

Washington State Register

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filed not later than July 24, 1991

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of August 1991 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1991 pursuant to RCW 63.14.130(1)(a) is thirteen point seven five percent (13.75%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is twelve point zero percent (12.0%) for the third calendar quarter of 1991.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is twelve point zero percent (12.0%) for the third calendar quarter of 1991.

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) deleted material is (~~lined out and bracketed between double parentheses~~);
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1990 – 1991

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
90-14	Jun 7	Jun 21	Jul 5	Jul 18	Aug 7
90-15	Jun 20	Jul 5	Jul 18	Aug 1	Aug 21
90-16	Jul 5	Jul 18	Aug 1	Aug 15	Sep 4
90-17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
90-18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
90-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
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91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 91-13-010
RULES OF COURT
STATE SUPREME COURT
[June 6, 1991]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO GR 7, RAP 7.2(f), RAP 10.2(c), RAP 16.4(d), RAP 18.3(e), RAP 18.15(g), New AR 5 (Published for Comment as AR 4), MAR 1.3(b), CrR 3.2(f), CrR 4.2 (f)(g), New CrR 4.10, CrR 6.12(e) (Deleted), CrR 7.2(b), CrR 7.4(b) CrR 7.8(b), RALJ 2.2(a), RALJ 9.1 (d)(e)(f)(g), CrRLJ 2.2 (a)(b), CrRLJ 2.5, CrRLJ 3.2(f), CrRLJ 4.2(g), CrRLJ 7.2(b), CrRLJ 7.4(b), CrRLJ 7.5(b) and CrRLJ 7.8

NO. 25700-A-480
ORDER

The Washington State Bar Association having recommended the adoption of the amendments to GR 7, RAP 7.2(f), RAP 10.2(c), RAP 16.4(d), RAP 18.3(e), RAP 18.15(g), New AR 5 (Published for Comment as AR 4), MAR 1.3(b), CrR 3.2(f), CrR 4.2 (f)(g), New CrR 4.10, CrR 6.12(e) (Deleted), CrR 7.2(b), CrR 7.4(b) CrR 7.8(b), RALJ 2.2(a), RALJ 9.1 (d)(e)(f)(g), CrRLJ 2.2 (a)(b), CrRLJ 2.5, CrRLJ 3.2(f), CrRLJ 4.2(g), CrRLJ 7.2(b), CrRLJ 7.4(b), CrRLJ 7.5(b) and CrRLJ 7.8 and the Court having considered the proposed Rules, Amendments and comments submitted thereto, and having determined that the proposed Rules and Amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the Rules and Amendments as shown below are adopted;

(b) That the Rules and Amendments will be published in the special rules edition of the Washington Reports in July, 1991, and will become effective September 1, 1991

DATED at Olympia, Washington this 6th day of June, 1991.

Fred H. Dore

Utter, J.

James Dolliver

Andersen, J.

Smith, J.

Durham, J.

Guy, J.

Brachtenbach, J.

Johnson, J.

GR 7

LOCAL RULES—FILING REQUIRED AND EFFECTIVE DATE

(a) Generally. Rules Fifty copies of rules of court authorized by law to be adopted or amended by courts other than the Supreme Court must be filed with the state Administrator for the Courts, in the quantities specified. Such New proposed rules and amendments become must be filed on or before March 31 July 1 for comment; to be adopted on or after July 1; effective only after they are filed as required: September 1 of the same

year. Promulgation or amendment of rules that describe only the structure, internal management and organization of the court but do not affect courtroom procedures are not governed by the time limitations above.

(b) Form. All local rules shall be consistent with rules adopted by the Supreme Court, and shall conform in numbering system and in format to these rules to facilitate their use. Each rule and amendment filed shall state its effective date in brackets following the rule. Prior to adopting a local rule, the court may informally submit a copy of its local rule to the Administrator for the Courts for comments as to its conformity in number and format to the Official Rules of Court, and suggestions with reference thereto.

(c) Distribution. The On or before September 1 of each year, the Administrator for the Courts shall distribute all local rules, and amendments thereto, to the state law library, the libraries of the three divisions of the Court of Appeals, all county law libraries, Washington law school libraries, and to such other places as are deemed appropriate by the Administrator for the Courts.

(d) Effect Upon Existing Local Rules. Availability of Local Rules; Effect upon Existing Local Rules. Local rules in effect as of January 1, 1981, may be amended only as provided in section (a). Local rules in effect as of January 1, 1981, whose validity did not formerly depend upon filing with the Administrator for the Courts are not invalidated by this rule, but they must be filed no later than June 1, 1981, to retain their validity beyond that date. The clerk of the court adopting the rules shall maintain a complete set of current local rules, which shall be available for inspection and copying. In order for local rules which are currently in effect to remain in effect they must be refiled with the Office of the Administrator for the Courts by September 15, 1991.

(e) Emergency Rules.

(1) In the event a court other than the Supreme Court deems that an emergency exists which requires a change in its rules, such court shall, in addition to filing the rules or amendments as provided in section (a), distribute them to all county law libraries.

(2) A rule or amendment adopted on an emergency basis shall become effective immediately on filing with the Administrator for the Courts. The rule or amendment shall remain effective for a period of 90 days after filing, unless readopted in accordance with section (e)(1) or submitted as a permanent rule or amendment under section (a) within the 90-day period.

(f) Filing Local Rules Electronically. In addition to filing the 50 copies of the local court rules required in section (a) of this rule, a court may send its local court rules to the Administrator for the Courts electronically. The Administrator for the Courts shall establish the specifications necessary for a court to file its local court rules electronically.

RAP 7.2(f)

(f) Release of Defendant in Criminal Case. In a criminal case, the trial court has authority, subject to RCW 9.95.062 and .064, to fix conditions of release of a defendant and to revoke a suspended or deferred sentence.

RAP 10.2 (c)

(c) Brief of Respondent in Criminal Case. The brief of a respondent in a criminal case should be filed with the appellate court within 60 days after service of the brief of appellant or petitioner or, if a defendant files a pro se supplemental brief, within 30 days after service of the pro se supplemental brief. If a pro se supplemental brief is filed the state shall, within 30 days after receiving service, file a supplemental response addressing any of the issues raised in the pro se supplemental brief or stating that no response is necessary.

RAP 16.4(d)

(d) Restrictions. The appellate court will only grant relief by a personal restraint petition if other remedies which may be available to petitioner are inadequate under the circumstances and if such relief may be granted under RCW 10.73.090, .100, and .130. No more than one petition for similar relief on behalf of the same petitioner will be entertained without good cause shown.

RAP 18.13(e)

(e) Supreme Court Review. A decision by the Court of Appeals on accelerated review that relates only to a juvenile offense disposition is subject to review by the Supreme Court only by a motion for discretionary review on the terms and in the manner provided in rule 13.5 (a), (b), and (c).

RAP 18.15(g)

(g) Supreme Court Review. A decision by the Court of Appeals on accelerated review that relates only to an adult sentence is subject to review by the Supreme Court only by a motion for discretionary review on the terms and in the manner provided in rule 13.5 (a), (b), and (c).

AR 5 [NEW RULE]

OFFENDER FINANCIAL INFORMATION

For purposes of monitoring and billing legal financial obligations, information contained in the criminal judgment and docket records of the superior court clerk shall be considered official. The clerk shall provide such information to the Department of Corrections to promote timely satisfaction of offender financial obligations.

MAR 1.3(b)

(b) Which Rules Apply.

(1) Generally. Until a case is assigned to the arbitrator under rule 2.3, the rules of civil procedure apply. After a case is assigned to the arbitrator, these arbitration rules apply except where an arbitration rule states that a civil rule applies.

(2) Service. After a case is assigned to an arbitrator, all pleadings and other papers shall be served in accordance with CR 5 and filed with the arbitrator.

(3) Time. Except as provided in rule 7.1, time shall be computed in accordance with CR 6 (a) and (e).

(4) Voluntary Dismissal. The arbitrator shall have the power to dismiss an action, under the same conditions

and with the same effect as set forth in CR 41(a), at any time prior to the filing of an award.

CrR 3.2(f)

(f) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, and subject to RCW 9.95.062, 9.95.064, 10.64.025, and 10.64.027, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

CrR 4.2(f)

(f) Withdrawal of Plea. The court shall allow a defendant to withdraw the defendant's plea of guilty whenever it appears that the withdrawal is necessary to correct a manifest injustice. If the defendant pleads guilty pursuant to a plea agreement and the court later determines under RCW 9.94A.090 that the agreement is not binding consistent with (1) the interests of justice or (2) the prosecuting standards set forth in RCW 9.94A-.430-.460, the court shall inform the defendant that the guilty plea may be withdrawn and a plea of not guilty entered. If the motion for withdrawal is made after judgment, it shall be governed by CrR 7.8.

CrR 4.2(g)

(g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

SUPERIOR COURT OF WASHINGTON FOR [] COUNTY

THE STATE OF WASHINGTON, Plaintiff, v. Defendant. No. STATEMENT OF DEFENDANT ON PLEA OF GUILTY

- 1. My true name is
2. My age is
3. I went through the grade in school.
4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is
5. I have been informed and fully understand that I am charged with the crime of, that the elements of the crime are, the maximum sentence(s) for which is (are) years and \$ fine. The standard sentence range for the crime is at least and not more than, based upon my criminal history which I understand the Prosecuting Attorney says to be.

In addition, I may have to pay restitution, costs, assessments, and recoupment of expenses for defense services provided by the court. I have been given a copy of the information.

- 6. I have been informed and fully understand that:
(a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
(b) I have the right to remain silent before and during trial, and I need not testify against myself.

~~(c) I have the right at trial to hear and question witnesses who testify against me.~~

~~(d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.~~

~~(e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.~~

~~(f) I have the right to appeal a determination of guilt after a trial.~~

~~(g) If I plead guilty I give up the rights in statements 6 (a)-(f).~~

7. I plead _____ to the crime of _____ as charged in the _____ information.

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.

(b) I am charged with the crime of _____. The elements of this crime are _____.

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

(a) The crime with which I am charged carries a maximum sentence of _____ years imprisonment and a \$ _____ fine. The standard sentence range is from _____ months to _____ months confinement, based on the Prosecuting Attorney's understanding of my criminal history.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions in juvenile court for felonies or serious traffic offenses that were committed when I was 15 years of age or older. Juvenile convictions, except those for Class A felonies, count only if I was less than 23 years old when I committed the crime to which I am now pleading guilty.

(c) The Prosecuting Attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the Prosecuting Attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional

crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the Prosecuting Attorney's recommendation increase.

(e) In addition to sentencing me to confinement for the standard range, the judge will order me to pay \$ _____ as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The judge may also order that I pay a fine, court costs, and attorney fees. Furthermore, the judge may place me on community supervision, impose restrictions on my activities, and order me to perform community service.

(f) The Prosecuting Attorney will make the following recommendation to the judge: _____.

(g) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(h) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. The law does not allow any reduction of this sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(i) The sentence imposed on Counts _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(j) In addition to confinement, the judge will sentence me to community placement for at least 1 year. During the period of community placement, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(k) The judge may sentence me as a first time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030(20). This sentence could include as much as 90 days' confinement plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(l) This plea of guilty will result in revocation of my privilege to drive. If I have a driver's license, I must now surrender it to the judge. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(m) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(n) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(o) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(p) If this crime involves a sex offense, I will be required to register with the sheriff of the county where I reside. I must do this within 30 days after I am released from confinement. If I do not now reside in Washington, I must register within 45 days after I establish residence in this state. If I subsequently move within the county, I must notify the sheriff within 10 days after I establish my new residence. If I move to a new county, I must, within 10 days, notify the sheriffs of both counties. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

7. I plead _____ to the crime of _____ as charged in the _____ information. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. I have been informed and fully understand the Prosecuting Attorney will make the following recommendation to the court: _____

12. I have been informed and fully understand that the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was 15 years of age or older. Juvenile convictions count only if I was less than 23 years of age at the time I committed this present offense. I fully understand that if criminal history in addition to that listed in paragraph 5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the court, and I cannot

change my mind if additional criminal history is discovered and the standard sentence range and Prosecuting Attorney's recommendation increases.

13. I have been informed and fully understand that the court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the court must impose a sentence within the standard sentence range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard sentence range, either I or the State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence.

14. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

15. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime in the information. This is my statement: _____

16. I have read or have had read to me and fully understand all of the numbered paragraphs above (1 through 15) and have received a copy of "Statement of Defendant on Plea of Guilty." I have no further questions to ask of the court.

11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this crime. This is my statement: _____

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

DEFENDANT
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

PROSECUTING ATTORNEY DEFENDANT'S LAWYER

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of the defendant's attorney, and the undersigned Judge, in open court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or
- * (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this ____ day of _____, 19 ____.

JUDGE

*I am fluent in the _____ language and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this ____ day of _____, 19 ____.

INTERPRETER

CrR 4.10 [NEW RULE]

MATERIAL WITNESS

(a) Warrant. On motion of the prosecuting attorney or the defendant, the court may issue a warrant, subject to reasonable bail, for the arrest of a material witness. The warrant shall issue only on a showing, by affidavit or on the record in open court, that the testimony of the witness is material and that

- (1) The witness has refused to submit to a deposition ordered by the court pursuant to rule 4.6; or
- (2) The witness has refused to obey a lawfully issued subpoena; or
- (3) It may become impracticable to secure the presence of the witness by subpoena.

Unless otherwise ordered by the court, the warrant shall be executed and returned as in rule 2.2.

(b) Hearing. After the arrest of the witness, the court shall hold a hearing no later than the next judicial day after the witness is present in the county from which the warrant issued. The witness shall be entitled to be represented by a lawyer. The court shall appoint a lawyer for an indigent witness if it is required to protect the rights of the witness.

(c) Release/Detention. Upon a determination that the testimony of the witness is material and that one of the conditions set forth in section (a) exists, the court shall set conditions for release of the witness pursuant to rule 3.2. A material witness shall be released unless the court determines that the testimony of such witness cannot be

secured adequately by deposition and that further detention is necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to rule 4.6.

CrR 6.12(e)

(e) Material Witnesses. On motion of the prosecuting attorney or the defendant a witness may be compelled to attend a hearing to determine whether his testimony is material. Upon request, the court shall appoint counsel for a witness who is financially unable to obtain one if it appears to the court, after an offer of proof by the moving party, that the testimony of such witness would tend to incriminate him, or it appears that counsel is required to otherwise fully protect the rights of such witness.

CrR 7.2(b)

(b) Procedure at Time of Sentencing. The court shall, at the time of sentencing, advise the defendant: (1) of the right to appeal the conviction; (2) of the right to appeal a sentence outside the standard sentence range; (3) that unless a notice of appeal is filed within 30 days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived; (4) that the superior court clerk will, if requested by the defendant appearing without counsel, supply a notice of appeal form and file it upon completion by the defendant; and (5) of the right, if unable to pay the costs thereof, to have counsel appointed and portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal, and (6) of the time limits on the right to collateral attack imposed by RCW 10-.73.090 and .100. These proceedings shall be made a part of the record.

CrR 7.4(b)

(b) Time for Motion; Contents of Motion. A motion for arrest of judgment must be served and filed within 10 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time until such time as judgment is entered.

The motion for arrest of judgment shall identify the specific reasons in fact and law as to each ground on which the motion is based.

CrR 7.8(b)

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party from a final judgment, order, or proceeding for the following reasons:

- (1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;
- (2) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 7.6;
- (3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
- (4) The judgment is void; or

(5) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time and for reasons (1) and (2) not more than 1 year after the judgment, order, or proceeding was entered or taken, and is further subject to RCW 10.73.090, .100, .130, and .140. A motion under section (b) does not affect the finality of the judgment or suspend its operation.

RALJ 2.2(a)

(a) Final Decision.

(1) A party may appeal from a final decision of a court of limited jurisdiction to which these rules apply under rule 1.1(a), except a decision in a mitigation hearing under RCW 46.63.100 and JTIR 2.6(b).

(2) For the purposes of these rules, a final decision includes (A) an order granting or denying a motion for new trial, reconsideration, or amendment of judgment, and (B) an order granting or denying arrest of a judgment in a criminal case.

RALJ 9.1 (d), (e), (f), (g)

(d) Final Judgment Not Designated in Notice. The superior court will review a final judgment not designated in the notice of appeal only if the notice designates an order deciding a timely posttrial motion based on (1) CrRLJ 7.4 (arrest of judgment), (2) CrRLJ 7.5 (new trial), or (3) CRLJ 59 (new trial, reconsideration, and amendment of judgments).

~~(d)~~(e) Disposition on Appeal Generally. The superior court may reverse, affirm, or modify the decision of the court of limited jurisdiction or remand the case back to that court for further proceedings.

~~(e)~~(f) Limitation on Modification of Sentence. The superior court shall not modify the sentence imposed in a criminal case unless the sentence is incorrect as a matter of law.

~~(f)~~(g) Form of Decision. The decision of the superior court shall be in writing and filed in the clerk's office with the other papers in the case. The reasons for the decision shall be stated.

CrRLJ 2.2 (a), (b)

(a) Issuance of Warrant of Arrest. If a complaint is filed and if the offense charged may be tried in the jurisdiction in which the warrant issues, and if the sentence for the offense charged may include confinement in jail, the court may direct the clerk to issue a warrant for the arrest of the defendant unless the defendant has already been arrested in connection with the offense charged and is in custody or has been released on obligation to appear in court. A warrant of arrest must be supported by affidavit, a certificate as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony establishing the grounds for issuing the warrant. Sworn testimony shall be recorded electronically or stenographically. The court must determine there is probable cause to believe that the defendant has committed the crime alleged before issuing the warrant. Subject to constitutional limitations, the finding of probable cause may be based on evidence which is hearsay in whole or in part.

