counselor complaints.

AUTHORITY

These regulations are being adopted pursuant to the rulemaking authority granted in Health and Safety Code Sections 11755, 11834.50, 11836.15, and 11864.

REFERENCE

The statutory references for this regulatory action are Health and Safety Code Sections 11833, 11834.27, 118136, 11836.15, 11876, and 11880.

FISCAL IMPACT STATEMENTS

Costs or Savings in Federal Funding to the State:
None. No federal funding is involved.

Costs or Savings to Any State Agency: None in the current State Fiscal Year. Anticipated annual costs are estimated at \$324,729. Costs during the current fiscal year are expected to be lower due to mid-year implementation and "ramping up" considerations. Current fiscal year costs will be absorbed within existing resources. ADP anticipates using federal funds for budget year 2004-05 and beyond, and may ultimately charge fees to support the program. Additional legal and program staff positions will be needed to handle increased workload of reviewing and investigating consumer complaints of violations of the code of conduct and of handling appeals of denial, temporary suspension, or revocation of certification. These additional functions are needed to protect the health, safety, and welfare of AOD clients.

Costs or Savings to Any Local Agency or School District: Counties that operate licensed or certified AOD programs may choose to pay higher salaries to certified AOD counselors. Any resulting costs may be recouped by increasing fees for AOD treatment.

Nondiscretionary Costs or Savings Imposed on Local Agencies: This regulatory action will not result in any nondiscretionary costs or savings to local agencies.

Local Mandate Determination: The Department has determined that this regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Cost Impacts on Representative Private Persons or Businesses: Approximate cost of \$100-\$800 for individuals seeking certification as an AOD counselor. Costs may be recouped in higher salary.

Effect on Business: The Department has made an initial determination that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses because any cost resulting from these regulations may be recouped by increasing fees for providing AOD treatment. This regulatory action will not affect the ability of California businesses to compete with businesses in other states, as other states already require certification of AOD counselors. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Effect on Small Businesses: The proposed regulatory action will affect small businesses because many AOD programs are small businesses as defined in Government Code Section 11342.610. The Depart-

ment anticipates that AOD programs may be able to recoup any resulting costs through increased fees for AOD treatment.

Effect on Housing Costs: This regulatory action will not affect housing costs in any way.

WRITTEN COMMENT PERIOD

Any interested person or his authorized representative may submit written comments on the proposed regulatory action. **The written comment period closes at 5 p.m. on March 29, 2004.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period. Please send written comments to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95814. Comments may also be submitted by fax at (916) 323-5873 or e-mail at MCONWAY@ADP.STATE.CA.US.

SCOPE OF TESTIMONY

Section 11346.8(c) of the Government Code prohibits the Department from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. Please indicate the number of the section you would like changed, the specific change requested, and the reason why you would like the section changed. Since the Department cannot make changes to sections of regulation which were not mentioned in this public notice, during the public comment period the Department will not consider testimony regarding changes which are outside the scope of this notice. If you wish to request the Department to amend, adopt, or repeal additional sections of regulation, the Department is required to consider those changes in a separate regulatory action.

PUBLIC HEARING

The Department has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, the Department will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

CONSIDERATION OF ALTERNATIVES

Pursuant to Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the

attention of the Department would be more effective in carrying out the purpose for which this regulatory action was taken. The Department must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. The Department will consider any alternatives presented during the public comment period.

ADDITIONAL CHANGES

The Department may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as any additional changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. The Department will make available to any interested persons, for at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. The Department will mail a copy of the additional changes to any person who testified or submitted comments during the public hearing (if one is requested), who submitted written comments during the 45-day public comment period, or who requested copies of additional changes. Please call the Department's regulations coordinator at (916) 327-4742 if you wish to receive a copy of any additional changes and you do not plan to present comments regarding the proposed regulatory action.

AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared and has available for review upon request the text of the proposed regulations discussed in this notice, written in plain English; an initial statement of reasons, explaining the necessity for each regulatory change; and all the information upon which the proposed regulations were based. To obtain a copy, please call Mary Conway at (916) 327-4742 or write to her at the address shown on the first page of this notice. If you received this public notice in the mail, the text of the proposed regulation and the initial statement of reasons were enclosed. The proposed regulations and initial statement of reasons are also available on the Department's web site at <http://www.adp.ca.gov>.

PERSON TO CONTACT FOR ADDITIONAL INFORMATION

The Department's contact for this regulation package is Mary Conway, the Department's Regulations Coordinator, at (916) 327-4742. Backup contact is Tanya Avilla Medeiros at (916) 327-9549.

FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, please call Mary Conway at (916) 327-4742. The final statement of reasons will also be posted on the Department's web site at <http://www.adp.ca.gov>.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Section 851.6 in Chapter 4, Subchapter 1, Title 14 of the California Code of Regulations (CCR). These sections pertain to Tank Vessel Escort Regulations for the San Francisco Bay Region.

PUBLIC HEARING

Pursuant to Government code Section 11346.8(a), no public hearing has been scheduled on the proposed action. However, a hearing will be held if the OSPR receives a written request for a public hearing from any interested persons, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on March 29, 2004, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, 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 proposals—with changes clearly indicated—will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text 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

Government Code Section 8670.23.1 grants the Administrator the authority to adopt regulations and guidelines for harbor safety plans in consultation with the port authorities of the harbors and other affected parties. These regulations implement, interpret and make specific Government Code Section 8670.23.1. Government Code Section 8670.23.1(d) requires that the Administrator shall give his highest priority to the development of regulations and guidelines concerning tug escorts.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters. Among its many provisions, the Act authorized the Administrator to create harbor safety committees for the following five harbors: San Diego; Los Angeles/Long Beach; Port Huenum; San Francisco, San Pablo and Suisun Bays; and Humboldt Bay. Each committee is required to develop harbor safety plans for the safe navigation and operation of tankers, barges and other vessels within the harbors. Government Code Section 8670.23 also directed the Administrator to adopt regulations and guidelines for the development of tug escort requirements for specified harbors.

