



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

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with STRS for the purchase of an annuity contract within the meaning of Internal Revenue Code section 403(b).

5 *California Code of Regulations, section 20557: Transmittal and Report of TSA Contributions.* This regulation states that contracting employers which submit TSA contributions shall submit to STRS, in a stated manner, a monthly report of member's TSA contributions and shall remit the contributions shown in the report.

5 *California Code of Regulations, section 20558: Withdrawal for Emergencies.* This regulation permits the TRB to approve withdrawals for financial emergencies upon furnishing of required evidence by the applicant. It permits withdrawals when necessary to prevent great hardship, and gives examples of permissible and impermissible needs. It provides a standard for measuring the value of the withdrawal.

5 *California Code of Regulations, section 20558.1: Community Property Interest.* This regulation states that a community property interest of a former spouse of a plan participant will not be recognized and payments to a former spouse will not be made unless the former spouse is a named beneficiary for, and becomes eligible to receive, benefits.

Repealing these regulations will have the effect of no longer mandating a STRS' TSA plan. STRS then proposes to terminate the plan. Investors will then be able to choose how to reinvest their moneys, including rolling them over to other TSA plans.

The repeal of the above regulations will not create differences from or duplication or conflict with federal regulations.

## TITLE 13. CALIFORNIA HIGHWAY PATROL

The California Highway Patrol proposes to adopt regulations in Title 13 of the California Code of Regulations relating to the designation of routes for the through transportation of highway route controlled quantity shipments of radioactive materials.

### INFORMATIVE DIGEST

Section 33000 of the California Vehicle Code mandates the California Highway Patrol to adopt regulations necessary to implement the routing of highway route controlled quantity shipments of radioactive materials.

These regulations contain maps identifying preferred routes for the transportation of highway route controlled quantity shipments of radioactive materials pursuant to Section 33000 of the California Vehicle Code.

## OVERVIEW OF FEDERAL AND STATE ROUTING REQUIREMENTS FOR HIGHWAY ROUTE CONTROLLED QUANTITY SHIPMENTS OF RADIOACTIVE MATERIALS

The United States Department of Transportation has established specific highway routing requirements for highway route controlled quantity shipments of radioactive materials. These requirements are codified in Title 49, Code of Federal Regulations, Section 177.825(b), which states:

(b) . . . a carrier or any person operating a motor vehicle containing a highway route controlled quantity of radioactive materials . . . shall operate the motor vehicle only over preferred routes . . . selected . . . to reduce time in transit . . .

(1) A preferred route is either or both an *Interstate System highway* for which an alternative route is not designated by a State routing agency . . . or a *State designated route* selected by a State routing agency . . . in accordance with the following conditions:

(i) The State routing agency shall select routes to minimize radiological risk using "Guidelines for selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Class 7 Radioactive Materials," or an equivalent routing analysis which adequately considers overall risk to the public . . . .

(ii) State routing agencies may designate preferred routes as an alternative to, or in addition to, one or more Interstate System highways . . . .

Title 49, Code of Federal Regulations, Section 177.825(b), provides authority for a state routing agency to "designate preferred routes as an alternative to, or in addition to, one or more Interstate System highways" for the transportation of highway route controlled quantity shipments of radioactive materials. In addition, designations of alternate preferred routes must be preceded by substantive consultation with affected local jurisdictions and with any other affected states to ensure consideration of all impacts and continuity of designated routes.

Title 49, Code of Federal Regulations, Section 177.825(b)(2), provide conditions when motor vehicles may be operated over a route, other than a preferred route while transporting highway route controlled quantity shipments of radioactive materials. Deviation from the preferred route may occur for the following:

- necessary pickup and delivery
- necessary rest, fuel or motor vehicle repair stops
- emergency conditions make continued use of the preferred route unsafe or impossible.

The responsibility for highway routing of hazardous materials, including Class 7 radioactive materials and the related preemption determination and waiver of preemption procedures, has been delegated by the Secretary of Transportation to the Federal Highway Administration. The Federal Highway Administration incorporated, without substantive change, Research and Special Programs Administration's regulations in Title 49, Code of Federal Regulation, Sections 107.201 to 102.227, and 177.825 into the Federal Highway's regulations in Title 49, Code of Federal Regulation, Part 397, subpart D and E, respectively.

Section 33000, California Vehicle Code requires the California Highway Patrol to adopt regulations designating routes for the transportation of highway route controlled quantity shipments of radioactive materials.

**PUBLIC COMMENTS**

Any interested person may submit written comments on the proposed action to:

California Highway Patrol  
 Hazardous Material Section  
 ATTN: Routing and Prenotification Unit  
 P.O. Box 942898  
 Sacramento, CA 94298-0001

Written comments will be accepted until 4:45 p.m., March 14, 1994.