(b) Issuance of Summons in Lieu of Warrant.

(1) Generally. If a complaint is filed, the court may direct the clerk to issue a summons commanding the defendant to appear before the court at a specified time and place.

(2) When Summons Must Issue. If the complaint charges the commission of a misdemeanor or a gross misdemeanor, the court shall direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant.

(3) Summons for Felony Complaint. If the complaint charges the commission of a felony, the court may direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant.

(4) Summons. A summons shall be in writing and in the name of the charging jurisdiction, shall be signed by the clerk with the title of that office, and shall state the date when issued. It shall state the name of the defendant and the nature of the charge, and shall summon the defendant to appear before the court at a stated time and place. The summons shall inform the defendant that failure to appear as commanded may result in the issuance of a warrant for the arrest of the accused.

(5) Failure To Appear on Summons. If a person fails to appear in response to a summons, or if delivery is not effected within a reasonable time, a warrant of arrest may issue, if the sentence for the offense charged may include confinement in jail.

CrRLJ 2.5

PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICE

The court may order the issuance of a bench warrant for the arrest of any defendant who has failed to appear before the court, either in person or by a lawyer, in answer to a citation and notice, or an order of the court, upon which the defendant has promised in writing to appear, or of which the defendant has otherwise received notice to appear, if the sentence for the offense charged may include confinement in jail.

CrRLJ 3.2(f)

(f) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, and subject to RCW 9.95.062, 9.95.064, 10.64.025 and 10.64.027, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

CrRLJ 4.2(g)

(g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

STATE OF WASHINGTON

COUNTY OF _____,
THE STATE OF WASHINGTON,
CITY OR TOWN OF _____,
Plaintiff,
v.
Defendant.

Case No. _____

STATEMENT OF
DEFENDANT ON
PLEA OF GUILTY

- 1. My true name is _____
2. My age is _____
3. I went through the _____ grade in school.
4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.

5. I have been informed and fully understand that I am charged with the crime(s) of: _____, that the elements of the crime(s) are: _____, and that the maximum sentence for each crime is: _____.

I have been informed and fully understand that the crime(s) with which I am charged carries a mandatory minimum sentence(s) of: _____.

I understand that as a result of this conviction the Department of Licensing must suspend or revoke my driver's license. (If there is no mandatory minimum and no license suspension, the applicable sentences should be stricken and initialed by the judge and the defendant.) I have also been informed and fully understand that the court may as part of my sentence require me to pay costs, fees and assessments authorized by law, and restitution to any victims who lost money or property as a result of crimes I committed and that the maximum amount of such restitution is double the amount of the loss of all victims or double the amount of my gain. I have been given a copy of the complaint or the citation and notice.

6. I have been informed and fully understand that:
(a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.

(b) I have the right to remain silent before and during trial, and I need not testify against myself.

(c) I have the right at trial to hear and question witnesses who testify against me.

(d) I have the right at trial to testify on my own behalf and to have other witnesses testify for me. These witnesses can be made to appear at no expense to me.

(e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.

(f) I have the right to appeal a determination of guilt after trial.

(g) If I plead guilty I give up the rights in statements 6 (a) (f):

7. I plead _____ to the crime(s) of _____ as charged in the complaint or citation and notice.

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.

(b) I am charged with the crime of _____.

The elements of this crime are _____

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself.

(c) The right at trial to hear and question the witnesses who testify against me.

(d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.

(e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.

(f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

(a) The crime with which I am charged carries a maximum sentence of _____ days in jail and a \$ _____ fine.

(b) The crime of _____ has a mandatory minimum sentence of _____. The law does not allow any reduction of this sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(c) This plea of guilty will result in suspension or revocation of my driver's license by the Department of Licensing. If I have a driver's license, I must now surrender it to the judge. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(d) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.

(e) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(f) The prosecuting authority will make the following recommendation to the judge: _____

(g) The judge does not have to follow anyone's recommendation as to sentence. The judge is completely free to give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.

(h) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

7. I plead _____ to the crime of _____ as charged in the complaint or citation and notice. I

have received a copy of that complaint or citation and notice.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. I have been informed and fully understand the Prosecuting Attorney will make the following recommendation to the court: _____

12. I have been informed and fully understand that the court does not have to follow the prosecuting authority's recommendation as to sentence. The court is completely free to give me any sentence up to the maximum permitted by law no matter what the prosecuting authority recommends.

13. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

14. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime(s) in the complaint or citation and notice. This is my statement: _____

15. I have read or have had read to me and fully understand all of the numbered sections above (1 through 14) and have received a copy of "Statement of Defendant on Plea of Guilty". I have no further questions to ask of the court.

11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this crime. This is my statement: _____

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

DEFENDANT

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

For the Prosecuting Authority Lawyer for Defendant
PROSECUTING ATTORNEY DEFENDANT'S LAWYER

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his or her lawyer and the undersigned Judge in open

~~court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.~~

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read; or
- (b) The defendant's lawyer had previously read to him or her; or

* (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this ____ day of _____, 19__.

JUDGE

*I am fluent in the _____ language and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this ____ day of _____, 19__.

LOCATION

INTERPRETER

CrRLJ 7.2(b)

(b) Procedure at Time of Sentencing. The court shall, at the time of sentencing, unless the judgment and sentence are based on a plea of guilty, advise the defendant: (1) of the right to appeal the conviction pursuant to RALJ 2.7 or CrRLJ 9.1; (2) that unless a notice of appeal is filed within 14 days after the entry of the judgment and sentence or order appealed from, the right to appeal is waived; (3) that the court clerk will, if requested by the defendant appearing without a lawyer, supply a notice of appeal form; and (4) of the defendant's right to a lawyer, and, if unable to pay the costs thereof, to have a lawyer appointed and portions of the trial record necessary for review of assigned errors prepared at public expense for an appeal, and (5) of the time limits on the right to collateral attack imposed by RCW 10.73.090 and .100. These proceedings shall be made a part of the record.

CrRLJ 7.4(b)

(b) Time for Motion; Contents of Motion. A motion for arrest of judgment must be served and filed within 5 days after the verdict or decision. ~~The court on application of the defendant or on its own motion may in its discretion extend the time.~~

The motion for arrest of judgment shall identify the specific reasons in fact and law for each ground on which the motion is based.

CrRLJ 7.5(b)

(b) Time for Motion; Contents of Motion. A motion for new trial must be served and filed within 5 days after the verdict or decision. ~~The court on application of the defendant or on its own motion may in its discretion extend the time.~~

The motion for a new trial shall identify the specific reasons in fact and law ~~as to~~ for each ground on which the motion is based.

CrRLJ 7.8(b)

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party from a final judgment, order, or proceeding for the following reasons:

(1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;

(2) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 7.5;

(3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) The judgment is void; or

(5) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time and for reasons (1) and (2) not more than 1 year after the judgment, order, or proceeding was entered or taken, and is further subject to RCW 10.73.090, .100, .130, and .140. A motion under this section does not affect the finality of the judgment or suspend its operation.

Reviser's note: The spelling error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 91-14-015
PROPOSED RULES
SPOKANE COUNTY
AIR POLLUTION CONTROL AUTHORITY
 [Filed June 24, 1991, 4:00 p.m.]

Original Notice.

Title of Rule: Spokane County Air Pollution Control Authority Regulation I Article IX Standards for removal and disposal of asbestos containing material.

Purpose: To regulate the handling and disposal of asbestos, a hazardous air pollutant.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Summary: The new article places more stringent requirements on asbestos notification and will lower the

amount of asbestos that needs to be present before requiring notification and removal now specified under CFR 40 Part 61.

Reasons Supporting Proposal: Will reduce the amount of asbestos material present in the solid waste stream. Minimize handling at transfer site and incineration facilities. Reduce overall public exposure to asbestos.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ronald J. Edgar, West 1101 College Avenue, Room 230, Spokane, WA, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The new article is designed to reduce the amount of asbestos containing material now present in the solid waste stream. With the anticipated use of transfer stations and incineration exposure of refuse workers and the general public will increase if even small amounts of asbestos are left in the waste. This article will require the removal of asbestos from all types of building, including residential, when demolished unless other measures are taken to reduce exposure. Notification will be required for removal of smaller amounts of asbestos than required under CFR 40 Part 61. (NESHAP)

Proposal Changes the Following Existing Rules: This new rule will place more stringent requirement on notification and removal of asbestos material than currently found in CFR 40 Part 61 Subpart M. There will be no exclusion for residential building. The amount of asbestos requiring notification is reduced to amount greater than 3 linear meters, greater than 1 square meter or, greater than 1 cubic foot. All other requirements remain the same as under federal rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commissioner's Assembly Room, West 1116 Broadway Avenue, Spokane County Courthouse, Spokane, WA, on September 5, 1991, at 9:30 a.m.

Submit Written Comments to: Ronald J. Edgar, Spokane County Air Pollution Control Authority, West 1101 College Avenue, Room 230, Spokane, WA 99201, by September 4, 1991.

Date of Intended Adoption: October 10, 1991.

June 20, 1991

Ronald J. Edgar
 Chief of Technical Services

NEW SECTION

**REGULATION I, ARTICLE IX
 STANDARDS FOR REMOVAL AND DISPOSAL OF ASBESTOS-CONTAINING MATERIAL**

SECTION 9.01 PURPOSE

The Board of Directors of the Spokane County Air Pollution Control Authority recognizes that asbestos is a serious health hazard. Any asbestos fibers released into the air can be inhaled and can cause lung, cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board has therefore determined that any asbestos emitted to the ambient air is air pollution. Because of the seriousness of the health hazard, the Board of Directors has adopted this regulation to control

asbestos emissions from asbestos removal and demolition projects in order to protect the public health. In addition, the Board has adopted these regulations to coordinate with the EPA asbestos NESHAP (40 CFR Part 61, Subpart M), the OSHA asbestos regulation (29 CFR 1910) and the Washington Department of Labor & Industries asbestos regulations (WAC 296-62-07517 and WAC 296-65-001 through 045).

SECTION 9.02 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this article shall have the following meaning, general terms common with other articles as defined in article I, section 1.04, CFR 40 § 61.141 and terms specific to asbestos removal and encapsulation as defined below:

A. Adequately wet means sufficiently mix or penetrate with liquid to prevent the release of particulate. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions in not sufficient evidence of being adequately wet.

B. Asbestos-containing waste materials means any waste that contains regulated asbestos-containing material and materials contaminated with asbestos including disposable equipment and clothing.

C. Category I nonfriable asbestos-containing material (ACM) means asbestos-containing packing, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy.

D. Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

E. Cutting means to penetrate with a sharp-edged instrument and includes sawing.

F. Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

G. Emergency renovation operation means a renovation operation that was not planned but results form a sudden unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by nonroutine failures of equipment.

H. Facility means any institutional, commercial, public, industrial, or residential structure (including residential buildings having four or fewer dwelling units), installation, or building; and any active or inactive waste disposal site.

I. Facility component means any part of a facility including equipment.

J. Friable asbestos material means any material containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

K. Installation means any building or structure or any group of buildings of structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

L. Leak-tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

M. Nonfriable asbestos-containing material means any material containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

N. Nonscheduled renovation operation means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

O. Owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation or both.

P. Planned renovation operation means a renovation operations or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on experience.

Q. Qualified asbestos worker means a person who is certified as required under WAC 296-65-030 by the Washington State Department of Labor and Industries to undertake an asbestos project.

R. Regulated asbestos-containing material (RACM) means

1. Friable asbestos material,

2. Category I nonfriable ACM that has become friable,

3. Category I nonfriable ACM that has been subjected to sanding, grinding, cutting, or abrading, or

4. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this article.

S. Remove means to take out RACM or facility components that contain or are covered with RACM from a facility.

T. Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load supporting members are wrecked or taken out are demolitions.

U. Resilient floor covering means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy.

V. Strip means to take off RACM from any part of a facility or facility components.

W. Waste generator means any owner or operator of a source covered by this article whose act or process produces asbestos-containing waste material.

X. Waste shipment record means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

SECTION 9.03 STANDARDS FOR DEMOLITION AND RENOVATION.

A. Applicability. To determine which requirements of this section apply to the owner or operator of a demolition or renovation activity and prior to the start of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of paragraphs B. and C. of this section apply to each owner or operator of a demolition or renovation activity including the removal of RACM as follows:

1. In a facility (excluding residential buildings having less than four dwelling units) being demolished, all the requirements of paragraph B and C of this section apply, except as provided in paragraph A.4. of this section, if the amount of RACM is

a. At least 3 linear meters (10 linear feet) on pipes or at least than 1 square meter (11 square feet) on other facility components, or

b. at least than 1 cubic foot off facility components where the length or area could not be measured previously.

2. In a facility (excluding residential buildings having less than four dwelling units) being demolished, only the notification requirements of paragraph B.1., 2., 3.a. and d., and B.4.a. through g. and B.4.i. and p. of this section apply, if the combined amount of RACM is

a. less than 3 linear meters (10 linear feet) on pipes or less than 1 square meter (11 square feet) on other facility components, or

b. less than 1 cubic foot off facility components where the length or area could not be measured previously or there is no asbestos.

3. If the facility being demolished is a residential building having less than four dwelling units, all the requirements of paragraph B and C of this section apply, except as provided in paragraph A.4. of this section, if the amount of RACM is

a. At least 80 linear meters (260 linear feet) on pipes or at least than 15 square meters (160 square feet) on other facility components, or

b. at least than 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously, or

c. at least 15 square meters (160 square feet) of Category II nonfriable ACM remains in the facility and there is a high probability that the material will become crumbled, pulverized, or reduced to powder during demolition.

4. If the facility (excluding residential buildings having less than four dwelling units) is being demolished under an order of a State of local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, only the requirements of paragraphs B.1., B.2., B.3.c., B.4. except B.4.h., B.5., and C.4. through C.9. of this section apply.

5. In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of paragraph B and C of this section apply if the combined amount of RACM to be stripped, removed dislodged, cut, drilled or similarly disturbed is

a. At least 3 linear meters (10 linear feet) on pipes or at least than 1 square meter (11 square feet) on other facility components, or

b. at least than 1 cubic foot off facility components where the length or area could not be measured previously.

c. To determine whether paragraph A.5. of this section applies to planned renovation operations involving individual nonscheduled operations, predict the combined additive amount of RACM to be removed or stripped during the calendar year of January 1 through December 31.

d. To determine whether paragraph A.5. of this section applies to emergency renovation operations, estimate the combined amount of RACM to be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation.

B. Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

1. Provide to the Agency, written notice of intention to demolish or renovate.

2. Update notice, as necessary, including when the amount of asbestos affected changes by at least 20 percent.

3. Postmark or deliver the notice as follows:

a. At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would breakup, dislodge, or similarly disturb asbestos material), if the operation is described in paragraph A.1. and A.5. (except A.5.c. and A.5.d.) of this section. If the operation is described in paragraph A.2. of this section, notification is required 10 working days before demolition begins.

b. At least 10 working days before the end of the calendar year preceding the year for which notice is being given for renovations described in paragraph A.5.c. of this section.

c. As early as possible before, but not later than, the following working day if the operation is a demolition ordered according to paragraph A.4. of this section or, if the operation is a renovation described in paragraph A.5.d. of this section.

d. For asbestos stripping or removal work in a demolition or renovation operation, described in paragraphs A.1. and A.5. (except A.5.c. and A.5.d.) of this section, and for a demolition described in paragraph A.2. of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Control Officer as follows:

(1) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,

(a) Notify the Agency of the new start date by telephone as soon as possible before the original start date, and

(b) Provide the Agency with a written notice of the new start date as soon as possible before, and no later than, the original start date.

(2) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin on a date earlier than the original start date,

(a) Provide the Agency with a written notice of the new start date at least 10 working days before asbestos stripping or removal work begins.

(b) For demolition covered by paragraph A.2. of this section, provide the Agency written notice of a new start date at least 10 working days before starting demolition.

(3) In no event shall an operation covered by this paragraph begin on a date other than the date contained in the written notice of the new start date.

4. Include the following in the notice:

a. An indication of whether the notice is the original or a revised notification.

b. Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator.

c. Type of operation: demolition or renovation.

d. Description of the facility or affected part of the facility including size (square meters [square feet] and number of floors), age, and present and prior use of the facility.

e. Procedure, including analytical methods, employed to detect the presence of RACM and Category I and Category II nonfriable ACM.

f. Estimate of the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components. Also, estimate the amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition.

g. Location and street address (including building number or name and floor or room number, if appropriate), city, county, and state, of facility being demolished or renovated.

h. Scheduled starting and completion dates of asbestos removal work (or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material) in a demolition or renovation; planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period as described in paragraph A.5.c. of this section.

i. Scheduled starting and completion dates of demolition or renovation.

j. Description of planned demolition or renovation work to be performed and methods to be employed, including demolition or renovation techniques to be used and description of affected facility components.

k. Description of work practices and engineering controls to be used to comply with the requirements of this subpart, including asbestos removal and waste-handling emission control procedures.

l. Name and location of the waste disposal site where the asbestos-containing waste material will be deposited.

m. A certification that all workers are qualified asbestos workers certified as required by the Washington State Department of Labor & Industries.

n. For facilities described in paragraph A.4. of this section, the name, title, and authority of the State or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.

o. For emergency renovations described in paragraph A.5.d. of this section, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden.

p. Description of procedures to be followed in the event that unexpected RACM is found or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder.

q. Name, address, and telephone number of the waste transporter.

5. The information required in paragraph B.4. of this section must be reported using a form similar to that shown in Figure 1.

C. Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph A of this section, shall comply with the following procedures:

1. Remove all RACM from a facility being demolished or renovated before any activity begins that would breakup, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. RACM need not be removed before demolition if:

a. It is Category I nonfriable ACM that is not in poor condition and is not friable.

b. It is on a facility component that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition; or

c. It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and adequately wet at all times until disposed of.

d. It is Category II nonfriable ACM and the probability is low that the material will become crumbled, pulverized, or reduced to powder during demolition. If there is a high probability that the material will become crumbled, pulverized, or reduced to powder during demolition Category II nonfriable ACM need not be removed if:

(1) The facility is a residential building having less than four dwelling units, and

- (2) The debris is kept adequately wet at all times until disposal, and
- (3) Debris is disposed of directly to a landfill disposal site.
- (4) Debris must not be incinerated, and
- (5) Must not be handled or processed at a waste transfer station.

2. When the facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections:

- a. Adequately wet all RACM exposed during cutting or disjoining operation; and
- b. Carefully lowering each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

3. When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation.

a. In renovation operations, wetting is not required if:

(1) The owner operator has obtained prior written approval from the Agency based on a written application that wetting to comply with this paragraph would unavoidably damage equipment or present a safety hazard; and

(2) the owner or operator uses of the following emission control methods:

(a) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements of Section 9.05.

(b) A glove-bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.

(c) Leak-tight wrapping to contain all RACM prior to dismantlement.

b. In renovation operations where wetting would result in equipment damage or a safety hazard, and the methods allowed in paragraph C.3.a. of this section cannot be used, another method may be used after obtaining written approval from the Agency based upon a determination that is equivalent to wetting in controlling emissions or to the methods allowed in paragraph C.3.a. or this section.

c. A copy of the Agency's written approval shall be kept at the work site and made available for inspection.

4. After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections pursuant to paragraph C.2. of this section, it shall be stripped or contained in leak-tight wrapping, except as described in paragraph C.5. of this section. If stripped, either:

a. Adequately wet the RACM during stripping; or

b. Use a local exhaust ventilation and collection system designed and operated to capture the particle asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or be designed and operated with the requirements in Section 9.05.

5. For large facility components such as reactor vessels, large tanks, and steam generators, but not beams (which must be handled in accordance with paragraph C.2., 3. and 4. of this section), the RACM is not required to be stripped if the following requirements are met:

a. The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM.

b. The component is encased in a leak-tight wrapping.

c. The leak-tight wrapping is labeled according to 40 CFR § 61.149 (d)(1)(i), (ii), and (iii) during all loading and unloading operations and during storage.

6. For all RACM, including material that has been removed or stripped:

a. Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with CFR 40 § 61.150; and

b. Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

c. Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections.

d. RACM contained in leak-tight wrapping that has been removed in accordance with paragraphs C.4. and C.3.a.(2)(c) of this section need not be wetted.

7. When the temperature at the point of wetting is below 0°C (32°F):

a. The owner or operator need not comply with paragraph C.2.a. and wetting provisions of paragraph C.3. of this section.

b. The owner or operator shall remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible.

c. During periods when wetting operations are suspended due to freezing temperatures, the owner or operator must record the temperature in the area containing the facility components at the beginning, middle, and end of each work day and keep daily temperature records available for inspection by the Agency during normal business hours at the demolition or renovation site. The owner or operator shall retain the temperature records for at least 2 years.

8. No RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless conducted by a qualified asbestos worker.

9. For facilities described in paragraph A.4. of the section adequately the portion of the facility that contains RACM during the wrecking operation.

10. If a facility is demolished by intentional burning, all RACM including Category I and Category II nonfriable ACM must be removed in accordance with the NESHAP and this article before burning.

SECTION 9.04 STANDARDS FOR WASTE DISPOSAL

Each owner or operator of any source covered under section 9.03 shall comply with the following provisions:

A. Discharge no visible emissions to the outside air during the collection, handling, or transportation of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraph A.1. through 4. of this section.

1. Adequately wet asbestos-containing waste material as follows:

a. Mix control device asbestos waste to form a slurry; adequately wet other asbestos-containing waste material; and

b. Discharge no visible emissions to the outside air from collection, mixing, wetting, and handling operations, or use the methods specified by Section 9.05 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air; and

c. After wetting, seal all asbestos-containing waste material in leak-tight containers while wet; or, for materials that will not fit into containers without additional breaking, put material into leak-tight wrapping; and

d. Label containers or wrapped materials specified in paragraph A.1.c. of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.1001 (j)(2) or 1926.58 (k)(2)(iii). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

e. For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.

2. Process asbestos-containing waste materials into nonfriable forms as follows:

a. Form all asbestos-containing waste material into nonfriable pellets or other shapes;

b. Discharge no visible emissions to the outside air from collection and processing operations, including incineration, or use the method specified by Section 9.05 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

3. For facilities demolished where the RACM is not removed prior to demolition according to Section 9.03 C.1.a., b., c., and d. or for facilities demolished according to Section 9.03 C.9. adequately wet asbestos-containing waste materials at all times after demolition and keep wet during handling and loading for transport to a disposal site. Asbestos-containing waste materials covered by this paragraph do not have to be sealed in leak-tight containers or wrapping but may be transported and disposed of in bulk.

4. Use alternative emission control and waste treatment method that has received prior approval by the Agency according to the procedure described in 40 CFR § 61.149 (c)(2).

5. As applied to demolition and renovation, the requirements of paragraph A. of this section do not apply to Category I nonfriable ACM waste and Category II nonfriable ACM waste that has not become crumbled, pulverized, or reduced to powder.

B. All asbestos-containing waste material shall be deposited as soon as practical by the waste generator at:

1. A waste disposal operated in accordance with the provisions of Section 9.06, or
2. An EPA-approved site that converts RACM and asbestos containing waste material into nonasbestos (asbestos-free) material according to the provisions of 40 CFR § 61.155.
3. The requirements of paragraph B. of this section do not apply to Category I nonfriable ACM that is not RACM.
- C. Mark vehicles used to transport asbestos-containing waste material during loading and unloading of waste so that the signs are visible. The markings must conform to the requirements of 40 CFR § 61.149 (d)(1) (i), (ii), and (iii).

- D. For all asbestos-containing waste material transported off the facility site:
 1. Maintain waste shipment records, using a form similar to that shown in Figure 2, and include the following information:
 - a. The name, address, and telephone number of the waste generator.
 - b. The name and address of the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program.
 - c. The approximate quantity in cubic meters (cubic yards).
 - d. The name and telephone number of the disposal site operator.
 - e. The name and physical site location of the disposal site.
 - f. The date transported.
 - g. The name, address, and telephone number of the transporter(s).
 - h. A certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.
 2. Provide a copy of the waste shipment record, described in paragraph D.1. of this section, to the disposal site owners or operators at the same time as the asbestos-containing waste material is delivered to the disposal site.
 3. For waste shipments where a copy of the waste shipment record, signed by the owner or operator of the designated disposal site, is not received by the waste generator within 35 days of the date the waste was accepted by the initial transporter, contact the transporter and or the owner or operator of the designated disposal site to determine the status of the waste shipment.
 4. Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. Include in the report the following information:
 - a. A copy of the waste shipment record for which a confirmation or delivery was not received, and
 - b. A cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and results of those efforts.
 5. Retain a copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, for a least 2 years.

E. Furnish upon request, and make available for inspection by the Agency, all records required under this section.

SECTION 9.05 AIR CLEANING

- A. The owner or operator who uses air cleaning, as specified in this article shall:
 1. Use a HEPA filter that is certified to be at least 99.97 percent efficient for 0.3 micron particles.
 2. The Agency may authorize the use of filtering equipment other than described in paragraph A.1. of this section if the owner or operator demonstrates to the Agency's satisfaction that it is equivalent to the described equipment in filtering particulate asbestos material.

SECTION 9.06 STANDARDS FOR WASTE DISPOSAL SITES.

- Each owner or operator of a waste disposal site that receives asbestos-containing waste material from a source covered under sections 9.03 and 9.04 shall meet the requirements of this section.
- A. Either there must be no visible emissions to the outside air from any active waste disposal site where asbestos containing waste material has been deposited, or the requirements of paragraph C. and D. of this section must be met.
 - B. Unless a natural barrier adequately deters access by the general public, either warning signs and fencing must installed and maintained as follows, or the requirements of paragraph C.1. of this section must be met.
 1. Warning signs must be displayed at all entrances and at intervals of 100 meters (330 ft) or less along the property line of the site where asbestos-containing waste material is deposited. The warning signs must:
 - a. Be posted in such a manner and location that a person can easily read the legend; and
 - b. Conform to the requirements of 51 cm X 36 cm (20" X 14") upright format signs specified in 29 CFR 1910.145 (d)(4) and this paragraph; and
 - c. Display the following legend in the lower panel with letter sizes and styles of a visibility equal to those specified in this paragraph.

Legend	Notation
Asbestos Waste Disposal Site.	2.5 cm (1 inch) Sans serif, Gothic, or Block.
Do Not Create Dust.....	1.9 cm (3/4 inch) Sans serif, Gothic, or Block.
Breathing Asbestos is Hazardous to Your Health.	14 point Gothic.

2. Spacing between any two lines must be at least equal to the height of the upper of the two lines.
3. The perimeter of the disposal site must be fenced in a manner adequate to deter access by the general public.
4. Upon request and supply of appropriate information, the Agency will determine whether a fence or a natural barrier adequately deters access by the general public.

C. Rather than meet the no visible emission requirement of paragraph A. of this section, at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous 24-hour period shall:

1. Be covered with at least 15 centimeters (6 inches of compacted nonasbestos-containing material, or
2. Be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. Such an agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturer to achieve and maintain dust control. Other equally effective dust suppression agents may be used upon prior approval by the Agency. For the purposes of this paragraph, any used, spent, or other waste oil in not considered a dust suppression agent.

D. Rather than meet the no visible emission requirements of paragraph A. of this section, use an alternative emissions control method that has received prior written approval by the Agency according to 40 § CFR 61.149 (c)(2).

E. For all asbestos-containing waste material received, the owner or operator of the waste disposal site shall:

1. Maintain waste shipment records, using a form similar to that shown in Figure 1. and include the following information:
 - a. The name, address, and telephone number of the waste generator.
 - b. The name, address, and telephone number of the transporter(s). (cubic yards).
 - c. The quantity of the asbestos-containing waste material in cubic meters.
 - d. The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the waste shipment record along with the report.
 - e. The date of receipt.
 2. As soon as possible and no longer than 30 days after the receipt of the waste, send a copy of the signed waste shipment record to the waste generator.
 3. Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the

waste, immediately report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report.

4. Retain a copy of all records and reports required by this paragraph for at least 2 years.

F. Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

G. Upon closure, comply with all the provisions of 40 CFR § 61.151.

H. Submit to the Agency, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities.

I. Furnish upon request, and make available during normal business hours for inspection by the Agency, all records required under this section.

J. Notify the Agency in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. IF the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Agency at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

1. Scheduled starting and completion dates.
2. Reason for disturbing the waste.
3. Procedures to be used to control emissions during the excavation, storage, transportation, and ultimate disposal of the excavated asbestos-containing waste material. If deemed necessary, the Agency may require changes in the emission control procedures to be used.
4. Location of any temporary storage site and the final disposal site.

SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY
 W 1101 COLLEGE AVENUE, ROOM 230
 SPOKANE, WASHINGTON 99201
 (509) 456-4727 FAX #: (509) 459-6828

NOTIFICATION OF DEMOLITION AND RENOVATION

Operator Project #	Postmark	Date Received	Notification #	
I. TYPE OF NOTIFICATION (O=Original R=Revised C=Cancelled):				
II. FACILITY INFORMATION (Identify owner, removal contractor, and other operator)				
OWNER NAME:				
Address:				
City:	State:	Zip:		
Contact:	Tel:			
REMOVAL CONTRACTOR:				
Address:				
City:	State:	Zip:		
Contact:	Tel:			
OTHER OPERATOR:				
Address:				
City:	State:	Zip:		
Contact:	Tel:			
III. TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emer.Renovation):				
IV. IS ASBESTOS PRESENT? (Yes/No)				
V. FACILITY DESCRIPTION (Include building name, number and floor or room number)				
Bldg. Name:				
Address:				
City:	State:	Zip:		
Site Location:				
Building Size:	# of Floors:	Age in Years:		
Present Use:		Prior Use:		
VI. PROCEDURE, INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL:				
VII. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING:				
1. Regulated ACM to be removed 2. Category I ACM Not Removed 3. Category II ACM Not Removed	RACM To Be Removed	Nonfriable Asbestos Material Not To Be Removed		Indicate Unit of Measurement Below
		Cat I	Cat II	
Pipes				LnFt: Lm m:
Surface Area				SqFt: Sq m:
Vol RACM Off Facility Component				CuFt: Cu m:
VIII. SCHEDULED DATES ASBESTOS REMOVAL (MM/DD/YY) Start:			Complete:	
IX. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start:			Complete:	

Continued on page two

Figure 1.

Form ASB1-5/13/91

Spokane County Air Pollution Control Authority
 NOTIFICATION OF DEMOLITION AND RENOVATION (continued)

X. DESCRIPTION OF PLANNED DEMOLITION OF RENOVATION WORK, AND METHOD(S) TO BE USED:		
XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:		
XII. WASTE TRANSPORTER #1		
Name:		
Address:		
City:	State:	Zip:
Contact Person:	Telephone:	
WASTE TRANSPORTER #2		
Name:		
Address:		
City:	State:	Zip:
Contact Person:	Telephone:	
XIII. WASTE DISPOSAL SITE		
Name:		
Address:		
City:	State:	Zip:
Telephone:		
XIV. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:		
Name:	Titles:	
Authority:		
Date of Order (MM/DD/YY):	Date Ordered to Begin (MM/DD/YY):	
XV. FOR EMERGENCY RENOVATIONS		
Date and Hour of Emergency (MM/DD/YY):		
Description of the Sudden, Unexpected Event:		
Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:		
XVI. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLER, PULVERIZED, OR REDUCED TO POWDER.		
XVII. I CERTIFY THAT ALL WORKERS ARE QUALIFIED ASBESTOS WORKERS, CERTIFIED AS REQUIRED BY THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES. EVIDENCE OF THE REQUIRED CERTIFICATION WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.		
_____ (Signature of Owner/Operator)		_____ (Date)
XVIII. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.		
_____ (Signature of Owner/Operator)		_____ (Date)

Figure 1. (continued)

Asbestos Waste Shipment Record

G E N E R A T O R	1. Work site name and mailing address		Owner's name	Owner's telephone no.
	2. Operator's name and address			Operator's telephone no.
	3. Waste disposal site (WDS) name, mailing address, and physical site location.			WDS telephone no.
	4. Name, and address of responsible agency			
	5. Description of materials		6. Containers No. Type	7. Total quantity m3 (yd3)
	8. Special handling instructions and additional information			
	9. OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.			
	Printed/typed name & title		Signature	Month Day Year
	T R A N S P O R T E R	10. Transporter 1 (Acknowledgment of receipt of materials)		
Printed/typed name & title		Signature	Month Day Year	
Address and telephone no.				
11. Transporter 2 (Acknowledgment of receipt of materials)				
Printed/typed name & title		Signature	Month Day Year	
Address and telephone no.				
D I S P O S A L	12. Discrepancy indication space			
	13. Waste disposal site owner or operator: Certification of receipt of asbestos materials covered by this manifest except as noted in item 12.			
	Printed/typed name & title		Signature	Month Day Year

Figure 2.

Form WSR-5\13\91

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 91-15-001
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 579—Filed July 5, 1991, 9:45 a.m.]

Date of Adoption: July 5, 1991.

Purpose: Establish regions of extra fire hazard which are closed to entry due to the condition of the forest slash.

Statutory Authority for Adoption: RCW 76.04.305.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Certain areas of the state are particularly exposed to fire danger due to the continuous acres of slash. In order to prevent a fire from starting whereby lives and property would be at risk, it is necessary to post these lands as closed to entry.

Effective Date of Rule: Immediately.

July 5, 1991
Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-010 SOUTHWEST REGION CLOSURES: Cowlitz County: Township 8 North, Range 3 East, W.M.,: Part of SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ Section 20; Part of SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; SW $\frac{1}{4}$ Section 28; Part of NE $\frac{1}{4}$; NW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ Section 29, Part of SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31; Part of N $\frac{1}{2}$; SE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32; Part of NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33; Part of NW $\frac{1}{4}$ Section 34.

Clark County: Township 5N, Range 4E: All Section 1; All Section 2; S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ Section 3; Part SW $\frac{1}{4}$, Part of SE $\frac{1}{4}$ Section 4; Part SE $\frac{1}{4}$ Section 5; Part SE $\frac{1}{4}$ Section 8; All Section 9; All Section 10; All Section 11; All Section 12; All Section 13; All Section 14; All Section 15 except W $\frac{1}{2}$ SW $\frac{1}{4}$; All Section 16; All Section 17; Part SW $\frac{1}{4}$, Part SE $\frac{1}{4}$ Section 18; All Section 19; All Section 20; All Section 21; All Section 22; All Section 23; All Section 24; All Section 25; All Section 26; All Section 27; All Section 28; All Section 29; All Section 30; All Section 31; All Section 32; All Section 33; All Section 34; All Section 35; All Section 36. Township 5N, Range 3E: Part SE $\frac{1}{4}$ Section 25; Part E $\frac{1}{2}$ Section

36. Township 4N, Range 4E: All Section 1; All Section 2; All Section 3; All Section 4; All Section 5; All Section 6; All Section 7; All Section 8; All Section 9; All Section 10; All Section 11; All Section 12; All Section 13; All Section 14; All Section 15; All Section 16; All Section 17 except E $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$, Part NW $\frac{1}{4}$; Part SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18; Part NE $\frac{1}{4}$ Section 20; N $\frac{1}{2}$ Section 21; N $\frac{1}{2}$ N $\frac{1}{2}$ Section 22, Part N $\frac{1}{2}$ N $\frac{1}{2}$ Section 23; Part N $\frac{1}{2}$ N $\frac{1}{2}$ Section 24. Township 4N Range 3E: Part E $\frac{1}{2}$ Section 12.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the region, and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight Friday, July 5, 1991 to midnight Thursday, October 3, 1991.