There are existing regulations specifying the tug escort requirements for the San Francisco Bay Region. The proposed regulatory amendments will clarify the Clearing House and Pilot responsibilities, in regard to tug escorts.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.54

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.54, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses: These amendments codify current practices and will not result in significant additional costs to private persons or directly affected businesses. OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact on California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared a initial statement of reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, statement of reasons, forms, the rulemaking file, the

final statement of reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the exact language of the proposed regulations may be found on the World Wide Web at the following address:

<http://www.dfg.ca.gov/ospr/organizational/legal/regulations/regulations.htm>

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Al Storm ((916) 324-6259), at the above address.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. 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 of Pharmacy at its office not later than 5:00 p.m. on March 29, 2004.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 5 p.m. on March 15, 2004.

The Board of Pharmacy, 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 163.5, 851, 4005, 4007, 4038, 4075, 4114, 4115, and 4202 of the Business and Professions Code and to implement, interpret or make specific Sections 4005, 4007, 4019, 4027, 4029, 4038, 4040, 4050, 4051, 4052, 4071, 4072, 4075, 4112, 4114, 4115, 4116, 4117, 4120, 4125, 4196, 4200, 4202, 4400, 4401, and 4403 of the

Business and Professions Code, Section 11150 et seq. of the Health and Safety Code, and Sections 56.10 and 56.11 of the Civil Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 163.5 of the Business and Professions Code authorizes specifies that delinquency fees for licenses issued by an agency within the Department of Consumer Affairs shall be fifty percent of the renewal fee.

Section 851 of the Business and Professions Code permits licensing boards within the Department of Consumer Affairs to require applicants to meet the standards of a private voluntary society or association.

Section 4005 of the Business and Professions Code authorizes the board to adopt rules and regulations for the protection of the public including the following:

- For the proper and more effective enforcement and administration of the Pharmacy Law
- Pertaining to the practice of pharmacy
- Pertaining to establishments wherein any drug or device is compounded, prepared, furnished, or dispensed
- Providing for standards of minimum equipment for establishments licensed under this chapter

Section 4007 prohibits the board from adopting a regulation requiring a pharmacist from performing any duty that does not require a pharmacist's training.

Section 4019 of the Business and Professions Code defines "order" and specifies the care settings in which orders may be used to dispense or administer dangerous drugs or dangerous devices.

Section 4027 of the Business and Professions Code defines "licensed health care facility."

Section 4029 of the Business and Professions Code defines "hospital pharmacy."

Section 4038 of the Business and Professions Code defines "pharmacy technician."

Section 4040 of the Business and Professions Code defines "prescription."

Section 4050 of the Business and Professions Code declares the practice of pharmacy to be a profession.

Section 4051 of the Business and Professions Code prohibits the practice of pharmacy without a license.

Section 4052 of the Business and Professions Code specifies those professional services that a pharmacist may provide.

Section 4071 of the Business and Professions Code permits prescribers to authorize their agents to transmit prescriptions.

Section 4072 of the Business and Professions Code permits specified healing arts licentiates to transmit prescriptions authorized by a prescriber in specified care settings.

Section 4075 of the Business and Professions Code permits the board to adopt regulations designed to prevent the unauthorized furnishing of drugs.

Section 4112 of the Business and Professions Code requires non-resident pharmacies to register with the Board of Pharmacy.

Section 4114 of the Business and Professions Code permits the board to adopt regulations governing the activities of pharmacy interns.

Section 4115 of the Business and Professions Code specifies the activities that may be performed by a pharmacy technician.

Section 4116 of the Business and Professions Code specifies who may enter a pharmacy and grants the board authority to adopt regulations requiring security measures in pharmacies.

Section 4117 of the Business and Professions Code restricts access to a hospital pharmacy to certain personnel.

Section 4120 of the Business and Professions Code requires drug wholesalers to obtain a license from the Board of Pharmacy and makes declarations regarding non-resident pharmacies.

Section 4125 of the Business and Professions Code requires pharmacies to develop and implement quality assurance programs to reduce medication errors.

Section 4196 of the Business and Professions Code requires veterinary food-animal drug retailers to be licensed by the board.

Section 4200 of the Business and Professions Code specifies the requirements to become licensed as a pharmacist.

Section 4202 of the Business and Professions Code specifies the requirements to become licensed as a pharmacy technician.

Section 4400 of the Business and Professions Code specifies the fees for various licenses issued by the Board of Pharmacy.

Section 4401 of the Business and Professions Code requires pharmacists to renew their licenses every two years.

Section 4403 of the Business and Professions Code prohibits the board from specifies the requirements to become licensed as a pharmacist.

Section 11150 et seq. of the Health and Safety Code regulates the use and distribution of controlled substances.

Section 56.10 of the Civil Code requires patient consent prior to the disclosure of confidential medical information and establishes specific exceptions to that consent requirement.

Section 56.11 of the Civil Code establishes minimum standards for valid consent to disclose confidential medical information.

1. Amend Section 1710

This proposal would permit hospital pharmacies to contract with other pharmacies to perform the centralized filling of drug orders dispensed in individual patient cassettes.

2. Amend Section 1711

This proposal would require a pharmacist must notify the patient or prescriber of a medication only when the patient took the drug or the error results in a clinically significant delay in therapy.

3. Amend Section 1717.1

This proposal would require pharmacies employing a common electronic file for prescription information to adopt policies and procedures to ensure that confidential medical information is only disclosed as permitted by the Confidentiality of Medical Information Act (Civil Code Section 56 et seq.).

