

ministrative Law (OAL) for review. On February 3, 2017, OAL notified the Board of the disapproval of this regulatory action. The reasons for the disapproval were failure to comply with the “necessity” standard of Government Code section 11349.1 and failure to follow all required procedures under the California Administrative Procedure Act (APA). This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

CONCLUSION

For the reasons set forth above, OAL disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Board may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval.

Any changes made to the regulation text to address the issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR prior to adoption by the Board. Additionally, any supplement to the ISR or other document the Board may create or otherwise propose to add to the record in order to address the issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11347.1 prior to adoption by the Board. The Board must document in the rulemaking file its approval of the final text after consideration of all public comments and relevant information before resubmitting to OAL.

Date: February 8, 2017

Eric Partington  
Senior Attorney  
For: Debra M. Cortez  
Director

Original: Paul Sanchez  
Copy: Karen Robison

**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.

File# 2016–1220–04

**AIR RESOURCES BOARD**

**Portable Fuel Container Regulations**

This action by the Air Resources Board amends existing certification and test procedures for controlling emissions from portable fuel containers (PFC), including the following documents incorporated by reference: Certification Procedure for Portable Fuel Container Systems (CP–501), Test Procedure for Determining Integrity of Portable Fuel Container Systems (TP–501), and Test Procedure for Determining Diurnal Emissions for Portable Fuel Container Systems (TP–502). This action also adopts recording and reporting requirements for PFC manufacturers.

Title 13

AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, 2467.8, 2467.9

Filed 02/02/2017

Effective 04/01/2017

Agency Contact: Trini Balcazar (916) 445–9564

File# 2017–0124–01

**BOARD OF EDUCATION**

**California Assessment of Student Performance and Progress**

In this emergency regulatory action, the Board amends various sections in Title 5 of the California Code of Regulations. The amendments modify regulations governing the California Assessment of Student Performance and Progress (CAASPP) examination to align state standards with standardized testing guidelines of the Smarter Balanced Assessment Consortium.

Title 5

AMEND: 851, 853.5, 853.7, 855, 856

Filed 02/02/2017

Effective 02/02/2017

Agency Contact: Hillary Wirick (916) 319–0644

File# 2017–0201–01

**CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY**

**Sales and Use Tax Exclusion Program**

In this emergency readopt of OAL File No. 2016–0801–06E, the California Alternative Energy and Advanced Transportation Financing Authority (“CAEATFA”) is amending sections 10031, 10032, 10033, 10035, and 10036 in title 4 of the California Code of Regulations. These amendments incorporate Recycled Feedstock projects into the existing sales and use tax exclusion program for Alternative Source, Advanced Transportation, and Advanced Manufacturing