NEW SECTION

WAC 332-26-020 OLYMPIC REGION CLOSURES GRAYS HARBOR COUNTY: Township 17 North, Range 8 West: All Section 6; All Section 5; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 4; NE $\frac{1}{4}$ Section 7; W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8. Township 17 North, Range 9 West: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2; NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3. Township 18 North, Range 8 West: W $\frac{1}{2}$ W $\frac{1}{2}$ Section 6; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7; W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18; W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19; SW $\frac{1}{4}$ Section 29; All of Sections 19, 30, 31 and 32. Township 18 North, Range 9 West: E $\frac{1}{2}$ Section 1; E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, All of Sections 13 & 14; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16; Parts of the NE $\frac{1}{4}$ Section 21; All but the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22; All Section 23; All of Sections 24, 25 and 26; E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27; All Section 35; N $\frac{1}{2}$, SE $\frac{1}{4}$ Section 36. Township 18 North, Range 10 West: W $\frac{1}{2}$ of Section 1; All Section 10; NE $\frac{1}{4}$ Section 11; NW $\frac{1}{4}$ Section 12; All Section 13; NE $\frac{1}{4}$ Section 14; All of Sections 15, 16, 17, and 35. Township 19 North, Range 8 West: N $\frac{1}{2}$ Section 5; SW $\frac{1}{4}$ Section 31. Township 19 North, Range 10 West: All of Sections 9 and 10. Township 20 North, Range 8 West: SW $\frac{1}{4}$ Section 28; N $\frac{1}{2}$ Section 32.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area, and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above-described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight Friday, July 5, 1991, to midnight, Thursday, October 3, 1991.

NEW SECTION

WAC 332-26-040 CENTRAL REGION CLOSURES Grays Harbor County: Township 16 North, Range 6 West: part of the N $\frac{1}{2}$ lying north of the L1800 road and the L Line Section 2. Township 17 North, Range 6 West: part of the S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of the Delezene county road Section 23; E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of the Elton Creek tributary Section 25; SW $\frac{1}{4}$, Part of the SE $\frac{1}{4}$ lying NW of the L line, part of the NE $\frac{1}{4}$ lying SE of the Delenze county road, part of the NW $\frac{1}{4}$ lying SE of the Delenze county rd Section 26; part of the E $\frac{1}{2}$ E $\frac{1}{2}$ lying SE of the Delenze county road and SE of the L1800 road Section 27; part of the W $\frac{1}{2}$ E $\frac{1}{2}$ lying NW of the L Line, part of the W $\frac{1}{2}$ lying east of the Delenze Creek Section 35; SW $\frac{1}{4}$, NW $\frac{1}{4}$ except the part lying east of the Eaton Creek tributary, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36. Township 18 North, Range 4 West: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 4; part of the N $\frac{1}{2}$ S $\frac{1}{2}$, part of the N $\frac{1}{2}$ Section 5; NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6; part of the NE $\frac{1}{4}$ lying SW of the 2880 road, part of the E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9; part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10. Township 21 North Range 7 West: part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ lying east of the 6875 road Section 24, part of the N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ lying west of the 500 road, part of the SE $\frac{1}{4}$ lying west of the 6875 road, NE $\frac{1}{4}$ except SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$, part of the N $\frac{1}{2}$ NW $\frac{1}{4}$ lying south of the 500 road Section 25, part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26.

Lewis County: Township 13 North Range 3 East: all Section 1; part of E $\frac{1}{2}$ lying east of N. Fork River Section 11; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26.

Township 14 North Range 2 East: all Section 23; all Section 24. Township 14 North Range 3 East: all Section 4; all Section 5; all Section 7; all Section 8; all Section 9; all Section 10; all Section 11; all Section 12; all Section 13; all Section 14; all Section 15; all Section 16; all Section 17; all Section 18; all Section 19; all Section 20; all Section 21; all Section 23; all Section 25; all Section 27; N $\frac{1}{2}$ Section 29; all Section 33; all Section 35. Township 14 North Range 5 East: part of W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying west of Mineral Creek Section 2; W $\frac{1}{2}$, NE $\frac{1}{4}$, part of SE $\frac{1}{4}$ lying NW of the City of Tacoma RR tracks Section 3; part of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying SE of Mineral county road Section 8; part of S $\frac{1}{2}$ lying S of Roundtop Creek Section 9; all except NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16; E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17; W $\frac{1}{2}$, NE $\frac{1}{4}$ Section 18; all Section 19; W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; W $\frac{1}{2}$, that portion of the E $\frac{1}{2}$ that lies W of Hwy 7 Section 29.

Pacific County: Township 11 North Range 7 West: All Section 5; N $\frac{1}{2}$ Section 6. Township 12 North Range 7 West: S $\frac{1}{2}$ Section 29; S $\frac{1}{2}$ Section 30; all Section 31; all Section 32.

Thurston County: Township 15 North Range 1 West: S $\frac{1}{2}$ Section 16; part of S $\frac{1}{2}$ NE $\frac{1}{4}$ lying S of Tono Rd., part of SE $\frac{1}{4}$ lying E of Tono Rd Section 17; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, part of SW $\frac{1}{4}$ lying E of Tono Rd, SE $\frac{1}{4}$ except S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, W $\frac{1}{2}$ Section 22. Township 15 North Range 2 West: W $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2; all except S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, all except SE $\frac{1}{4}$ Section 4; part of S $\frac{1}{2}$ NW $\frac{1}{4}$, part NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 5; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6; NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ Section 8; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9; W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11. Township 16 North Range 1 West: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 35.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area, and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the points.

For protection of the above-described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight Friday, July 5, 1991 to midnight Thursday, October 3, 1991.

Reviser's note: The spelling errors in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 332-26-050 NORTHWEST REGION CLOSURES WHATCOM COUNTY: Township 41 North, Range 6 East: S½ SW¼, SE¼ Section 33. Township 40 North, Range 6 East: All of Section 4; SW¼ SW¼ Section 9. Township 38 North, Range 4 East: SW¼ Section 9. Township 37 North, Range 3 East: S½ SW¼, SW¼ SE¼ Section 27; SW¼, S½ SE¼ Section 28; E½ Section 29; E½ Section 32; W½, W½ E½, NE¼ NE¼ Section 33; E½, N½ NW¼ Section 34; W½ Section 35. Township 37 North, Range 6 East: All of Section 29 except for SW¼, NW¼; E½ E½ of Section 32; All of Section 33. Township 37 North, Range 7 East: W½, W½ SE¼ Section 2; SW¼ Section 8; E½ NE¼, E½ SE¼ Section 10; NW¼, NW¼ NE¼ SW¼ Section 11; NW¼ Section 13; NW¼, SE¼, N½ NE¼ Section 14; E½ NE¼ Section 15; NE¼, N½ NW¼ Section 17; SW¼ Section 19; E½ NW¼ Section 23.

SKAGIT COUNTY: Township 33 North, Range 4 East: SE¼ NE¼, SW¼ NE¼, SE¼ NW¼, SE¼ SW¼, SE¼ Section 10; NE¼, SW¼ SE¼ Section 11; NW¼ SW¼ Section 12; All of Section 13; NE¼, N½ NW¼, W½ SW¼, SE¼ SW¼, E½ SE¼ Section 14; N½ N½, SE¼ Section 15; NE¼, N½ SE¼ Section 22; NE¼, NW¼, N½ S½, N½ SW¼ SE¼, SE¼, SE¼ Section 23; N½, N½ SW, SW¼ SW¼ Section 24. Township 33 North, Range 5 East: SW¼ NE¼, NW¼ Section 19. Township 34 North, Range 9 East: S½ SE¼ Section 13, All of Section 24, All of Section 25, All of Section 36. Township 34 North, Range 10 East: SW¼ Section 19; W½ Section 31; N½ NE¼ Section 6; All of Section 14; E½ Section 23; All of Section 24. Township 35 North, Range 6 East: W½ SW¼ Section 5; N½ S½ Section 6. Township 35, Range 7 East: N½, N½ S½ Section 19; N½ SW¼, W½ SE¼, S½ N½ Section 20. Township 35 North, Range 8 East: S½ Section 26; S½, S½ N½ Section 27; S½, S½ NE¼ SE¼ NW¼ Section 28; S½ Except NW¼ SW¼, SE¼ NW¼ Section 32; All of Section 33; All of Section 34; All of Section 35. Township 35 North, Range 10 East: S½, SW¼ NE¼, SE¼ NW¼ South of the Rockport-Cascade Road Section 26; S½ SE¼ South of the Rockport-Cascade Road Section 27; N¼ NE¼ Section 34. Township 36 North, Range 5 East: NE¼ NW¼, N½ NE¼ Section 3; SE¼ Section 30. Township 36 North, Range 6 East: All of Section 1 except for the SE¼; All of Section 2; All of Section 3; E½ of Section 4; SW¼ Section 7; N½ of Section 9; N½ of Section 10; SE¼ & S½, NW¼ Section 17; SE¼ Section 24; N½ NE¼ Section 25; NW¼ NE¼, SE¼ SE¼, S½ NW¼ Section 29; S½ SW¼ Section 33.

SNOHOMISH COUNTY: Township 29 North, Range 7 East: End of County Road NE¼ Section 33; End of County Road SW¼ NE¼ Section 26; Spur #1100 NE¼ SW¼ Section 24; Spur #1150 NE¼ NW¼ Section 24; Spur #400 NW¼ SW¼ Section 13; Spur 1 & 2 SE¼ NW¼, NE¼ SW¼ Section 13; T2000 Main Line NE¼ NW¼ Section 13.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area, and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the points.

For protection of the above-described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight Friday, July 5, 1991 to midnight Thursday, October 3, 1991.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 332-26-060 SOUTH PUGET SOUND REGION CLOSURES. King County: Township 26 North, Range 9 East: S½, Section 10, S½, Section 11; S½, Section 12; All Section 13; All section 14; All Section 15; N½, Section 22; N½, Section 23; N½ Section 24. Township 24 North, Range 9 East: All Section 23; All Section 24; All Section 25; All Section 26; All Section 27. Township 23 North, Range 9 East: All Section 3; All Section 9; All Section 10. Township 20 North, Range 8 East: E½SE¼, Section 10; All of Section 11; Part of the NE¼, Part of the NW¼, All of the SW¼, Part of the SE¼, Section 12; All Section 13; All Section 14; NE¼, Section 22; All Section 23 and 24. Township 20 North, Range 10 East: All Section 31, All Section 33. Township 19 North, Range 11 East: All Section 19; All Section 21. Township 19 North, Range 10 East: All Section 1; All Section 7; All Section 9; All Section 11; All Section 13; All Section 15; All Section 17; N½, Section 19; N¼, Section 21; N½, Section 23. Township 19 North, Range 9 East: All Section 1; All Section 12; Part Section 13.

Mason County: Township 19 north, Range 4 West: Section 31, Section 32, south of S.R. 108; S¾, Section 33. Township 21 north, Range 6 West: S½, Section 18; NW¼, NE¼, W½, Section 19 NW¼, Section 30.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the region, and to radio and television stations serving the region specifying the date

and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

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Effective from midnight, Friday, July 5, 1991 to midnight, Thursday, October 3, 1991.

WSR 91-15-002
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3202—Filed July 5, 1991, 9:49 a.m., effective July 6, 1991, 12:01 a.m.]

Date of Adoption: July 5, 1991.

Purpose: The purpose of this rule change is to implement a law just passed by the Washington state legislature, which requires applicants for the general assistance unemployable (GAU) program to be unable to work due to a mental or physical impairment for at least ninety days.

Citation of Existing Rules Affected by this Order: Amending WAC 388-37-030, 388-37-038, and 388-37-115.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The reason this rule change is necessary is to implement SB 5959.

Effective Date of Rule: July 6, 1991, 12:01 a.m.

July 5, 1991

Dewey Brock

for Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3045, filed 8/1/90, effective 9/1/90)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other

eligibility is established, the department shall grant continuing general assistance to the following:

(1) Incapacitated persons. As used in this section, an incapacitated person shall mean a person physically, emotionally, or mentally unable to work as a result of a condition expected to continue for ((sixty)) ninety days or more from date of application, except as provided under WAC 388-37-038 (1) and (2). A person incapacitated by alcoholism or drug addiction is not included in this definition, but an alcoholic or drug addict incapacitated due to other mental or physical conditions may be eligible for general assistance. Incapacity refers to a person's capacity to earn income by employment. A person's incapacity does not refer to the availability or lack of job opportunities.

(a) Eligible persons are:

(i) An incapacitated single person eighteen years of age or older;

(ii) A married couple if both persons are incapacitated; or

(iii) The incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described under WAC 388-28-500 (1)(a) and (b).

(b) An incapacitated person shall accept and follow through on required available medical treatment, which is reasonably expected to render the person able to work, unless there is good cause for failure to do so.

The department shall make the "good cause" determination based on the criteria under WAC 388-37-037(5).

(c) An incapacitated person may also receive medical services provided under the state-financed medical care services program as defined under WAC 388-86-120.

(2) Pregnant women who are:

(a) Income and resource eligible for the aid to families with dependent children program; and

(b) In their first or second trimester of pregnancy; or

(c) Members of a two-parent household during a time when the aid to dependent children-employable (AFDC-E) program is in effect, but do not meet categorical eligibility for AFDC-E. These women may receive a continuing general assistance grant for the duration of their pregnancy.

(3) Effective June 7, 1990, women:

(a) Relinquishing a child for adoption; and

(b) Receiving general assistance under WAC 388-37-030(2); or

(c) Losing AFDC or FIP eligibility because an eligible child does not reside in the household; and

(d) Whose assistance granted under subsection (3) of this section is limited to six weeks beginning with the date of birth of the child.

AMENDATORY SECTION (Amending Order 2525, filed 8/21/87)

WAC 388-37-038 INCAPACITY—WAIVER OF MEDICAL DOCUMENTATION. (1) Incapacity will be considered to be established without medical documentation when the person:

(a) Has been determined to be eligible for any benefits based on Social Security Administration disability criteria;

(b) Is eligible for services from the division of developmental disabilities;

(c) Is sixty-five years of age or older.

(2) Incapacity will be considered established for a period of ((sixty)) ninety days without a psychiatric/psychological evaluation when the person is being released from inpatient psychiatric treatment and is participating in direct treatment services to meet his or her mental health needs as described in WAC 275-56-015(17), with the exception of:

(a) Clients admitted under the Involuntary Treatment Act (ITA), who are subsequently released without participating in direct treatment services;

(b) Clients voluntarily admitted to a psychiatric hospital or the psychiatric ward of a general hospital for evaluation and diagnosis only, who are released without participating in direct treatment services;

(c) Clients voluntarily admitted to a psychiatric hospital or the psychiatric ward of a general hospital for an acute, short-term episode, who are released without participating in direct treatment services; and

(d) Clients who leave ongoing inpatient psychiatric treatment against medical advice.

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-115 PROGRESSIVE EVALUATION PROCESS STEP I—REVIEW OF MEDICAL DOCUMENTATION. The department will review medical documentation prior to making a determination of incapacity in order to insure the following requirements have been met:

(1) The medical report must contain sufficient information on which to determine incapacity per WAC 388-37-035(2). If the information received is not sufficient to determine incapacity, the department can require complete information before any incapacity decision is made.

(2) The medical report must be a written report from an authorized medical professional.

(3) The impairment(s) must be expected to last at least ((sixty)) ninety days from the date of application.

(4) The medical report must document the existence of a potentially incapacitating condition.

WSR 91-15-003
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed July 5, 1991, 1:59 p.m.]

Original Notice.

Title of Rule: See Recodification Sections below.

Purpose: A housekeeping action to transfer rules to Title 246 WAC.

Statutory Authority for Adoption: RCW 43.70.040.

Summary: This rule action changes only the WAC numbers, not the text of the rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leslie Baldwin, 1300 S.E. Quince Street, Olympia, WA 98504, 586-6894.

Name of Proponent: Department of Health, government.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The 1981 legislature created the Department of Health. This action moves the related rules to a Department of Health title.

Proposal Changes the Following Existing Rules: Changes numbers.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington, on August 27, 1991, at 8:45 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 S.E. Quince Street, Mailstop EY-16, Olympia, WA 98504, by August 26, 1991.

Date of Intended Adoption: August 27, 1991.

July 1, 1991
 Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

RECODIFICATION SECTION

The following section is being recodified:

WAC 360-12-128 as WAC 246-863-080

RECODIFICATION SECTION

The following sections are being recodified as chapter 246-907 WAC:

		Chapter 246-907 WAC
		Pharmaceutical licensing periods and fees
360-18-010	as	246-907-020
360-18-020	as	246-907-030
360-18-025	as	246-907-040

WSR 91-15-004
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Nursing)
 [Filed July 5, 1991, 2:02 p.m.]

Original Notice.

Title of Rule: WAC 246-839-105 Brief adjudicative proceedings, adopts brief hearings process outlined in Administrative Procedure Act for hearings related to denial of licensure on the basis of failure to meet education, experience, or examination prerequisites.

Purpose: To allow for timely and efficient management of such hearings.

Other Identifying Information: Refers to chapter 34.05 RCW, Administrative Procedure Act.

Statutory Authority for Adoption: RCW 18.88.080.

Statute Being Implemented: RCW 18.130.150.

Summary: This rule allows the board to conduct brief adjudicative hearings for matters related to denial of licensure on the basis of failure to meet education, experience, or examination prerequisites.