4. Amend Section 1717.4

This proposal would require that any person who transmits, maintains or receives a prescription ensure the prescription's authenticity.

5. Amend Section 1720

This proposal shortens the time a pharmacist applicant has to pay the required fee for licensure and specifies that applicants are responsible for compliance with requirements established by the administrators of the pharmacist licensure examination. This proposal also requires applicants for the pharmacist licensure examination to take the examination within one year of being determined to be eligible.

6. Amend Section 1721

This proposal increases the penalties for cheating on the pharmacist licensure examination.

7. Amend Section 1723.1

This proposal eliminates reference to the exemptee examination which is no longer required for an exemptee license.

8. Amend Section 1724

This proposal revises the passing score on the pharmacist licensure exam to reflect changes made by Senate Bill 361 (Chapter 539, Statutes of 2003).

9. Amend Section 1749

This proposal would incorporate fee provisions for pharmacy technicians that are deleted from Section 1793.5 in this proposed rulemaking, conform the pharmacist application fee to changes in Senate Bill

361 (Chapter 539, Statutes of 2003), deletes an obsolete reference to medical device retailers, and makes a number of technical and clarifying changes.

10. Amend Section 1793

This proposal makes technical and clarifying changes to this section.

11. Amend Section 1793.1

This proposal eliminates language incorporated in Section 1793.7 by this proposal, deletes a provision that is unnecessary, and makes technical and clarifying changes.

12. Amend Section 1793.2

This proposal eliminates language that is duplicative of existing statute.

13. Repeal Section 1793.4

This proposal repeals this section as it is preempted by the passage of Senate Bill 361 (Chapter 539, Statutes of 2003) which specifies the qualifications for a pharmacy technician license in statute.

14. Amend Section 1793.5

This proposal amends the application requirements for a pharmacy technician to conform with changes made by Senate Bill 361 (Chapter 539, Statutes of 2003).

15. Amend Section 1793.6

This proposal amends pharmacy technician training program requirements to conform with changes made by Senate Bill 361 (Chapter 539, Statutes of 2003).

16. Amend Section 1793.7

This proposal eliminates provisions of the regulation that are duplicative of statutory provisions and incorporates a provision removed from Section 1793.1.

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.

Impact on Jobs/New Businesses: The Board of Pharmacy 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 Representative Private Person or Business: The Board of Pharmacy 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 Board of Pharmacy has determined that the proposed regulations would not adversely affect small businesses. The proposed regulations provide greater flexibility to pharmacies and streamline application processes for certain license classifications.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation 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 of Pharmacy 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 at the hearing or prior to the hearing upon request from the Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814, or from the Board of Pharmacy website (www.pharmacy.ca.gov).

**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

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

Name: Paul Riches
Address: 400 R Street, Suite 4070
Sacramento, CA 95814
Telephone No.: (916) 445-5014 x 4016
Fax No.: (916) 327-6308
E-Mail Address: Paul_Riches@dca.ca.gov

The backup contact person is:

Name: Virginia Herold
Address: 400 R Street, Suite 4070
Sacramento, CA 95814
Telephone No.: (916) 445-5014 x4005
Fax No.: (916) 327-6308
E-Mail Address: Virginia_Herold@dca.ca.gov

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

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2004-001-04

PROJECT: Hyundai Motor America Automotive Test Track Facility
LOCATION: Kern County
NOTIFIER: Hyundai Motor America and Hyundai Automotive Technical Center, Inc. ("Hyundai") and the City of California City

BACKGROUND

On January 21, 2004, the U.S. Fish and Wildlife Service ("Service") issued a federal Endangered Species Act Permit, number TE080999-0, to Hyundai. The Service also issued a federal Endangered Species Act Permit, number TE082034-0, to the City of California City for its portion of the project. Together, these permits authorize incidental take of the Desert tortoise (*Gopherus agassizii*) during otherwise lawful activities on 4,526.5 acres in Kern County. Both permits are subject to compliance with and implementation of the *Environmental Assessment/Habitat Conservation Plan (HCP) for the federally threatened Desert tortoise*. The Desert tortoise is a species listed

as threatened under the California Endangered Species Act, Fish and Game Code section 2050, *et seq.* ("CESA"). On January 22, 2004, the Director of the Department of Fish and Game ("Department") received a notice from Hyundai pursuant to section 2080.1 of the Fish and Game Code requesting a determination that their federal Endangered Species Act permit is consistent with CESA. On January 28, 2004, the Department received a notice from the City of California City pursuant to section 2080.1 of the Fish and Game Code requesting a determination that their federal Endangered Species Act permit is consistent with CESA.

The Automotive Test Track Facility is located north of State Route 58, approximately 9 miles east of the City of Mojave and south of the existing limits of California City. Hyundai intends to develop an automotive test course facility, to include a 6.4-mile oval test course, a shorter 2- to 3-mile-long winding track located inside the longer 6.4-mile oval course, a vehicle dynamic area, one long, paved hill-up road, approximately 2.5 miles long, a 28,000 square-foot support building for interior tests and a 150-space parking lot, a fuel storage area, fuel pumps, and car wash. Three-stranded barbed-wire security fence will be constructed along the property boundary to mark the edge of the project site and deter trespassing. Desert tortoise exclusion fencing built to specifications agreed to by the Department and the Service will run along the inner edge of the perimeter fence. The City of California City will construct a two-mile long road and adjacent waterline to service the project.