**PUBLIC HEARINGS**

No public hearings have been scheduled. Hearings will be scheduled in March and April 1994 based on requests received. If any person desires a public hearing, a written request must be received by the California Highway Patrol, Hazardous Materials Section, at the address listed below, no later than 15 days prior to the close of the written comment period.

California Highway Patrol  
 Hazardous Material Section  
 ATTN: Routing and Prenotification Unit  
 P.O. Box 942898  
 Sacramento, CA 94298-0001

**AVAILABILITY OF INFORMATION**

The California Highway Patrol has available for public review a general statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation. Requests to review or receive copies of this information should be directed to the California Highway Patrol, Hazardous Material Section by telephone at (916) 327-3310, by facsimile at (916) 446-4870, or by writing to:

California Highway Patrol  
 Hazardous Material Section  
 ATTN: Routing and Prenotification Unit

P.O. Box 942898  
 Sacramento, CA 94298-0001

Facsimile or written requests for information must include the following information: the title of the rulemaking package, the requestor's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The "Radioactive Materials Transportation Routing Study—Designation of Routes for the Through Transportation of Highway Route Controlled Quantity Shipments of Radioactive Materials" is available for public review at each California Highway Patrol Division Office, and the California Highway Patrol Hazardous Materials Section, 444 North Third Street, Suite 310, Sacramento, CA.

**QUESTIONS**

Any questions concerning the contents of the proposed regulations should be directed to Sergeant Harry Kallabis or Officer Kevin Livingston, California Highway Patrol, Hazardous Material Section, at (916) 327-3310.

**ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the California Highway Patrol may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public form at least 15 days prior to the date of adoption.

**FISCAL IMPACT**

The California Highway Patrol has determined that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no increased nondiscretionary or reimbursable costs or savings to any local agency, school district, state agency or federal funding to the State; (4) will not have an adverse economic impact on business including the ability of California businesses to compete with businesses in other states; and (5) will not result in any significant cost to private persons or entities.

**ALTERNATIVES**

The following statement is required pursuant to Government Code Section 11346.5(a)(7): "The California Highway Patrol must determine that no alternative considered by the California Highway Patrol would be more effective and less burdensome to affected private persons than the proposed action."

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the

state of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### AUTHORITY

This regulatory action is being taken pursuant to The California Vehicle Code Section 33000.

### TITLE 14. DEPARTMENT OF BOATING AND WATERWAYS

The Department of Boating and Waterways proposes to adopt the regulatory action described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Department of Boating and Waterways proposes to amend or repeal the following sections of Title 14 of the California Code of Regulations:

1. Repeal Section 6555, 6556, 6557, 6557.1, which relates to sound signals on vessels,
2. Repeal Section 6615, which relates to safe speed of a vessel,
3. Amend Section 6569, which relates to fire extinguishing equipment on vessels on state waters,
4. Amend Section 6574, which relates to backfire flame arrestors installed on gasoline engines on boats,
5. Amend Section 6600.1, which relates to incorporation by reference,
6. Amend Section 6565.3, which relates to the applicability of personal flotation device requirements.
7. Amend Section 6692, which relates to visual distress signals on boats on coastal waters,
8. Amend Section 6695, which relates to blinding lights on a vessel,
9. Amend Section 6697, which relates to negligent operation of a vessel,
10. Amend Section 7615, which relates to the Yacht and Ship Brokers Act.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit *written* comments relevant to the proposed regulation section to which the comment relates, for example, "Section 6565.6". All written comments must be received by the Department no later than 5:00 p.m. on April 1, 1994.

Submit comments to:

David L. Johnson, Unit Manager  
Department of Boating and Waterways  
1629 "S" Street  
Sacramento, CA 95814-7291  
Telephone: (916) 322-1821

#### PUBLIC HEARING

No public hearing has been set. A public hearing may be requested. The request must be received by the Department at least 15 days before the end of the public comment period.

#### AUTHORITY AND REFERENCE

Harbors and Navigation Code Sections 652, 655.3, 669 and 703 authorize the Department of Boating and Waterways to adopt the proposed regulations, which would implement, interpret or make specific Sections 650, 652, 655, 655.3, and Article 2 of the Harbors and Navigation Code.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None.

Other nondiscretionary costs or savings imposed upon local agencies: None.

Cost or savings to any State agency: Insignificant.

Cost or savings in Federal funding to the State: None.

Cost impact on private persons or directly affected businesses: None.

Significant adverse economic effect on businesses including ability of California businesses to compete with businesses in other states: None.

Significant effect on housing costs: None.

Assessment of the creation or elimination of jobs: No impact.

Assessment of the creation of new businesses or the elimination of existing businesses: No impact.

Assessment of the expansion of businesses currently doing business: No impact.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(7), the Department of Boating and Waterways must determine that no alternative considered by it 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 Department of Boating and Waterways invites interested persons to submit statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other informa-