Reasons Supporting Proposal: Full hearings process is not required for such matters and board calendar for full hearings causes untimely delay of hearings related to denial of licensure.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia O. Brown, 1300 S.E. Quince, EY-27; Olympia, 3-2686.

Name of Proponent: Board of Nursing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule allows for brief hearing process for specified administrative matters, so that applicants can receive a timely hearing. Would assist in alleviating workload of full board.

Proposal Changes the Following Existing Rules: Currently full board of quorum required for all hearings. This change allows for abbreviated process as detailed above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac, WA, on September 13, 1991, at 1 p.m.

Submit Written Comments to: Patricia O. Brown, RN, MSN, Board of Nursing, 1300 Quince, EY-27, Olympia, WA 98504, by August 15, 1991.

Date of Intended Adoption: September 13, 1991.

June 21, 1991

Patricia O. Brown, RN, MSN
Executive Secretary

responsibilities related to cancer case identification; data collection; frequency and format for reporting; data quality assurance; and access and release of information.

Name of Agency Personnel Responsible for Drafting: Mary LeMier, Office of Registries, ET-15, 586-4524; **Implementation and Enforcement:** Dessie Levias, Office of Registries, ET-15, 586-4524.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes criteria and procedures for identifying and reporting diagnosed cancer cases, and standards for information access and release. It defines a "reportable cancer case" and identifies contractor and health care facility responsibilities related to cancer case identification; data collection; frequency and format for reporting; data quality assurance; and access and release of information.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The affected groups do not meet small business tests outlined in chapters 19.85 and 43.31 RCW.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington, on August 27, 1991, at 9:00 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 S.E. Quince Street, Olympia, WA, by August 26, 1991.

Date of Intended Adoption: September 3, 1991.

July 2, 1991

Pam Campbell Mead
for Kristine M. Gebbie
Secretary

NEW SECTION

WAC 246-839-105 BRIEF ADJUDICATIVE PROCEEDINGS — DENIALS BASED ON FAILURE TO MEET EDUCATION, EXPERIENCE, OR EXAMINATION PREREQUISITES FOR LICENSURE. The board adopts RCW 34.05.482 and RCW 34.05.485 through RCW 34.05.494 for adjudicative proceedings requested by applicants, who are denied a license under chapter 18.88 RCW or chapter 308-120 WAC for failure to meet the education, experience, or examination prerequisites for licensure. The sole issue at the adjudicative proceeding shall be whether the applicant meets the education, experience, and examination prerequisites for the issuance of a license.

WSR 91-15-005
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed July 5, 1991, 2:04 p.m.]

Original Notice.

Title of Rule: Cancer reporting, chapter 246-430 WAC.

Purpose: Establishes criteria and procedures for identifying and reporting diagnosed cancer cases, and standards for information access and release.

Statutory Authority for Adoption: RCW 70.54.240.

Summary: This rule defines a "reportable cancer case" and identifies contractor and health care facility

Chapter 246-430 WAC
CANCER REPORTING

NEW SECTION

WAC 246-430-001 PURPOSE. The purpose of this chapter is to establish department rules implementing RCW 70.54.230, 70.54.240, 70.54.250, 70.54.260, and 70.54.270 including criteria and procedures for identifying and reporting diagnosed cancer cases, and standards for information access and release.

NEW SECTION

WAC 246-430-010 DEFINITIONS. For the purpose of RCW 70.54.230, 70.54.240, 70.54.250, 70.54.260, 70.54.270, and this chapter, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise:

(1) "Attending health care provider" means the physician or other health professional who ordered the diagnostic procedure confirming a cancer diagnosis.

(2) "Cancer case" means any or all of the following:

(a) Any malignant neoplasm, with the exception of basal and squamous cell carcinoma of the skin;

(b) Basal and squamous cell carcinoma of the external genital organ sites (vulva, labia, clitoris, prepuce, penis, scrotum);

(c) All brain tumors;

(d) Ovarian tumor of borderline or low malignant potential;

(e) Cancer in situ.

(3) "Cancer diagnosis or treatment facilities" means hospitals, surgical centers, outpatient radiation therapy centers, doctors offices, and any other facilities where cancer cases are diagnosed or treated.

(4) "Confidential information" means any information collected by contractors which could lead to the identification of cancer patients,

cancer diagnosis or treatment facilities, independent clinical laboratories, or attending health care providers.

(5) "Contractors" means agencies designated by contract with the department of health to perform activities related to identification, collection, and processing of cancer data.

(6) "Department" means the Washington state department of health.

(7) "Designees" means hospital-based tumor registrars, contractor employees, or other persons designated by contractors to perform data collection activities.

(8) "Independent clinical laboratories" means free-standing medical test sites.

(9) "In situ" means tumors described as "in situ" by the pathologist reading the diagnostic report(s).

(10) "Reportable cancer case" means any cancer case diagnosed in a Washington state resident on or after the effective date of these rules.

(11) "Resident" means an individual residing in Washington state at time of cancer diagnosis.

(12) "Stage of disease" means a cancer classification system encompassing attributes of a tumor as determined and described by:

(a) Summary Staging Guide, Cancer Surveillance Epidemiology and End-Results Reporting (SEER), SEER Program, April, 1977; and

(b) Manual for Staging of Cancer, 3rd Edition, American Joint Committee on Cancer, (AJCC), 1988.

(13) "State cancer registry" means the state-wide cancer data base maintained by the office of registries, division of health information, department of health.

(14) "State cancer registry contract" means the legal agreement by which contractors are authorized to obtain information on reportable cancer cases. It also means the document specifying the contractors' obligations to the state cancer registry with respect to how and when information is collected, processed, and provided and how quality assurance standards are met.

NEW SECTION

WAC 246-430-020 CANCER CASE IDENTIFICATION. (1) Contractors shall identify:

(a) Reportable cancer cases diagnosed or treated in hospitals, surgical centers, and outpatient radiation therapy centers; and

(b) Reportable cancers processed and reported by independent clinical laboratories.

(2) Hospitals, surgical centers, and outpatient radiation therapy centers shall:

(a) Organize case finding documents by procedure or service date to permit identification of cancer cases to be reviewed each contractor visit; and

(b) Submit or make available to contractors, per arrangement with contractors, case finding documents including the following if maintained:

- (i) Disease and operation indices for cancer cases;
- (ii) Pathology and cytology reports;
- (iii) New patient radiation logs;
- (iv) New patient chemotherapy logs; and
- (v) Other alternative information which contractors determine is necessary to identify or verify reportable cancer cases.

(3) Independent clinical laboratories shall:

(a) Organize pathology reports by slide order, numerical order, or service date; and

(b) Make pathology reports available to contractors, if not otherwise available through hospitals, on a monthly basis.

(4) Attending health care providers shall identify to contractors reportable cancer cases diagnosed at facilities other than hospitals, surgical centers, and outpatient radiation therapy centers (as specified under WAC 246-430-030 and 246-430-040) unless the patient was hospitalized for additional cancer diagnosis or treatment services within one month of diagnosis.

NEW SECTION

WAC 246-430-030 DATA COLLECTION REQUIREMENTS. (1) Contractors or their designees shall complete cancer abstracts for patients identified through hospitals, surgical centers, independent clinical laboratories, and outpatient radiation therapy centers;

(2) Cancer diagnosis or treatment facilities and independent clinical laboratories shall provide contractors with access to pathology and cytology reports and all medical records pertaining to identified cancer cases;

(3) Attending health care providers shall be responsible for completing cancer abstracts for patients diagnosed at facilities other than hospitals, surgical centers, independent clinical laboratories, and outpatient radiation therapy centers, unless the patient was hospitalized for additional cancer diagnosis or treatment services within one month of diagnosis;

(4) Contractors, contractor designees, or attending health care providers shall include the following information items in cancer abstracts, providing the information is obtainable from the patient's medical records:

(a) Patient information:

- (i) Name;
- (ii) Address at time of diagnosis;
- (iii) Sex;
- (iv) Race;
- (v) Birthdate;
- (vi) Age at time of diagnosis;
- (vii) Tobacco use;
- (viii) Social Security number;
- (ix) State or country of birth; and
- (x) Usual occupation.

(b) Diagnostic information:

- (i) Primary site or sites;
- (ii) Histologic type or types, behavior and grade;
- (iii) Date of each diagnosis;
- (iv) Method or methods of diagnostic confirmation;
- (v) Stage of disease at diagnosis using:

(A) SEER system; and

(B) AJCC system if maintained by the cancer diagnostic or treatment facility.

(vi) Sequence; and

(vii) Laterality.

(c) Other information:

(i) Name and address of cancer diagnosis or treatment facility providing information;

(ii) Medical record number; and

(iii) Name and address of attending health care provider.

(5) The department may require submission of additional information from contractors as needed to assess data reliability and validity;

(6) Contractors shall prepare detailed data collection protocols for inclusion in the state cancer registry contract.

NEW SECTION

WAC 246-430-040 FORM, FREQUENCY, AND FORMAT FOR REPORTING. (1) Contractors shall:

(a) Develop and distribute cancer abstract forms;

(b) Prepare computer tapes containing information from completed cancer abstracts; and

(c) Provide computer tapes to the state cancer registry on a semiannual basis.

(2) Hospitals, surgical centers, independent clinical laboratories, and outpatient radiation therapy centers shall:

(a) Provide case finding documents as defined in WAC 246-430-020 within thirty days following the end of each reporting period;

(b) Submit case finding documents to contractors in paper form or on computer disk, or arrange with contractors for on-site review of case finding documents.

(3) Attending health care providers shall complete and submit cancer abstracts to contractors when required under WAC 246-430-020 and 246-430-030 within sixty days following a patient's cancer diagnosis date, for patients not hospitalized for cancer related diagnosis or treatment within one month of diagnosis.

(4) The department shall provide detailed instructions regarding preparation of computer tapes for inclusion in the state cancer registry contract.

NEW SECTION

WAC 246-430-050 DATA QUALITY ASSURANCE. (1) Contractors shall:

(a) Perform data validity studies to assess the completeness and accuracy of case identification and data collection;

(b) Verify coding accuracy of a sample of completed cancer abstracts;

(c) Develop and utilize computerized edit programs to assess the completeness and accuracy of data keying and computerized data transformations;

(d) Maintain an archive system for permanent retention of completed cancer abstracts for the duration of the contract; and

(e) Develop detailed protocols for data quality assurance and quality control, consistent with Data Quality Guidelines, December, 1990, available through the department's office of registries.

(2) The department may require contractors to make available all findings from data quality assurance activities for review and verification.

NEW SECTION

WAC 246-430-060 ACCESS AND RELEASE OF INFORMATION. (1) Persons with access to information collected under RCW 70.54.230, 70.54.240, 70.54.250, 70.54.260, 70.54.270, and this chapter shall use information only for statistical, scientific, medical research, and public health purposes;

(2) Cancer diagnosis or treatment facilities and independent clinical laboratories may:

(a) Require contractors to sign an oath of confidentiality regarding access and release of cancer data; and

(b) Prepare, administer, and maintain confidentiality oaths as needed.

(3) Cancer diagnosis or treatment facilities and independent clinical laboratories shall adhere to recommendations in RCW 70.54.260 regarding content of confidentiality oaths if confidentiality oaths are used.

(4) Contractors may release confidential information if the requested release was reviewed and approved by an institutional review board utilizing guidelines at least as restrictive as:

(a) The minimum requirements under Title 45 Part 46 of the Code of Federal Regulations;

(b) Chapter 42.48 RCW; and

(c) The DSHS/DOH Guide to Policy on Protection of Human Research Subjects, March, 1990; available through the department of social and health service's human research review board.

(5) The department may release confidential information if the requested release was reviewed and approved by the department's human research review board.

(6) Researchers approved to receive confidential information for studies involving direct patient contact shall:

(a) Attempt to notify a patient's attending health care provider before contacting the patient;

(b) Not contact a patient if the attending health care provider indicates that contact might jeopardize the patient's health or well-being.

(7) The department shall monitor release of confidential information by data contractors.

WSR 91-15-006
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed July 8, 1991, 4:06 p.m.]

Date of Adoption: June 25, 1991.

Purpose: The purpose of these rules is to enable the Department of Licensing to implement and administer the provisions relating to special license plates and vehicle licenses.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-56A-120; and amending WAC 308-96A-005 and 308-96A-065.

Statutory Authority for Adoption: RCW 46.01.110 and 46.16.335.

Pursuant to notice filed as WSR 91-11-084 on May 21, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 3, 1991
John Swannack
Deputy Director
for Mary Faulk
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-56A-120 VEHICLE NOT ON EXCISE TAX SCHEDULE.

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

WAC 308-96A-005 TERMINOLOGY. (1) The terms "licensing" and "registering" are synonymous for the transaction in which both a certificate of registration and license plates and/or current validation tabs are issued to the applicant.

(2) The terms "tonnage," (~~"load license,"~~) "gross weight license," "license based on gross weight," and "gross weight fees" are used interchangeably (~~and refer~~) when referring to (~~those~~) license fees that are (~~charged~~) collected annually from owners of motor trucks (~~and~~), truck tractors (~~according to their vehicles' maximum~~), road tractors, tractors, bus, auto stage, or for hire vehicles with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight(~~s~~).

(3) "Capacity fee" is used to refer to the load license for stages and for-hire vehicles with seating capacity of six or less and for fixed load vehicles including circus and tow.

(4) The term "no bill" refers to the (~~partially completed~~) notice to renew a license which is mailed (~~from Olympia~~) by the department to the registered owner. This form indicates (~~that~~) the additional information that is required prior to the registration for the current year license.

(5) A "prebill" is the notice to renew a vehicle license (~~that~~) which is mailed (~~from Olympia~~) by the department to the registered owner.

(6) References to "current year" mean the current registration year unless otherwise stated.

(7) "Month of expiration" or "expiration month" is the calendar month during which a registration year ends.

(8) A "fleet" is a group of fifteen (~~vehicles~~) or more vehicles registered in the same owner name and (~~whose owner has~~) which have been assigned (~~a~~) the same fleet identifier code by the department.

(a) "Perm or permanent fleet" means a fleet of commercial vehicles licensed to one registered owner where each vehicle is issued nonexpiring tabs and registration. Individual permanent fleet vehicles are not eligible for monthly license fee based on gross weight.

(b) "Regular fleet" means a fleet licensed to one registered owner where each vehicle is issued year and month tabs.

(9) "License fee" means and is limited to the fees required for the act of licensing a vehicle as set forth in chapter 46.16 RCW. License fee excludes the fees required for special vehicle license plates authorized by chapter 46.16 RCW.

(10) "Ride sharing van" for purposes of RCW 82.08-.0287, 82.12.0282, and 82.44.015 means a passenger vehicle with a seating capacity of no fewer than seven nor

more than fifteen persons including the driver. The seating capacity may not be fewer than five persons including the driver when at least three passengers are confined to a wheelchair.

NEW SECTION

WAC 308-96A-057 PURPLE HEART LICENSE PLATES. Any military person that has been awarded a Purple Heart medal by any branch of the Armed Forces, including the Merchant Marines may be issued a set of special vehicle license plates indicating the recipient was wounded during one of this nations' wars or conflicts.

(1) Applicants for a special Purple Heart vehicle license plate shall satisfy the following conditions:

- (a) Be a resident of the state of Washington;
- (b) Have been wounded in combat;
- (c) Been awarded a Purple Heart medal by any branch of the Armed Forces; and

(d) Be an owner, co-owner, lessee, or co-lessee of the vehicle to which the Purple Heart special license plate will be issued.

(2) Applications for the special license plates shall be upon forms provided by the department and sent to Specialized Licensing, Department of Licensing, Highway-Licenses Building, P.O. Box 9909, Olympia, Washington 98504-9909. The application shall include:

(a) A photocopy of the applicants form DD-214 or similar document issued by a branch of the Armed Forces which awards a Purple Heart medal to the applicant and the date of award;

(b) A photocopy of the current registration of the vehicle for which the special license plate is to be issued showing the applicants ownership status in the vehicle; and

(c) A replacement license plate fee then in effect. Veterans who qualify for free vehicle licensing may be issued the Purple Heart special license plate without paying the replacement plate fee.

(3) Purple Heart special license plates may be issued for display on any motor vehicle that is otherwise authorized to display a regular motor vehicle license plate, except the plates may not be issued for motorcycles. Purple Heart special license plates may not be displayed on nonmotor vehicles including campers and travel trailers.

AMENDATORY SECTION (Amending Order TL/RG 41, filed 5/27/88)

WAC 308-96A-065 PERSONALIZED LICENSE PLATES. (1) The registered owner of a vehicle may apply for personalized license plates with any acceptable and unassigned combination of one to seven letters, numbers, or combination of both pursuant to RCW 46.16.565 through 46.16.600. Single digit plates shall not be assigned the letters "I" or "O," nor the numbers "1" (one) or "0" (zero).

(2) When a vehicle with personalized plates is sold, transferred or destroyed, the owner shall remove the plates from the vehicle. The owner may retain the plates for transfer to a replacement vehicle or return the plates to the department, relinquishing the right to the letter

and/or number sequence or combination, or relinquish the plates to another individual by signing a notarized release of interest in the plates. The person to whom the plates were transferred must within fifteen days make application to have the plates transferred to a vehicle registered to the person.

(3) When the owner of a personalized plate fails to renew the license within forty-five days following the renewal due date or fails to have the plate transferred to a replacement vehicle within thirty days from the sale, transfer, or destruction of the original vehicle, the plates will be cancelled.

(4) Cancelled personalized plates may be reissued anytime after cancellation if the department determines a renewal application was not applied for prior to the cancellation.

(5) A personalized license plate reported stolen may not be reissued until the stolen plate is removed from the Washington Crime Information Center (WACIC) records or for five years from the date the plate is reported stolen whichever comes first. The plate shall be reserved for the last owner for a period of thirty days after it becomes eligible for reissue. If the last owner of the plate makes an application for reissue as a replacement within the thirty days, the plate shall be provided at the replacement plate fee then in effect.