The project area comprises approximately seven contiguous sections of land. Plant communities consist of Mojave Creosote Brush Scrub, a state-designated sensitive plant community, Joshua Tree Woodland and Desert Salt Bush Scrub, all of which are occupied Desert tortoise habitat. The project will have significant short and long-term impacts on the Desert tortoise. The initial construction as well as the 30-year operation and maintenance activities of the project will permanently convert habitat to other uses, and will inflict sufficient disturbance to the remainder, as to make the functional capability of the habitat decline over time, such that it will eventually be of no value to the Desert tortoise. Take of tortoise will occur during trapping and relocation. In the active project area, individual tortoises may be taken as a result of being run over by a vehicle, falling into an open trench or hole, killed or crushed under foot and individuals or eggs crushed in burrows. Project-caused habitat loss and project-caused changes in the habitat make the Desert tortoise more vulnerable to competition, disease, and predation.

The project will result in the fragmentation of the species' range and the elimination of portions of individual home ranges, mortality due to lowered resource availability and lower reproduction rates caused by reductions in population density. The cumulative effects of surrounding development will reduce Desert tortoise populations and density and further increase fragmentation and reductions in home ranges, thereby decreasing local and regional population viability and increasing the loss of individuals. In order to avoid and minimize the lethal take of Desert tortoise, a capture and relocation plan has been developed to remove all Desert tortoises from within the project boundary.

DETERMINATION

After reviewing the above-referenced HCP and based on the terms and conditions in federal Endangered Species Act permit TE080999-0 and permit TE082034-0, the Department has determined that the two permits are consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Important to the Department's findings are several measures from the HCP which address expected or potential impacts to desert tortoise. Measures include but are not limited to, the following:

1. Applicants will develop and implement a tortoise capture and relocation plan approved by the Department and the Service. All desert tortoise will be removed from the active work site and tortoise from outside will be prevented from moving into the work site.
2. To compensate for the loss of Desert tortoise habitat, Applicants will preserve 3,386.5 acres of habitat management ("HM") lands and provide enhancement and endowment funding sufficient to provide for the management of Desert tortoise on those lands, in perpetuity.
3. Title to the HM lands will be transferred to the Department. Alternatively, title will be given to a Department and Service approved third-party, with a conservation easement to the Department.

Pursuant to section 2080.1 of the Fish and Game Code, incidental take authorization under CESA will not be required for incidental take of Desert tortoise as a result of the project. Any substantive changes to the project as described in the HCP or federal permits, including changes to the mitigation measures, will require the notifier to obtain a new Consistency Determination or a CESA incidental take permit from the Department. A separate incidental take permit

under Fish and Game Code section 2081 will be issued for take of Mohave ground squirrel as a result of the project.

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring California Least Tern Nesting Colonies
in Santa Barbara, San Luis Obispo, and
Monterey counties

The Department of Fish and Game ("Department") received a proposal on January 13, 2004, from Ms. Sandra Schultz and Mr. Tom Applegate, of Wildwing, Wildlife and Ecosystem Investigations, Atascadero, requesting renewal of their prior authorization to take California Least Terns (*Sterna antillarum browni*), a Fully Protected Bird, for research purposes, consistent with the protection and recovery of the species.

The applicants have the required Scientific Collecting Permits (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from DFG for research on Fully Protected species. The proposed activities include approaching Least Tern nesting areas to gather necessary data used in monitoring nesting status and identifying threats from humans and predators. Data would be collected by observation; no live Least Tern adults, chicks, eggs, or nest sites will be handled. DFG intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicants, as co-Principal Investigators, to carry out the proposed activities. This MOU would be similar to an MOU entered into between the applicants and the Department for the period February 25 to November 30, 2003. As this bird also is a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected Birds, it would issue the authorization on or after March 15, 2004, for a term of five years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Ron Jurek.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**NOTICE OF LODGING OF CONSENT DECREE
UNDER THE COMPREHENSIVE
ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT
AERVOE INDUSTRIES, INC.
(LORENTZ BARREL AND DRUM
SUPERFUND SITE)
SAN JOSE, CALIFORNIA**

Notice is hereby given that on January 27, 2004, a proposed Consent Decree in *California Department of Toxic Substances Control v. Aervoe Industries, Inc., et al.*, Civil Action No. CIV C04 0350 HRL, was lodged with the United States District Court for the Northern District of California. In this action, the Department of Toxic Substances Control (DTSC) sought to recover response costs incurred or to be incurred by DTSC, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA) in connection with the release of hazardous substances at the Lorentz Barrel and Drum Superfund Site, located in San Jose, California. The settling defendants under the proposed Consent Decree are Aervoe Industries, Inc., D.A. Stuart Company, Ford Motor Company, General Mills, Inc., Golden Gate Petroleum, K-M Industries Holding Company, Inc., Pennzoil-Quaker State Company, Salz Leathers, Inc., Sunsweet Growers Inc., Textron Inc., and the United States Navy. Under the proposed Consent Decree, the settling defendants will pay a combined total of \$500,000 to reimburse DTSC for a portion of its past response costs, and will receive a covenant not to sue from DTSC and contribution protection for matters addressed in the Consent Decree.

DTSC and the Attorney General's Office will receive comments relating to the consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to:

Steve Koyasako
Acting Chief Counsel
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

and to:

Rose Fua
Deputy Attorney General
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, California 94612-0550

Comments should refer to *California Department of Toxic Substances Control v. Aervoe Industries, Inc. (Lorentz Barrel and Drum Superfund Site)*. The

Consent Decree may be examined at the Berkeley Regional Office of DTSC at 700 Heinz Avenue, Suite 200, Berkeley, California 94710-2721.

During the public comment period, the Consent Decree may also be examined on the DTSC Web site at:

<http://www.dtsc.ca.gov/PublicNotices/Lorentz>

A copy of the Consent Decree may also be obtained by mail from the DTSC Office of Legal Counsel at P.O. Box 806, Sacramento, California 95812-0806, or by faxing or e-mailing a request to Steve Koyasako (skoyasak@dtsc.ca.gov), fax no. (916) 323-5542, phone confirmation number (916) 322-6996. In requesting a copy from DTSC, please enclose a check in the amount of \$4.20 (15 cents per page reproduction cost) payable to the Department of Toxic Substances Control.

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

NOTICE TO INTERESTED PARTIES

Notice of Availability

**Guidance for Assessing Exposures and Health Risks
at Existing and Proposed School Sites**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available the Final version of the Guidance for Assessing Exposures and Health Risks at Existing and Proposed School Sites (Guidance). This Guidance was prepared to comply with California Health and Safety Code Section 901(f), which requires OEHHA to develop and publish a guidance document for use by the Department of Toxic Substances Control and other state and local environmental and public health agencies to assess exposures and health risks at existing and proposed school sites, and including child-specific routes of exposure unique to the school environment, in addition to those in existing exposure models. The document is posted on the OEHHA Web site, www.oehha.ca.gov. Following the requirements set forth in Health and Safety Code, Sections 57003(a), OEHHA has received oral and written comments during a workshop and two public comment periods. The responses to the significant comments from the public and scientific reviewers have been appended to the Guidance and are therefore available on the OEHHA Web site.

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

Mr. Leon Surgeon
Integrated Risk Assessment Section
Office of Environmental Health Hazard Assessment
P.O. Box 4010
1001 I Street, 12th Floor
Sacramento, California 95812-4010
FAX: (916) 322-9705

PRECEDENTIAL DECISION INDEX

AGRICULTURAL LABOR RELATIONS BOARD

NOTICE OF AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS OF THE AGRICULTURAL LABOR RELATIONS BOARD AND RELATED COURT DECISIONS

PLEASE TAKE NOTICE that the Agricultural Labor Relations Board's Index of Precedential Decisions (Case Digest), which includes supplements through Volume 29 (2003), is available for purchase by contacting:

J. Antonio Barbosa
Executive Secretary
Agricultural Labor Relations Board
915 Capitol Mall, Third Floor
Sacramento, CA 95814
Phone: (916) 653-3741
Fax: (916) 653-8750
e-mail: jbarbosa@alrb.ca.gov

The Case Digest also may be viewed online at www.alrb.ca.gov.

This notice is published pursuant to California Government Code section 11425.60, subdivision (c).

DEPARTMENT OF INDUSTRIAL RELATIONS

NOTICE OF AVAILABILITY OF THE DEPARTMENT OF INDUSTRIAL RELATIONS' INDEX OF SIGNIFICANT LEGAL AND POLICY DETERMINATIONS CONTAINED IN ITS PUBLIC WORKS COVERAGE PRECEDENTIAL DECISIONS

Cal. Code Regs., Title 2 § 619.7
Gov. Code § 11425.60 (c)

PLEASE TAKE NOTICE that the Department of Industrial Relations' Index of Significant Legal and Policy Determinations Contained in its Public Works

Coverage Precedential Decisions is available for purchase or you may view them at the Division of Labor Statistics & Research home page at:
http://www.dir.ca.gov/DLSR/Statistics_research.html

You may obtain a copy by either calling or writing to:

Maria Y. Robbins, Deputy Chief
Division of Labor Statistics & Research
Department of Industrial Relations
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102
Phone No.: (415) 703-4870
Fax No.: (415) 703-4771

This notice is being published pursuant to Title 2, California Code of Regulations, section 619.7, and California Government Code section 11425.60 (c).

RULEMAKING PETITION DECISIONS

BOARD OF PRISON TERMS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 2, Board of Prison Terms

PETITIONER

Robert Gruner's petition was received by the Board of Prison Terms (Board) on December 31, 2003.

AUTHORITY

Under authority established in Penal Code (PC) Sections (§§) 3041, 3052 and 5076.2, the Board may prescribe and amend regulations for the administration of parole.

CONTACT PERSON

Please direct any inquiries regarding this action to Lori Manieri, Regulations Coordinator, Board of Prison Terms, by mail at 1515 "K" Street, Sixth Floor, Sacramento, CA 95814, by telephone at (916) 445-5277, by telefax at (916) 322-3475, or by E-mail to: regcomment@bpt.ca.gov.

AVAILABILITY OF PETITION

The petition for amendment of the regulations is available upon request directed to the Board's contact person.

SUMMARY OF PETITION

The petition submitted to the Board pursuant to Government Code section § 11340.6 declares that language at California Code of Regulations (CCR) § 2402(c)(1), “The prisoner committed the offense in an especially heinous, atrocious or cruel manner”—was declared unconstitutional [vague] pursuant to the court’s ruling in *People v. Superior Court of Santa Clara* (1982) 31 Cal.3d 797.

BOARD DECISION

Pursuant to Penal Code section 3041:

The board shall establish criteria for setting of parole release dates and in doing so shall consider the number of victims of the crime for which the prisoner was sentenced and other factors in mitigation or aggravation of the crime . . . The panel or board shall set a release date unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of public safety requires a more lengthy period of incarceration.

California Code of Regulations § 2402 sets forth the criteria by which a prisoner will be found suitable or unsuitable for parole. Language at CCR § 2402(c), stating that the prisoner “committed the offense in an especially heinous, atrocious or cruel manner” is only a general guideline as to the grievous nature of the crime. If the hearing panel determines that the crime was committed in this manner, it refers to objective criteria set forth in CCR § 2402(c)(1), subsections (A) through (E), to further clarify the reasons upon which to base its decision. The panel’s decision of unsuitability is not limited to the nature or details of the crime(s) involved.