(6) The combination of letters and/or digits on a personalized license plate which has been cancelled may be reassigned to an applicant who applies for an original personalized plate with that combination of letters and/or digits and pays the fees for an original personalized plate.

NEW SECTION

WAC 308-96A-071 MILITARY AFFILIATE RADIO SYSTEM SPECIAL LICENSE PLATES. (1) Any Washington state resident holding a valid Military Affiliate Radio System station license (MARS) is entitled to apply to the department in Olympia, Washington, and upon satisfactory showing, to receive in lieu of regular vehicle license plates, similar license plates bearing the official MARS call sign assigned by the Department of Defense. Only one set of license plates reflecting the call sign may be issued to the MARS station licensee at any one time.

(2) An application for special MARS license plates must be accompanied by a photocopy of the official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. When the MARS station license expires, the applicant must notify the department of the expiration and if a renewed license is obtained, furnish a copy of the new license.

(3) An applicant for special MARS license plates must be the registered owner of the Washington state registered vehicle for which the special license plates will be issued.

(4) In addition to paying all other license fees and excise taxes required by law, each applicant for an original special MARS license plate shall pay an additional license fee of five dollars.

(5) In addition to paying all other license fees required by law, each applicant when applying for transfer of their special MARS license plates to another vehicle shall pay an additional license fee of five dollars.

(6) Any MARS station licensee who holds a special vehicle license plate issued under this section and who has allowed the station license to expire, or for any reason no longer has an official valid MARS station license, shall notify the department in writing within thirty days of the license becoming invalid and surrender the special MARS vehicle license plates. Special MARS vehicle license plates are deemed to be cancelled on the date the MARS station license becomes invalid. Failure to notify the department and surrender the vehicle license plates is a traffic infraction. The special plates may be reinstated by applying for and paying the fee for a new special plate.

NEW SECTION

WAC 308-96A-161 REGULAR FLEET REGISTRATION. Any owner of a fleet of vehicles may apply for and be issued a regular fleet identifier code by the department. The owner may have any vehicle with a certificate of title in the same owner name registered using the regular fleet identifier code. Regular vehicle license plate month and year tabs shall be issued. Monthly tonnage may be purchased for individual vehicles.

NEW SECTION

WAC 308-96A-162 PERMANENT FLEET REGISTRATION. Any owner of a fleet of vehicles used for commercial purposes may apply for and be issued a permanent fleet identifier code by the department. The owner may have any vehicle used for commercial purpose, with a certificate of title in the same owner name registered using the permanent fleet identifier code. Nonexpiring license plate tabs and registration documents shall be issued. Annual tonnage must be purchased for individual vehicles.

WSR 91-15-007

NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum—July 8, 1991]

Friday, July 12, 1991
Lynnwood Hall, Room 424
2:00 – 4:25

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 91-15-008

NOTICE OF PUBLIC MEETINGS OLYMPIC COLLEGE

[Memorandum—July 1, 1991]

The August 27, 1991, meeting of the Olympic College board of trustees will be held at Olympic College, Shelton, Washington. This is a change from the published location of the Board Room, Olympic College, Bremerton, Washington. The day, date, and time remain the same as previously published.

WSR 91-15-009

NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Memorandum—July 3, 1991]

Regular meetings of Central Washington University board of trustees will be held in Room 143, Bouillon Hall, on the Central Washington University campus in Ellensburg at 11:00 a.m. on the following dates:

September 20, 1991
November 1, 1991
December 6, 1991
January 17, 1992

WSR 91-15-010

NOTICE OF PUBLIC MEETINGS HARDWOODS COMMISSION

[Memorandum—July 9, 1991]

There will be a meeting of the Washington State Hardwoods Commission on July 18, 1991, 10 a.m. until 2 p.m. at the O'Brien Building, Briefing Room.

WSR 91-15-011

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—July 3, 1991]

A regular meeting of the board of directors of the Washington State Convention and Trade Center (WSCTC) will be held on Saturday, July 13, 1991, at 9:30 a.m. in Lopez Room at the Inn at Semiahmoo, 9565 Semiahmoo Parkway, Blaine, WA.

A retreat of the Washington State Convention and Trade Center board of directors will be held at the Inn at Semiahmoo in Blaine, Washington commencing at 10:30 a.m. on Saturday, July 13, and at 9:00 a.m. on Sunday, July 14.

The purpose of the retreat is to discuss goals and objectives, sale of surplus property and a capital improvement program.

If you have any questions regarding these meetings, please call 447-5000.

WSR 91-15-012
RULES OF COURT
STATE SUPREME COURT
[July 3, 1991]

In the Matter of the Adoption of
the Amendments to Regulations
101, 103 and 104 to APR 11

NO. 25700-4-478
AMENDED ORDER

The Washington State Bar Association's Board of
Governors having recommended the adoption of the
amendments to Regulations 101, 103 and 104 to APR
11, and the Court having approved the proposed amend-
ments to the regulations;

Now, therefore, it is hereby
ORDERED:

That the amendments to Regulations 101, 103 and
104 to APR 11 are hereby adopted.

DATED at Olympia, Washington this 3rd day of
July, 1991.

Fred H. Dore

CHIEF JUSTICE

Proposed Amendment

Regulation 101 to
Admission to Practice Rule 11 (APR 11)

Regulation 101

(a) through (j). (No change).

[New Section]

(K). "(k) "Attending" an approved continuing legal
education activity shall include and encompass (1) pres-
ence in an audience of two or more persons being ad-
dressed by participants in an approved continuing legal
education activity, and (2) viewing or listening individu-
ally to video or audio tapes approved by the Board.

Proposed Amendment

Regulation 103 to
Admission to Practice Rule 11 (APR 11)

Regulation 103

(a) through (f). (No change).

[New Section]

(g). An active member shall receive a maximum of
one-third of the continuing legal education credit re-
quired under APR 11.2(A) by viewing or listening indi-
vidually to video or audio tapes approved by the Board.

Proposed Amendment

Regulation 104 to
Admission to Practice Rule 11 (APR 11)

Regulation 104 Standards for Approval

(a). (No change).

(b). (No change).

(c). (No change).

(d). (No change).

(e). (No change).

(f). ~~No course will be approved which involves solely
television viewing in the home or correspondence work~~

~~or self-study. Video motion picture or sound tape pre-
sentations may be approved provided a teacher is in at-
tendance at each presentation to comment thereon and
answer questions.~~

[Reserved.]

(g). (No change).

Reviser's note: The brackets and enclosed material in the text of
the above material occurred in the copy filed by the State Supreme
Court and appear in the Register pursuant to the requirements of
RCW 34.08.040.

WSR 91-15-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed July 9, 1991, 4:42 p.m.]

Continuance of WSR 91-10-035.

Title of Rule: Chapters 275-25, 275-26, 275-27,
275-36, 275-38, and 275-41 WAC.

Purpose: To continue permanent adoption to August
9, 1991.

Name of Agency Personnel Responsible for Drafting,
Implementation and Enforcement: Tom Moore, Devel-
opment Disabilities, 753-4563.

Name of Proponent: Department of Social and Health
Services, governmental.

Submit Written Comments to: Troyce Warner, Chief,
Office of Issuances, Department of Social and Health
Services, Mailstop OB-33H, Olympia, Washington
98504, by August 9, 1991.

Date of Intended Adoption: August 9, 1991.

July 8, 1991

Rosemary Carr

Acting Director

Administrative Services

WSR 91-15-014
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3203—Filed July 9, 1991, 4:46 p.m.]

Date of Adoption: July 9, 1991.

Purpose: To incorporate rules for the expedited Med-
icaid disability program.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-82-010.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 91-11-017 on May
3, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 8, 1991

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3140, filed 2/21/91, effective 3/24/91)

WAC 388-82-010 PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE. Medical assistance is available to any categorically needy person who is:

(1) Receiving or eligible to receive a cash assistance payment. Payment categories a person may qualify for include:

(a) Aid to families with dependent children (AFDC);
 (b) Supplemental Security Income (SSI);
 (c) State supplemental payment. The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for categorically needy medical assistance; and

(d) A person (~~(under twenty-one)~~) twenty years of age and younger:

(i) Whose income is less than the one-person AFDC standard and is in:

(A) Foster care; or

(B) Subsidized adoption; or

(C) A skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded (ICF/MR); or

(D) An approved inpatient psychiatric facility.

(ii) Meeting the eligibility requirements under WAC 388-83-033.

(e) Family independence program (FIP).

(2) A pregnant woman:

(a) Who would be eligible for AFDC if her child were born and residing with her. In determining income eligibility for Medicaid, the department shall increase the number in the household as if the unborn was born before comparing the pregnant woman's income to the AFDC payment standard; or

(b) Meeting the eligibility requirements under WAC 388-83-032.

(3) In a medical facility and:

(a) Who would be eligible for cash assistance if the person was not institutionalized. This includes all categorically needy groups; or

(b) SSI categorically related and would not be eligible for cash assistance (~~(if they were)~~) including only aged, blind, and disabled groups if the person was not institutionalized and ((whose)) the person's gross income does not exceed the three hundred percent SSI benefit cap. ((This includes only aged, blind, and disabled groups.))

(4) Not receiving cash assistance because of special provisions as defined (~~(in)~~) under WAC 388-83-130;

(5) Not an inmate of a public institution;

(6) Sixty-five years of age or older, a patient in an institution for mental diseases, and eligible under subsection (3)(a) and (b) of this section; (~~(or)~~)

(7) An individual eligible for and accepting of, hospice services as described under WAC 388-86-047 shall be:

(a) SSI categorically related with gross income less than three hundred percent of the SSI federal benefit rate; or

(b) AFDC categorically related.

(8) Blind or disabled under SSI criteria, as described under WAC 388-92-015, and the person receives continuing state-funded cash assistance.

WSR 91-15-015

NOTICE OF PUBLIC MEETINGS

COMMISSION ON HISPANIC AFFAIRS

[Memorandum—July 9, 1991]

The Commission on Hispanic Affairs' previously scheduled meeting on July 19, 1991, from 2:00 p.m. to 6:00 p.m. at the Cedar Inn, 1 Apple Way, Okanogan, WA 98840 has been cancelled.

WSR 91-15-016

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 10, 1991, 10:45 a.m.]

Date of Adoption: July 8, 1991.

Purpose: To standardize school patrol operations when assisting students crossing streets.

Citation of Existing Rules Affected by this Order: Amending WAC 392-151-005, 392-151-010, 392-151-015, 392-151-040, 392-151-045, 392-151-050, 392-151-055, 392-151-060, 392-151-095, 392-151-120, 392-151-125, 392-151-130, 392-151-135, and 392-151-140.

Statutory Authority for Adoption: RCW 46.61.385.

Pursuant to notice filed as WSR 91-10-085 on April 30, 1991.

Changes Other than Editing from Proposed to Adopted Version: Various sections were clarified based on public testimony. No change in intent from original rules filed to give notice.

Effective Date of Rule: Thirty-one days after filing.

July 8, 1991

Judith A. Billings
Superintendent of
Public Instruction

NEW SECTION

WAC 392-151-003 AUTHORITY. The authority for this chapter is RCW 46.61.385 which authorizes the appointment and operation of school patrols by any public or private school subject to the conditions, procedures, and considerations required by this chapter and such supplemental conditions, procedures, and considerations as any such school may impose which are in the best interest of student safety.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-005 PURPOSE((S)). The purpose((s)) of this chapter ((are)) is to implement RCW 46.61.385 and ((authorize the appointment and))

~~provide for safe operation of school patrols ((by any public or private school subject to the conditions, procedures, and considerations required by this chapter and such supplemental conditions, procedures, and considerations as any such school may impose which are in the best interest of student safety)).~~

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-010 FUNCTION OF A SCHOOL PATROL. The purpose and function of a school patrol are to assist and aid members of the student body in the safe and proper crossing of streets, highways, and roads adjacent to the school and other crossing areas approved by the local ~~((law enforcement agency. Other designated crossing areas requested by school administrators and/or the school))~~ safety advisory committee ~~((shall be approved by the local law enforcement agency)).~~

Student school patrol members assigned to work at a location with an adult school patrol member shall ~~((be subordinate to the adult and shall))~~ assist and act at the direction of such adult member of the patrol. ~~((A school patrol cannot be charged with the responsibility nor be allowed to direct vehicular traffic.))~~ A school patrol is to look for and utilize natural gaps in traffic as much as possible when allowing students to cross a street, highway, or road.

AMENDATORY SECTION (Amending Order 80-22, filed 7/9/80)

WAC 392-151-015 ADMINISTRATION AND SUPPORT. The superintendent or chief administrative officer of the school district shall assume the leadership and be ultimately responsible for determining school patrol policy and operations. The principal of each school shall provide leadership in developing good relationships among teachers, student body, and members of the school patrol in matters of selecting, instructing, and giving immediate supervision to school patrol members and carrying out administrative details. Administration of the actual operation of a school patrol may be delegated to a school employee or a safety committee. The approval, understanding, support, and encouragement of school administrators, local traffic control agencies, teachers, parents, and students is essential in providing an effective school safety patrol.

~~((Selection of a safety advisory committee is important in the development and support of school patrol policy. In the development of a safe route to school plan, members may be selected from the following areas:~~

- ~~(1) School administration;~~
- ~~(2) Law enforcement;~~
- ~~(3) Traffic engineering;~~
- ~~(4) School-parent organization; and~~
- ~~(5) Local service groups.))~~

NEW SECTION

WAC 392-151-017 SAFETY ADVISORY COMMITTEE-SELECTION. Selection of a safety advisory committee is important in the development and support

of school patrol policy and in the development of a safe route to school plan. Members may be selected from the following areas:

- (1) School administration;
- (2) Law enforcement;
- (3) Traffic engineering; and
- (4) School-parent organization.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-020 LIABILITY. The fear of potential liability for injuries sustained by pupils, employees, or patrols is present in the minds of school board members and school administrators. Both a school district and its individual employees or agents are potentially liable for damages sustained by students or others as the result of negligence. Examples of actions or inactions possibly giving rise to an award of damages by a court include: The failure to properly supervise students while they are in the custody of school employees or agents; the failure to properly instruct students in the procedures necessary to safeguard themselves while participating in school activities which may otherwise cause them injury; the failure to select and assign competent employees or agents to safeguard students where necessary; and, in general, the failure to take reasonable precautions to safeguard students in the custody of the school against foreseeable dangers.

The following suggested procedures may assist schools and employees or agents reduce the potential liability in connection with the operation of a school patrol:

- (1) Establish reasonable rules and regulations regarding the supervision and control of the school patrols.
- (2) Establish a policy which limits the selection of student patrol members to students who are ~~((enrolled in grades five through eight))~~ preferably ages ten or older and who possess ~~((optimum))~~ appropriate physical and mental abilities.
- (3) Establish a policy which authorizes any parent to have his or her child excluded from service on the safety patrol.
- (4) Establish a policy which requires school boards to provide insurance for members of the school patrol and for all supervisory officials involved in the program.
- (5) Establish a policy which sets forth specific physical and other criteria for selecting school patrol members and providing adequate training.

In addition, schools should periodically conduct a complete review of the entire school patrol program, including the following:

- (a) The selection of supervisors
- (b) The selection of student and adult members of the patrol
- (c) The training of both supervisors and patrol members
- (d) The determination of the streets which are to be used and those which are not to be used
- (e) The equipment needed
- (f) The time schedule when the patrol will be on duty
- (g) The special precautions to be observed in inclement weather and during hours of semidarkness.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-035 SCHOOL CROSSING WARNING AND SPEED LIMIT SIGNS.



S2-1

SCHOOL CROSSING



S1-1

SCHOOL AHEAD



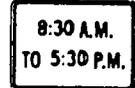
S4-3

R2-1



S4-3

R2-1



S4-1A



S4-2A

Note: The department of transportation defines when children are present as:

1. School children are occupying or walking within the marked crosswalk.
2. School children are occupying or waiting at the curb or on the shoulder of the roadway and are about to cross the roadway by way of the marked crosswalk.
3. School children are present or walking along the roadway, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted school speed limit zone which extends three hundred feet in either direction from the marked crosswalk.



S4-3



S4-3



R2-1



R2-1



S4-5



S4-4A

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-040 ORGANIZATION, INSTRUCTION, AND SUPERVISION. The building principal or a member of the ~~((faculty))~~ staff appointed by the principal shall supervise the school patrol. Criteria for the selection of a school patrol supervisor shall include:

- (a) Interest in safety
- (b) Ability to organize
- (c) Ability to lead
- (d) Ability to discipline
- (e) Attitude toward work
- (f) Efficiency on job
- (g) Ability to recognize individual differences
- (h) Ability to hold respect of pupils
- (i) Dependability

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-045 DUTIES OF PATROL SUPERVISOR. Duties of a school patrol supervisor shall include:

- (1) Being knowledgeable in all areas of the school patrol.
- (2) Selection of school patrol members according to school policy.
- ~~((2))~~ (3) Instruction of all school patrol members and officers in their respective duties.
- ~~((3))~~ (4) Supervision of the work of the school patrol in such manner as to develop the greatest initiative, leadership, and effectiveness on the part of each patrol officer and member.
- ~~((4))~~ (5) Hold regular meetings of the school patrol for the purpose of instruction in safety practices, discussions concerning infractions of rules, and stimulating and inspiring the members in the performance of their duties.
- ~~((5))~~ (6) Serve as advisor to the school safety advisory committee(s).

~~((The patrol supervisor shall be knowledgeable in all areas of the school patrol. The patrol supervisor shall instruct all members of the patrol in their respective duties and give continuous supervision over the performance of those duties. Regular meetings of the school patrol shall be held under the supervision and instruction of the patrol supervisor. General instructions shall be given and discussions held concerning general problems:))~~

An officer of the state patrol, sheriff's office, or local police department shall be requested to assist in the instruction of school patrol members in the performance of their duties and thereafter make visits to street and highway crossings where school patrol members are stationed.