In addition to these factors, the Board shall consider:

All relevant, reliable information including, the circumstances of the prisoner’s social history; past and present mental state; past criminal history . . . ; the base and other commitment offenses, including behavior before, during and after the crime; past and present attitude toward the crime; any conditions of treatment of control, including the use of special conditions under which the prisoner may safely be released to the community; and any other information which bears on the prisoner’s suitability for release. Circumstances which taken alone may not firmly establish unsuitability for parole may contribute to a pattern which results in a finding of unsuitability.

If after considering the above factors it is found that the prisoner poses an unreasonable risk of danger to society, then the panel would render a finding of unsuitability.

THE BOARD DENIES YOUR PETITION FOR THE FOLLOWING REASONS:

The language in section 2402(c)(1), “especially heinous, atrocious or cruel manner,” is merely a general guideline further clarified by criteria set forth in subsections (A) through (E). These criteria are specific, and have not been held invalid by the court. The Board also considers all relevant information (described above) and renders a finding of suitability or unsuitability based upon those findings. The petition is therefore denied.

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

Standardized testing and Reporting (STAR) Program

This action amends the Standardized testing and reporting program in an effort to conform with the No Child Left Behind Act by including an alternate assessment instrument and detailed lists of allowable test accommodations and modifications for students with disabilities and English learners.

Title 5

California Code of Regulations

ADOPT: 853.5 AMEND: 850, 852, 853, 589

Filed 02/03/04

Effective 02/03/04

Agency Contact: Debra Strain (916) 319-0641

DEPARTMENT OF DEVELOPMENTAL SERVICES Service Provider Record Maintenance Requirements

This is a readopt of prior emergency regulations (OAL file no. 03-0929-02E) dealing with the vendorization process and specifying the information a service provider vendor must submit and maintain as part of the vendor’s records to support all billing/invoicing for each regional center consumer. These regulations also permit a regional center to terminate a vendorization if the regional center determines that continued utilization of the vendor threatens the health and safety of the consumer.

Title 17
California Code of Regulations
AMEND: 50604, 50608, 54326, 54370, 56003,
56082, 57540, 58510, 58671
Filed 02/03/04
Effective 02/03/04
Agency Contact: Lisa Primeaux (916) 654-2199

DEPARTMENT OF HEALTH SERVICES
Established Place of Business

This is the second emergency readoption of amendments to Medi-Cal regulations defining and requiring an established place of business for Medi-Cal providers.

Title 22
California Code of Regulations
ADOPT: 51200.01 AMEND: 51000.4, 51000.30,
51000.45, 51000.50, 51000.55, 51200, 51454
Filed 02/03/04
Effective 02/03/04
Agency Contact: Marylyn Willis (916) 657-3174

DEPARTMENT OF SOCIAL SERVICES
Retroactive Child Care Payment Limits (AB 444)

This Certificate of Compliance implements provisions of AB 444 (Chapter 1022, Statutes 2002) limiting retroactive child care payments in the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One Child Care Program to 30 days. (Previous OAL file # 03-0623-02EP)

Title MPP
California Code of Regulations
ADOPT: 47-120, 47-430 AMEND: 40-107, 40-131,
40-181, 42-711, 47-301
Filed 02/02/04
Effective 02/02/04
Agency Contact:
Anthony J. Velasquez (916) 657-2586

FISH AND GAME COMMISSION
Surfperch

This regulatory action reduces by 16 days the existing statutory commercial surfperch fishing season from July 16 to April 30 to between August 1 and April 30.

Title 14
California Code of Regulations
AMEND: 112
Filed 02/02/04
Effective 03/03/04
Agency Contact: Tracy L. Reed (916) 653-4899

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Hazards Associated w/Reinforcing Steel and Other
Similar Projections

This action make a variety of amendments to existing provisions governing protections required for hazards associated with reinforcing steel and other similar projections at a construction site.

Title 8
California Code of Regulations
AMEND: 1712
Filed 02/03/04
Effective 03/04/04
Agency Contact: Marley Hart (916) 274-5721

PUBLIC EMPLOYMENT RELATIONS BOARD
Meetings

This emergency regulatory action makes changes to various regulations to reflect recent changes in statute.

Title 8
California Code of Regulations
ADOPT: 32017, 32018, 51096, 71010, 71026,
71027, 71030, 71035, 71040, 71050, 71055, 71060,
71070, 71080, 71090, 71095, 71100, 71110, 71115,
71120, 71130, 71140, 71200, 71210, 71225, 71230,
71235, 71300, 71310, 71320, 71330, 71340, 71680,
71685, 71700, 71
Filed 02/02/04
Effective 02/02/04
Agency Contact: Les Chisholm (916) 327-8383

STATE WATER RESOURCES CONTROL BOARD
Suspend BUs in Engineered Channels during Unsafe
Conditions

This regulatory action amends the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by suspending the recreational beneficial uses in engineered channels during unsafe wet weather conditions, and creating a new Table 2-1a "Recreational Beneficial Uses of Inland Surface Waters," which designates the 39 water body segments to which the High Flow Suspension would apply.

Title 23
California Code of Regulations
ADOPT: 3939.5
Filed 01/30/04
Effective
Agency Contact: Greg Frantz (916) 341-5553

STATE WATER RESOURCES CONTROL BOARD
Incorporate Bacteria TMDL at Mothers' Beach and
Back Basins

The regulatory action amends the Los Angeles Basin Plan by incorporating a total maximum daily load for bacteria at Marina del Rey Mothers' Beach and back basins.

Title 23
California Code of Regulations
ADOPT: 3939.4
Filed 01/30/04
Effective 01/30/04
Agency Contact: Greg Frantz (916) 341-5553

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN OCTOBER 01, 2003
TO FEBRUARY 4, 2004**

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

01/23/04 ADOPT: 18531.6 AMEND: 18531.61
01/22/04 AMEND: 18707.5
01/15/04 AMEND: 2270, 2271
01/15/04 ADOPT: 599.516
01/14/04 AMEND: 18427.1
12/29/03 REPEAL: Division 8, Chapter 20, Sections 41001, 41002, 41003, 41004, 41005, 41006, 41007, 41008, 41009, 41010, 41011, 41012, 41013
12/22/03 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
12/19/03 ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 185
12/01/03 ADOPT: 22100, 22110, 22120, 22130
12/01/03 ADOPT: Division 8, Chapter 106, Section 59500
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 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145

10/10/03 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28
10/09/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1
10/09/03 AMEND: 1555
10/09/03 AMEND: 1859.77.2
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

Title 3

01/27/04 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857
01/14/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784
01/05/04 AMEND: 3700(c)
12/26/03 AMEND: 3417(b)
11/06/03 AMEND: 2303, 2309, 2311
11/06/03 AMEND: 3700 (d)
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

Title 4

01/22/04 AMEND: 1371 REPEAL: 1373.1
12/15/03 ADOPT: 12250 AMEND: 12101, 12122
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

Title 5

02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853, 589

12/29/03 ADOPT: 18074, 18074.1, 18074.2,
18074.3, 18075, 18075.1, 18075.2,
18076, 18076.1, 18076.2 AMEND:
18413, 18428 REPEAL: 18021
12/01/03 AMEND: 30950, 30953, 30954, 30958,
30959
11/21/03 AMEND: 50500
11/20/03 ADOPT: 600, 601, 602, 603, 604, 605,
606, 607, 608, 609, 610, 611
11/06/03 AMEND: 51025
11/06/03 ADOPT: 1068, 1069, 1070,, 1071, 1072,
1073, 1074
11/05/03 AMEND: 53001, 53021
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

Title 8

02/03/04 AMEND: 1712
02/02/04 ADOPT: 32017, 32018, 51096, 71010,
71026, 71027, 71030, 71035, 71040,
71050, 71055, 71060, 71070, 71080,
71090, 71095, 71100, 71110, 71115,
71120, 71130, 71140, 71200, 71210,
71225, 71230, 71235, 71300, 71310,
71320, 71330, 71340, 71680, 71685,
71700, 71
01/02/04 ADOPT: 9789.10, 9789.11, 9789.20,
9789.21, 9789.22, 9789.23, 9789.24,
9789.30, 9789.31, 9789.32, 9789.33,
9789.34, 9789.35, 9789.36, 9789.37,
9789.38, 9789.40, 9789.50, 9789.60,
9789.70, 9789.80, 9789.90, 9789.100,
9789.110
12/31/03 ADOPT: 10250
12/22/03 AMEND: 341.17
12/18/03 ADOPT: 15611 AMEND: 15600, 15601,
15601.7, 15602, 15603, 15604, 15605,
15606, 15607, 15608 REPEAL: 15610
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

Title 9

11/18/03 ADOPT: 1840.112 AMEND: 1830.215

Title 10

01/16/04 AMEND: 260.102.14
01/02/04 AMEND: 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
12/31/03 AMEND: 2318.6, 2353.1, 2354
12/31/03 AMEND: 2318.6, 2353.1
12/30/03 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
12/26/03 REPEAL: 4035, 4036, 4037, 4038
12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3,
4081.4, 4081.5, 4081.6, 4081.7, 4081.8
12/26/03 REPEAL: 4550, 4551, 4552, 4553
12/26/03 REPEAL: 4610, 4611, 4612, 4613, 4614,
4615, 4616, 4617, 4618, 4619
12/26/03 REPEAL: 6200, 6201, 6202, 6203, 6204,
6205, 6206, 6207
12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3,
4081.4, 4081.5, 4081.6, 4081.7, 4081.8
12/26/03 REPEAL: 5300, 5310, 5311, 5312, 5313,
5314, 5315, 5316, 5317, 5318, 5319,
5320, 5321, 5322, 5323, 5324, 5326,
5327, 5328, 5329, 5330, 5340, 5341,
5342, 5343
12/26/03 AMEND: 4070, 4071, 4072, 4073, 4074
REPEAL: 4070, 4071, 4072, 4073, 4074
12/26/03 REPEAL: 4025, 4026, 4027, 4028, 4029,
4030, 4031, 4032
12/26/03 REPEAL: 4300, 4301, 4302, 4303, 4305
12/26/03 REPEAL: 4620
12/23/03 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
12/22/03 AMEND: 2190.05, 2190.7
12/15/03 ADOPT: 2591, 2591.1, 2591.2, 2591.3,
2591.4
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

Title 11

01/06/04 ADOPT: 2000, 2001, 2020,2050, 2051,
2052, 2053, 2070, 2071, 2072, 2140,
2141, 2142
12/30/03 AMEND: 1005
12/05/03 AMEND: 1002(a)(8)
12/01/03 AMEND: 51.18
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

Title 13

01/26/04 AMEND: 553.70
 01/05/04 ADOPT: 25.06, 25.07, 25.08, 25.09, 25.10, 25.11, 25.12, 25.13, 25.14, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
 12/31/03 AMEND: 550, 551.1, 551.2, 551.11, 551.12, 551.13, 551.14, 551.15, 551.16, 551.17, 552, 553.40, 555, 555.1, 556, 557, 558, 560, 561, 562, 565, 566, 570, 571, 572, 573, 574, 575, 577, 584, 585, 586, 587, 588, 589, 590, 592, 593, 593.1, 595, 598
 12/23/03 ADOPT: 220.20 AMEND: 220.00, 220.02, 220.04, 220.06, 220.08, 220.12, 220.14, 220.16, 220.18, 221.00, 221.02, 221.04, 221.06, 221.08, 221.10, 221.12,
 12/23/03 ADOPT: 225.48
 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