~~((Additional assistance as deemed necessary shall be requested by school authorities from local law enforcement agencies:))~~ Instruction in traffic rules and regulations shall be given to all children attending the school. Written rules and regulations shall be ((printed or mimeographed and)) distributed to parents and students.

AMENDATORY SECTION (Amending Order 80-22, filed 7/9/80)

WAC 392-151-050 SELECTION, APPOINTMENT AND SUSPENSION OF PATROL MEMBERS. Student school patrol members shall be selected from the upper grade levels and preferably not below age ten. Qualities such as leadership and reliability shall

be considered in the selection of any patrol member. School patrol service shall be voluntary.

Written approval of a parent or guardian shall be secured in the case of student patrol members. Each prospective patrol member shall be given a vision and hearing examination. After selection, each school patrol member candidate shall be formally appointed by the principal. The parent(s) or guardian(s) of a student patrol member shall be notified in writing or via a personal interview of the student's suspension from duty as a school patrol member.

New patrol members ~~((shall))~~ may be selected thirty days before the school term terminates. Additional patrol members may be recruited in the fall of each year and, thereafter, as necessary to fill open positions. New members shall work with trained school patrol members for a long enough period to learn their duties.

A captain of the school patrol ~~((shall))~~ may be selected ~~((and))~~. Instructions shall be given each new school patrol member so that he or she can begin effective duty at a specific post the morning the next school term commences.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-055 UTILIZATION OF ADULT PATROL MEMBERS. Schools possess the authority to appoint adults as ~~((supervising))~~ members of a school patrol. The following criteria ~~((shall))~~ may be used to determine at which locations adult patrol members shall be stationed:

- (1) When there is a lack of adequate gaps due to a high volume of traffic.
- (2) When 85 percent of the traffic speed exceeds the speed limit by 5 miles an hour.
- (3) When there is a restricted sight distance.
- (4) When the location or distance from the school building is such that poor supervision of students would otherwise result.
- (5) When there is a high volume of turning traffic over a crosswalk.
- (6) When the location has been determined by either school or law enforcement authorities to be beyond the capability of a student to make rational decisions concerning safety.
- (7) When there is an excessive volume of pedestrian traffic over a highway.
- (8) When any of the above criteria exists and there is a lack of an alternate school route plan.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-060 GOOD CHARACTER REFERENCES FOR ADULT PATROL MEMBERS. ~~((In addition to the other requirements for patrol members established by this chapter))~~ Prior to any assignment, good character references shall be obtained on every adult who is being considered as a school patrol member. Good moral character is defined in WAC 180-75-081. In addition, a Washington state patrol criminal history request shall be obtained on each new adult candidate.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-095 EQUIPMENT. Each school patrol member, while on duty, shall have a fluorescent flame orange or a red flag of color-fast material ~~((approximately))~~ not less than 14 inches by 16 inches bearing the word "STOP" in white lettering and attached to a staff ~~((approximately))~~ not less than 40 inches long.

All flags shall be displayed by the school patrol at a 45-degree angle extending toward the center of the street or highway. The purpose of the flag is to increase visibility and give warning to approaching motorists ~~((; not to direct traffic))~~.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-105 INSTRUCTION OF PATROL MEMBERS. Each school patrol member shall be thoroughly trained in his or her duties before being permitted to take assigned posts. Instruction shall include the fundamentals of patrol operation — where and how to stand when on duty, how to handle the patrol flag, and what constitutes a sufficient gap in vehicular traffic to permit safe crossing by students. Emphasis shall be placed on special hazards and the need for constant alertness. Types of training which shall be given members are:

(1) On-the-job training for at least one week under the direction of an experienced patrol member or for a longer period to learn their duties.

(2) Personal instruction by the patrol supervisor, a police officer, or a designated school district safety official.

(3) Reading and understanding written instructions which the school has compiled for the specific purpose of instructing new members.

~~((4) Attending a special "clinic" made up of new and old members of the patrol.))~~

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-120 BASIC CROSSING POSITION AND FLAG OPERATION. Each school patrol member shall stand back of the curb or roadway edge — not in the street — and remind students to wait behind the flag until there is an adequate gap in traffic. A safe distance from the roadway edge ~~((of the street))~~ shall be ~~((the))~~ one length of the flag staff. When the traffic gap occurs, a patrol member ~~((shall step aside and))~~ may step two paces into the street or far enough to see clearly beyond any obstruction but should not go beyond the edge of the obstruction. They will then extend the flag over the roadway. The flag shall be displayed in a ((45=)) forty-five degree position with the word "STOP" level to the ground. When it is safe to cross, patrol members shall give a signal ((audibly, "Ready, Walk,") enabling students to cross in a group.

~~((When a patrol member's view of traffic is obstructed, it may be necessary for the patrol member to step into the street. In this event, the patrol member shall go~~

~~no farther than the outer edge of the obstruction:))~~ Students shall remain in back of the curb until allowed to cross. After the students have crossed, the patrol member shall lower the flag and return to basic position which is one length of the flag staff behind the curb.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-125 ((~~SINGLE POSTS~~)) OPERATION WITH SCHOOL PATROL MEMBERS. (1) Single posts. On a narrow street with light vehicular traffic and little or no turning problems, a single school patrol member may be able to handle the crossing adequately. The patrol post in this case shall be on the side of the street where students approach the crossing. While primarily responsible for traffic approaching from the left, the patrol member shall look to both left and right and for turning cars.

(2) Dual posts. School patrol members shall be stationed on opposite sides of the street. One patrol member shall act as a "sender" and the other as "receiver." The patrol member first approached by pedestrians shall decide when it is safe to cross. Each member shall watch primarily to the left for approaching traffic. The patrol members shall face directly across the street toward their partner while students are crossing to enable them to see cars coming from either left or right. Both patrol members shall be alert to possible curb-turning cars before stepping into the crosswalk.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-130 ((~~TRAFFIC HAZARDS—SURVEYS~~)) OPERATION WITH AN ADULT PATROL MEMBER OR POLICE OFFICER OR TRAFFIC SIGNAL. ((~~School authorities shall confer with traffic authorities in arranging for appropriate parking restrictions on streets adjacent to or near schools and school crossings.~~

~~When vehicular traffic is such that adequate safe gaps do not occur at school crossings at reasonably frequent intervals to allow pupils to cross the street or highway safely, the traffic problem shall not be a safety patrol responsibility. It is the function of the traffic authorities to create the necessary interruption of vehicular traffic. A survey (preferably a cooperative survey by traffic engineers, school officials, and law enforcement) shall be made to determine the additional measures to be provided at times when students are going to and from school:))~~ When the vehicular traffic is such that control by a police officer, an adult school patrol member, or traffic signal is required, student school patrol members shall assist by directing students to cross in conformance with the direction given by the police officer or adult patrol member assigned to the crossing or in conformance with the time cycle of the signal.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-135 ((~~MULTIPLE POSTS~~)) OPERATION AT AN INTERSECTION WITH TRAFFIC SIGNAL. ((~~Crossings which require two school patrol members shall have the patrol members stationed on opposite sides of the street. One patrol member shall act as a "sender" and the other as "receiver." The patrol member first approached by pedestrians shall decide when it is safe to cross and shall be the more experienced of the two. Each member shall watch primarily to the left for approaching traffic. The patrol members shall face directly across the street toward their partner while students are crossing to enable them to see cars coming from either left or right. Both patrol members shall be alert to possible curb-turning cars before stepping into the crosswalk:))~~ At an intersection with a traffic signal, the light shall govern school patrol operation and the movement of students.

When the light turns green in the direction the students are to cross, the patrol members shall be certain that all approaching cars are stopping for their red light. When the patrol members are sure that traffic does not constitute a hazard, the patrol members shall follow the basic crossing procedure.

Before the red signal comes back on, patrol members shall stop all stragglers. Patrol members shall know the length of time the green is on and be able to estimate the correct moment to stop the flow of pedestrians.

When the signal is a pedestrian - actuated light, it shall be controlled by the "sender" patrol member. The "WALK" phase of this type of light is shorter than the green phase of the regular traffic light so that small compact groups of pedestrians may be allowed to cross at one time.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-151-140 ((~~OPERATION WITH AN ADULT PATROL MEMBER OR POLICE OFFICER OR TRAFFIC SIGNAL~~)) VIOLATION REPORTS AND ACCIDENTS. ((~~When the vehicular traffic is such that control by a police officer, an adult school patrol member, or traffic signal is required, student school patrol members shall assist by directing students to cross in conformance with the direction given by the police officer or adult patrol member assigned to the crossing or in conformance with the time cycle of the signal:))~~ Moving motor vehicle violations at school crossings shall be reported to the appropriate law enforcement agency. School patrol members shall report all incidents which occur on or near their crossings which appear to involve unsafe practices on the part of anyone. Such reports shall be made to the patrol supervisor.

If the incident involves a driver violation, the license number of the car shall be written down immediately. Reports shall be reviewed by the patrol supervisor and principal. When the principal feels that a particular violation has occurred which requires follow-up by the police department, a violation report shall be filled out.

In the event of an injury accident or emergency at their post, patrol members shall observe the following directions:

- (1) If the accident was caused by a vehicle, obtain license number, time of violation, and whether male or female driver.
- (2) Never leave the crossing. Dispatch messengers to the school office stating location, nature, and seriousness of accident.
- (3) Keep all students back away from the curb.
- (4) Obtain name and address of victim and witnesses.
- (5) Make a report to the patrol supervisor.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-151-145 OPERATION AT AN INTERSECTION WITH TRAFFIC SIGNAL.
- WAC 392-151-150 VIOLATION REPORTS AND ACCIDENTS.

WSR 91-15-017

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-49—Filed July 10, 1991, 1:59 p.m., effective July 11, 1991, 1:00 p.m.]

Date of Adoption: July 10, 1991.

Purpose: Commercial fishing regulations.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7, and 7A provide protection for United States and Canadian chinook stocks. All Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 1:00 p.m., July 11, 1991.

July 10, 1991

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-47-700 PUGET SOUND ALL CITIZEN COMMERCIAL SALMON FISHERY. *Notwithstanding the provisions of Chapter 220-47 WAC, effective 1:00 p.m. Thursday, July 11, 1991 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:*

**Areas 4B, 5, 6, 6A, 6C, 7 and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.*

**Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J and 13K, all freshwater areas, and closed areas provided for in WAC 220-47-307 except as modified herein – Closed.*

WSR 91-15-018

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 179—Filed July 10, 1991, 2:54 p.m.]

Date of Adoption: July 5, 1991.

Purpose: To adjust baseline nursing home bed need projections to reflect changes in OFM population forecasts.

Citation of Existing Rules Affected by this Order: Amending WAC 246-310-380(2).

Statutory Authority for Adoption: RCW 70.38.135.

Pursuant to notice filed as WSR 91-02-010 on December 21, 1990; and WSR 91-12-020 on May 31, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 5, 1991

Pam Campbell Mead

for Kristine M. Gebbie

Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-380 NURSING HOME BED NEED STANDARDS. (1) The department shall use the following rules to interpret the certificate of need review criteria contained in WAC ((~~248-19-370~~)) 246-310-210(1) for applications proposing the following:

- (a) Construction, development, or other establishment of a new nursing home;
- (b) Increase in the licensed bed capacity of a nursing home or a hospital long-term care unit; ((σ))
- (c) Change in license category of beds from the following to nursing home or hospital long-term care unit beds:

- (i) Acute care((:)),₂ or
- (ii) Boarding home care((:));

(2) The department shall comply with the following time schedule for developing bed need projections:

(a) By the last working day in January of each year, the department shall recalculate the baseline projection for each planning-area.

(b) By the last working day in January of each year, the department shall provide the aging and adult services administration of the department of social and health services with the baseline bed need for each planning-area, pending the department's decisions on applications submitted during the previous year's nursing home concurrent review cycles.

(c) By the last working day in January of each year, the department shall rank order planning-areas from lowest to highest by the projected current supply ratio.

(d) By the first working day of June of each year, the department shall calculate the net bed need for each planning-area.

(3) The following are the baseline projections for the projection period, listed by planning and service area and planning-area. When a planning-area baseline projection is ((greater)) less than the planning-area's (([±]))bed supply(([±])) as defined by WAC 246-310-350(4), no beds can be added until the state-wide target ratio is reached, except as allowed in subsections (4) and (6) of this section.

Planning-area	Baseline projection
(a) PSA # 1	
Clallam	((480)) 471
Grays Harbor	((488)) 472
Jefferson	((175)) 188
Pacific	((172)) 179
(b) PSA # 2	
Island excluding Camano	((397)) 394
San Juan	((92)) 105
Skagit	((605)) 610
Whatcom	((887)) 866
(c) PSA # 3	
Snohomish including Camano	((2,142)) 2,464
(d) PSA # 4	
King	((9,030)) 9,229
AIDS project	35
(e) PSA # 5	
Pierce	((3,253)) 3,334
(f) PSA # 6	
Lewis	((467)) 471
Mason	302
Thurston	((972)) 993
(g) PSA # 7	
Clark/Skamania	((1,290)) 1,286
Cowlitz	((521)) 526
Klickitat	((176)) 121
Wahkiakum	((28)) 27
(h) PSA # 8	
Adams	((80)) 71
Chelan/Douglas	((623)) 618
Grant	((320)) 305
Lincoln	((95)) 86
Okanogan	((249)) 235

Planning-area	Baseline projection
(i) PSA # 9	
Asotin	151
Benton	((423)) 403
Columbia	((41)) 42
Franklin	((181)) 155
Garfield	((23)) 22
Kittitas	((182)) 183
Walla Walla	((412)) 399
Yakima	((1,459)) 1,392

(j) PSA # 11	
Ferry	((32)) 31
Pend Oreille	((66)) 63
Spokane	((2,632)) 2,463
Stevens	((193)) 185
Whitman	((219)) 202

(k) PSA # 13	
Kitsap	((1,108)) 1,119

(4) The aging and adult services administration of the department of social and health services may submit any redistribution plans to the department which:

(a) Redistribute baseline bed need among planning-areas;

(b) Document the following:

(i) That all involved area agencies on aging support each proposed redistribution((:)), and

(ii) That the redistribution plan was approved by the assistant secretary for aging and adult services of the department of social and health services.

(c) Are received by the department no later than April tenth or the first working day thereafter.

(5) The department shall limit to three hundred the total number of nursing home beds approved for all Type A CCRC which propose or are operating within a transition period.

(a) These three hundred beds available for Type A CCRC during transition periods shall be in addition to the net nursing home beds needed in all of the planning-areas.

(b) All nursing home beds approved for Type A CCRC which propose or are operating within a transition period shall be counted as beds within this three hundred bed limitation unless and until the CCRC fully complies with all provisions of the Type A CCRC performance standards.

(6) The department shall not issue certificates of need approving more than the net bed need indicated for a given planning-area, unless:

(a) The department finds such additional beds are needed to be located reasonably close to the people they serve; and

(b) The department explains such approval in writing.

WSR 91-15-019
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
 [Order 2090—Filed July 10, 1991, 3:38 p.m.]

Date of Adoption: July 10, 1991.

Purpose: To increase the Washington Hop Commission assessments on Washington hops.

Citation of Existing Rules Affected by this Order: Amending WAC 16-532-040 Assessments and collections.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Pursuant to notice filed as WSR 91-14-113 on July 3, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 10, 1991

C. Alan Pettibone
 Director

AMENDATORY SECTION (Amending Order 1927, filed 5/6/87, effective 6/8/87)

WAC 16-532-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be ~~((one))~~ two dollars and ~~((twenty-five))~~ fifty cents per affected unit for the crop years of 1991, 1992, 1993, 1994, and 1995. The annual assessment for the crop year of 1996 and subsequent years shall be one dollar and twenty-five cents.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same

shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 91-15-020
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
 [Filed July 10, 1991, 3:40 p.m.]

Original Notice.

Title of Rule: Chapter 132H-160 WAC, Admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII; repealing WAC 132H-160-210-132H-160-250, 132H-160-290-132H-160-310, 132H-160-410, 132H-160-420, 132H-160-450, 132H-160-460, 132H-160-470, 132H-160-490 and 132H-160-510; and amending WAC 132H-160-260.

Purpose: To update and streamline admissions and registration procedures in an endeavor to improve efficiency, effectiveness, and quality of service.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: In order to improve efficiency, effectiveness, and quality of service, the proposed changes separate policy from procedures.

Reasons Supporting Proposal: These codes were inappropriately included as they are procedures. This information is available to students through the college catalog, the quarterly course schedule, and printed literature provided in various college offices.

Name of Agency Personnel Responsible for Drafting: Phyllis Hudson, A 201, (206) 641-2301; Implementation and Enforcement: Tomas Ybaraa, B 103, (206) 641-2454.

Name of Proponent: Bellevue Community College, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Repealing the sections identified streamlines the procedures for admissions, application, and registration of students. The anticipated result will be providing better service to students. The section to be amended will clarify the admitting policy for foreign students.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B 201, Bellevue, WA 98009-6484, on September 10, 1991, at 1:30 p.m.

Submit Written Comments to: Phyllis C. Hudson, Secretary, Board of Trustees, Bellevue Community College, 3000 Landerholm Circle S.E., B 201, Bellevue, WA 98009-6484, by September 3, 1991.

Date of Intended Adoption: September 10, 1991.