Title 14

02/02/04 AMEND: 112
 01/23/04 AMEND: 27.60, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.58
 01/15/04 AMEND: 150.06(c)
 01/12/04 ADOPT: 17946, 17949
 12/31/03 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, 4970.21, 4970.21, 4970.22, 4970.23, 4970.2
 12/30/03 ADOPT: 1.18
 12/26/03 AMEND: 7.50(b)(147)
 12/01/03 AMEND: 895.1, 898(a), 914.8, [934.8, 954.8](g), 916 [936, 956](e), 916.2 [936.2, 956.2], 916.9 [936.9, 956.9], 916.11, [936.11, 956.11](b), 916.12, [936.12, 956.12](f), 923.3, [943.3, 963.3](h), 923.9, [943.9, 963.9](g)

12/01/03 AMEND: 895, and 913.4, 933.44, 953.4 (Special Prescriptions)
 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

Title 14, 27

12/26/03 ADOPT: 17387, 17387.1, 17387.5, 17388, 17388.1, 17388.2, 17388.3, 17388.4, 17388.5, 17389, 17390, 18223.6 AMEND: 24565, 21570

Title 15

01/27/04 AMEND: 3426
 01/09/04 ADOPT: 3000 AMEND: 3005, 3044, 3062, 3313, 3314, 3315, 3323, 3376
 12/30/03 AMEND: 3044, 3092, 3138, 3190
 12/02/03 AMEND: 3082(a)
 12/01/03 AMEND: 3044(d) & (e)
 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

Title 16

01/23/04 ADOPT: 6.1, 7.1, 7.2, 8.1, 8.2, 51.1, 56.4, 59, 60, 61, 68.2, 68.3, 68.4, 68.5 AMEND: 5.1, 7, 8, 52, 70, 71, 88, 88.2, 98 REPEAL: 52.1
 12/29/03 AMEND: 3830
 12/18/03 AMEND: 1920
 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

Title 17

02/03/04 AMEND: 50604, 50608, 54326, 54370, 56003, 56082, 57540, 58510, 58671
 01/23/04 AMEND: 54001, 54010
 12/05/03 ADOPT: 94166, 94167 AMEND: 94010, 94011, 94163, 94164, 94165
 12/04/03 AMEND: 70600, 70601
 12/02/03 AMEND: Division 2, Chapter 1', Article 5, Subchapter 3, Section 50300
 10/09/03 AMEND: 50604, 50608, 54326, 54370, 56003, 56082, 57540, 58510, 58671

Title 18

01/26/04 AMEND: 1591
 01/21/04 ADOPT: 1621
 12/22/03 ADOPT: 1598.1
 12/04/03 REPEAL: 24348 (a)
 10/29/03 AMEND: 1802
 10/14/03 AMEND: 462.040, 462.240

Title 20

01/14/04 ADOPT: 14.7
 12/31/03 ADOPT: 1395, 1395.1, 1395.2, 1395.3, 1395.4, 1395.6

Title 22

02/03/04 ADOPT: 51200.01 AMEND: 51000.4, 51000.30, 51000.45, 51000.50, 51000.55, 51200, 51454
 01/14/04 ADOPT: 51315 REPEAL: 51515
 12/24/03 ADOPT: 1326-3 AMEND: 1251-1, 1253(a)-1, 1326-2, 1326-4, 1326-5, 1326-6
 12/09/03 AMEND: 66262.32
 11/03/03 ADOPT: 115500, 115510, 115520 REPEAL: 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

Title 22, MPP

12/30/03 AMEND: 101170, 102370
 12/29/03 ADOPT: 87701.2 AMEND: 87101, 87218, 87561, 87575.1, 87577, 87578, 87691, 87701, 87701.1, 87701.2, 87702, 87702.1, 87703, 87704, 87705, 87707, 87708, 87709, 87710, 8711, 87713
 12/17/03 ADOPT: 85001(a)(2)-(4), 85001(d)(1), 85001(f)(1), 85001 (h)(1) -(4), 85001(t)(1);85075.1, 85075.2, 85075.3 AMEND: 85075.4
 12/10/03 ADOPT: 89002 AMEND: 80017, 87118, 87817, 88030, 89317, 110168, 102368

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

Title 23

01/30/04 ADOPT: 3939.5
 01/30/04 ADOPT: 3939.4
 01/26/04 ADOPT: 3717
 01/05/04 AMEND: 3977
 12/23/03 ADOPT: 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 3833.1 AMEND: 655, 656, 676, 736, 791, 793, 812, 842, 871, 1010, 3833, 3867 REPEAL: 677
 12/22/03 AMEND: 3926
 12/18/03 ADOPT: 3927
 11/19/03 ADOPT: 3924
 10/27/03 AMEND: CCR Title 23, Division 3, Chapter 9, section 2200 & 2200.5

Title 28

10/29/03 ADOPT: 1009
 10/27/03 AMEND: 1005
 10/20/03 AMEND: 1300.67.8

Title MPP

02/02/04 ADOPT: 47-120, 47-430 AMEND: 40-107, 40-131, 40-181, 42-711, 47-301
 01/16/04 AMEND: 63-300, 63407, 63-408, 63-410, 63-411, 63-503, 63-505
 12/31/03 AMEND: 42-207, 42-215, 63-501, 63-1101
 12/29/03 AMEND: 42-712, 42-719, 44-111
 12/15/03 AMEND: 11-405.2, 11-406(f)

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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	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,
10/31/03	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,	10/30/03 AMEND: 44-315, 89-201
		10/28/03 AMEND: 63-503, 63-504, 63-505