July 2, 1991

Phyllis C. Hudson
Secretary

REPEALER

The following sections of Chapter WAC 132H-160 are repealed:

WAC 132H-160-210	STATEMENT OF PURPOSE
WAC 132H-160-220	ADMISSION CATEGORIES
WAC 132H-160-230	ADMISSION POLICY - COLLEGE CREDIT
WAC 132H-160-240	STUDENT CLASSIFICATION - COLLEGE CREDIT
WAC 132H-160-250	APPLICATION PROCEDURE - COLLEGE CREDIT
WAC 132H-160-290	ADMISSION OF FORMER STUDENTS
WAC 132H-160-300	ADMISSION POLICY NONMATRICULATED STATUS COLLEGE CREDIT
WAC 132H-160-310	DEFINITION OF NONMATRICULATED STUDENT
WAC 132H-160-410	REGISTRATION PROCEDURES - STATEMENT OF PURPOSE
WAC 132H-160-420	DEFINITION OF STUDENT STATUS
WAC 132H-160-450	REGISTRATION PERIODS
WAC 132H-160-460	LATE REGISTRATION
WAC 132H-160-470	CHANGE OF STUDENT REGISTRATION SCHEDULE
WAC 132H-160-490	WITHDRAWAL FROM THE COLLEGE
WAC 132H-160-510	CHANGE OF PROGRAM MAJOR

AMENDATORY SECTION (Amending WAC 132H-160-260 [Order 73, Resolution No. 136], filed 6/13/81 [5/13/81])

WAC 132H-160-260 ~~ADMISSION OF FOREIGN STUDENTS. Bellevue Community College is authorized under federal law to enroll nonimmigrant aliens. Foreign students are admitted only under matriculated student status. In order to qualify for matriculated student status as a foreign students, you must adhere to the following conditions:~~

- ~~(1) State of Washington Community College Admissions form.~~
- ~~(2) Translated copies of all scholastic records (i.e., high school, previous college, language schools, etc.).~~
- ~~(3) Foreign students are also required to submit a declaration and certification of finances or a notarized affidavit of support. Estimated expenses for a school year at Bellevue Community College are \$8,000. Students who are unable to provide proof of financial responsibility cannot be accepted, since funds to provide financial aid to foreign students are not available.~~

~~(4) Bellevue Community College is not prepared to teach English to non-English speaking students who also wish to enroll in the regular curriculum. Therefore, proof of proficiency in the English language has to be submitted. A score of 500 on TOEFL is required. (The English Language Institute, a part of the continuing education program, is an alternative for those who wish to improve their English skill prior to enrolling in the credit program.)~~

~~As a foreign student, you will be required to enroll for Student Accident and Sickness insurance for each quarter you are in attendance at Bellevue Community College.~~

~~Presently, Bellevue Community College is not able to admit all foreign students applying for admission. It is suggested that fall quarter is~~

~~the most opportune time for gaining acceptance and you should therefore file an application accordingly. Fall quarter applications are accepted on November 1st of the previous calendar year. Bellevue Community College is authorized under federal law to enroll nonimmigrant aliens. Foreign students are admitted in a selective procedure each quarter.~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 91-15-021

PERMANENT RULES PERSONNEL BOARD

[Order 373A—Filed July 11, 1991, 9:18 a.m.]

Date of Adoption: June 13, 1991.

Purpose: These special pay ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units.

On June 13, 1991, the State Personnel Board adopted modifications to WAC 356-15-130. We intended to file that language with our filing of a CR-103 form (WSR 91-13-034) that same day, to be effective 31 days after filing.

After reviewing a recent code reviser's note, we learned that the text submitted with WSR 91-13-034 was in error and did not reflect the language actually adopted by the board. To correct that clerical error in filing, we are now submitting this new CR-103 which is intended to cancel and supersede the previous filing.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-130 Special pay ranges.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 91-10-063 on April 30, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 10, 1991

Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 370, filed 2/20/91, effective 4/1/91)

WAC 356-15-130 **SPECIAL PAY RANGES.** These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(1) "E" range: This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as Step E of the standard range having the same range number. Periodic increases through

the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.

(2) "L" range: This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is Steps A, D, G and K, which represents ten percent per periodic increase.

(3) "T" range: Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the "T" range; the lower nine steps of the "T" range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) "V" range: Used only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year.

(5) "I" range: This range is always ten ranges higher than the range approved for lottery district sales representative or lottery telemarketing representative 1 and 2 and it may be applied only to those classifications. Use of this range is limited to sales incentive programs which: (a) May not exceed ~~((ten))~~ thirteen weeks for any program; (b) may not exceed four programs in any consecutive twelve months; (c) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the lottery, and shall be from and to the same step, subject to change by the employee's periodic increment date.

(6) "N" range: This range is used for classes requiring licensure as a registered nurse and having a prevailing pay range which is longer than Washington's standard ranges. An "N" range is a standard range, steps A through K, with five added steps, L through P. Periodic increases through step K of these ranges are made at the same intervals as through standard ranges. Thereafter, an employee receives a one-step increase each year up to the maximum step of the range.

(7) "J" range: This range consists of the single rate of twenty dollars per hour. Use is limited to lottery employees who volunteer and are selected for lottery drawing duty as one of the following: (a) The lottery drawing official (LDO); (b) the lottery security official (LSO); or (c) the headquarters drawing official (HDO), as described under lottery procedures.

Employees performing these functions during their normal working shift will not be eligible for "J" range compensation. Employees performing these functions outside of their shift will be compensated by the "J" rate on an hourly basis with a two-hour minimum per drawing period.

(8) "D" range: This range is a single level hourly rate equivalent to one-half of step A of range 29. It is payable to employees who have dog handler assignments, and only while they are off duty, but are still required to care for the dog in their charge (usually at home). Work time to be paid at D range includes, but is not limited to time required for daily feeding, exercising, grooming, and emergency health care of the dog, and care and cleaning of the kennel.

WSR 91-15-022
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed July 11, 1991, 9:52 a.m.]

Date of Adoption: July 11, 1991.

Purpose: To provide excise tax reporting information of persons selling motor vehicle fuels, special fuels (diesel), and nonpollutant fuel (propane).

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-126.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 91-11-002 on May 2, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 11, 1991

Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order ET 83-6, filed 8/23/83)

WAC 458-20-126 SALES OF MOTOR VEHICLE FUEL (~~AND~~), SPECIAL FUELS, AND NONPOLLUTANT FUEL. (~~SALES OF~~) (1) MOTOR VEHICLE FUEL AND SPECIAL FUELS. (~~As used herein the term "vehicle fuel" means~~) "Motor vehicle fuel" as (~~defined in chapter 82.36 RCW and~~) used in this section means gasoline or any other inflammable gas or liquid the chief use of which is as fuel for the propulsion of motor vehicles. (See RCW 82.36.010). "Special fuels" as (~~defined in chapter 82.38 RCW~~) used in this section means all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined above. (See RCW 82.38.020). Diesel fuel is an example of a special fuel.

(a) The retail sales tax does not apply to the following:

(i) Sales of motor vehicle fuel on which the tax of chapter 82.36 RCW is paid (~~, nor to~~).

(ii) Sales of special fuel (~~s~~) when sold for use as fuel in propelling motor vehicles upon the public highways in this state and on which the special fuel tax (~~or~~) of chapter 82.38 RCW is paid. Payment of the annual fee

in lieu (~~thereof in the case of certain nonpollutant fuels~~) of the special fuel tax on natural gas and propane, RCW 82.38.075, constitutes payment of the special fuel tax imposed by chapter 82.38 RCW(~~is paid~~).

~~((However, except for the further sales and use tax exemptions explained in this rule,))~~ (b) The retail sales tax or use tax applies to sales and uses of motor vehicle fuel or special fuel (~~upon which~~) when the taxes of chapter 82.36 or 82.38 RCW have not been paid or (~~such taxes~~) have been refunded.

(c) By reason of special exemptions contained in RCW 82.08.0255 the retail sales tax does not apply to sales of special fuel delivered in this state which is (~~subsequently~~) later transported and used outside this state by persons engaged in interstate commerce. This exemption also applies to persons hauling their own goods in interstate commerce.

EXEMPTION CERTIFICATE. Persons selling special fuel to interstate carriers which comes within the foregoing exemption may obtain an exemption certificate from the purchaser in substantially the following form in order to document the entitlement to the exemption.

Certificate of Special Fuel Sales to Interstate Carriers

The undersigned hereby certifies that all the special fuel purchased from the listed dealer will be purchased for transportation and use outside of Washington by them as an interstate carrier and is entitled to the exemption of RCW 82.08.0255 or will be used on highways in Washington and the special fuel tax of chapter 82.38 RCW will be paid.

Dealer: _____
Carrier: _____
Authorized Carrier Signature: _____
Title or office: _____
Date: _____

The above certificate must be renewed at intervals not to exceed four years.

~~((Also,))~~ (d) Neither the retail sales tax nor use tax applies to sales or uses of motor vehicle fuel or special fuel purchased by private, nonprofit transportation providers certified under chapter 81.66 RCW, who are entitled to fuel tax refund or exemption under chapter 82.36 or 82.38 RCW.

(e) ~~Persons selling special fuels on which the tax of chapter 82.38 RCW is not collected, except special fuel sold for use outside this state by persons engaged in interstate commerce, or fuel sold to exempt certified transportation providers, are required to collect the retail sales tax on retail sales thereof. ((Purchasers of nonpollutant fuel (including liquid and gaseous propane) who are registered with the department and who take deliveries into bulk storage facilities should get information from an office of the department regarding special provisions for such deliveries.))~~

It is the intent of the law that all vehicle fuels, except special fuel purchased in this state for use outside this state by interstate commerce carriers, or fuels sold to exempt certified transportation providers will be subject to either the vehicle fuel taxes (chapter 82.36 or 82.38

RCW) or else the sales or use taxes of the Revenue Act (chapter 82.08 or 82.12 RCW). The fuel taxes (~~are applicable~~) apply to sales of fuel for on-highway consumption. The sales or use tax (~~is applicable~~) applies to fuel sold for consumption off the highways (e.g., boat fuel, or fuel for farm machinery, construction equipment, etc.).

(f) When persons purchase motor vehicle fuel or special fuel upon which either the fuel taxes of chapter 82.36 or 82.38 RCW have been paid, but the fuel is consumed off the highways, such persons are entitled to a refund of these taxes under the procedures of (~~RCW 82.38.150~~) chapter 82.36 or 82.38 RCW. However, persons receiving refund of vehicle fuel taxes because of their off-highway consumption of the fuel in this state are subject to payment of the use tax of chapter 82.12 RCW on the value of the fuel. The director of the department of licensing administers the fuel tax refund provisions and will deduct from the amount of any such refunds the amount of use tax due.

(2) NONPOLLUTANT FUEL. RCW 82.38.075 provides for payment of an annual fee by users of nonpollutant fuel (natural gas and liquified petroleum gas, commonly called propane) in lieu of motor vehicle fuel tax which would otherwise be due. This fee is paid at the time of original and annual renewals of vehicle license registrations. Sales or use tax applies to sales of nonpollutant fuel and any other motor fuel only if the taxes of chapter 82.36 or 82.38 RCW are not paid. The "in lieu of" tax is merely an alternative method of paying tax due under chapter 82.38 RCW. Thus, when it is paid by a user, the user has no liability for sales or use tax on purchases of nonpollutant fuel for use in the motor vehicle.

(a) Fuel dealers should not collect sales or use tax on any nonpollutant fuel sold to Washington licensed vehicle owners for "on-highway" use when the vehicle displays a currently valid decal or other identifying device issued by the department of licensing.

(b) Nonpollutant fuels purchased for "off-highway" use, however, are not subject to the taxes of chapter 82.36 or 82.38 RCW and therefore the sales tax applies to dealer sales of fuel for "off-highway" use. If the nonpollutant fuel is pumped into the vehicle fuel tank, then the special fuel tax applies. However, this tax should have already been paid by Washington state licensed vehicle owners directly under the "in lieu of" provisions of RCW 82.38.075.

(c) The department recognizes that certain licensed special fuel users may find it more practical to accept deliveries of nonpollutant fuels into a bulk storage facility rather than into the fuel tanks of motor vehicles. Persons selling nonpollutant fuels to such bulk purchasers may obtain from the purchaser an exemption certificate in order to document entitlement to the exemption. The certificate will certify the amount of fuel which will be consumed by the buyer in propelling motor vehicles upon the highways of this state. This procedure is limited, however, to persons duly registered with the department. The registration number given on the certificate ordinarily will be sufficient evidence that the purchaser is properly registered. The certificate shall be in substantially the following form:

CERTIFICATE FOR PURCHASE OF NONPOLLUTANT SPECIAL FUELS

Seller: _____
Buyer: _____
Buyer's DOR reporting No.: _____
Buyer's Special Fuel User's License No.: _____

The undersigned hereby certifies that on this date he purchased (gallons/cubic feet) of nonpollutant fuel from the above named seller, and that delivery of the products so purchased was not made into the fuel tanks of a motor vehicle. The undersigned further certifies that of the purchase herein described:

- 1. (gallons/cubic feet) will be used to propel motor vehicles upon the highways of the state of Washington and that the "in lieu of" special fuel taxes of chapter 82.38 RCW have been paid.
- 2. (gallons/cubic feet) will be used in some other manner and that the retail sales tax is applicable to the purchaser of this quantity.

DATE _____

	Name
	Office or Title

(d) Where it is not possible for a special fuel user licensee to determine at the time of purchase the exact proportion of the products purchased which will be consumed in propelling motor vehicles upon the highways of this state, the amount of such off-highway use special fuel may be estimated. In the event such an estimate is used, the purchaser must make an adjustment on a following excise tax return and pay use tax upon any portion of the fuel used for off-highway purposes upon which the retail sales tax was not paid.

(e) Certificates should be retained by the seller, as a part of his permanent records, and will be acceptable evidence of sales tax exemption upon sales of nonpollutant special fuel delivered in the manner described. When nonpollutant fuel is delivered by the seller into the bulk storage facilities of a special fuel user licensee or is otherwise sold to such buyers under conditions whereby it is not delivered into the fuel tanks of motor vehicles, it will be presumed that the entire amount of the products so sold will be subject to the retail sales tax unless the seller has obtained the certificate.

(f) Owners of out-of-state licensed vehicles who purchase propane and other nonpollutant fuel normally will not have paid the motor vehicle fuel tax or the special fuel tax. Thus, where the taxes of chapters 82.36 and 82.38 RCW have not been paid they owe sales tax on their purchases of this fuel for both on-highway or off-highway use.

(g) Accordingly, the following guidelines will prevail:

(i) All sales of nonpollutant fuel not placed in vehicle fuel tanks by the seller are subject to sales tax which the seller must collect and remit unless a certificate as described above is obtained from the purchaser.

(ii) All sales of motor vehicle fuel, special fuel, or nonpollutant fuel of any kind for "on-highway" use are subject to the fuel taxes of chapter 82.36 or 82.38 RCW.

(iii) The tax due on nonpollutant fuel for "on-highway" use (including propane) under chapter 82.38 RCW will already have been paid by Washington licensed vehicle owners so the seller need not collect additional state tax of any kind.

(iv) Non-Washington licensed vehicle owners who have not paid tax under either chapter 82.36 or 82.38 RCW must pay sales tax on all purchases of nonpollutant fuel (including propane) whether for on-highway or off-highway use.

WSR 91-15-023
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed July 11, 1991, 9:54 a.m.]

Date of Adoption: July 11, 1991.

Purpose: This rule provides excise tax reporting information to dentists, dental laboratories, and physicians.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-151.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 91-11-003 on May 2, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 11, 1991

Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order ET 83-15, filed 3/15/83)

WAC 458-20-151 DENTISTS, DENTAL LABORATORIES AND PHYSICIANS. (1) BUSINESS AND OCCUPATION TAX. Dentists, dental laboratories, and physicians are subject to the business and occupation tax as follows:

(a) SERVICE AND OTHER BUSINESS ACTIVITIES. These persons are taxable under the service and other business activities classification ((upon)) on the gross income from charges for ((the rendition of)) performing professional services.

(i) This includes any separate charge to the patient for drugs, medicines, and other substances used by a dentist, or physician, or administered to a patient as part of the dental or medical services to the patient.

(ii) Dental laboratories provide professional services. The product which results from those services is merely evidence of those services. Dental laboratories are taxable under the service and other business activities classification on income from providing their services.

(b) RETAILING. A physician or a medical clinic may occasionally make sales of drugs as a convenience to a customer with the sale not being part of the medical services to the patient. These sales are taxable under the retailing classification. The retailing classification applies only when the physician or medical staff do not administer the drug or other medicine to the patient. Adequate

records must be kept by the business to distinguish drugs which are administered as part of a medical service from those which are sold outright.

(2) RETAIL SALES TAX. Dentists, dental laboratories, and physicians primarily ((render)) perform professional services and are not required to collect the retail sales tax from clients and others paying for such services.

(a) Sales by supply houses to such persons of materials, supplies, and equipment which are used incidentally in ((the rendering of such)) performing professional services are retail sales ((upon which)) and the retail sales tax must be collected. Such sales include, among others, sales of dental chairs, instruments, x-ray machines, office equipment, stationery; and sales of supplies, such as dressings, bandages, nonprescription drugs and similar articles. Certain specific items may be purchased without the payment of retail sales tax as discussed below.

(b) Dentists and dental laboratories are required to pay retail sales tax to their suppliers for purchases of orthotic devices or components of such devices which they use or prescribe to their patients as part of the services provided to the patient. Orthotic devices may be purchased exempt of retail sales tax only when prescribed by physicians, osteopaths, or chiropractors for an individual. For example, dentists specializing in the prevention and correction of irregularities in the position of the teeth are required to pay retail sales tax to their suppliers for braces, collars, wires, screws, bands, splints, night guards, etc. See RCW 82.08.0283.

(c) Orthotic devices which are prescribed by physicians, osteopaths, and chiropractors for an individual are not subject to retail sales tax. Orthotic devices are apparatus designed to activate or supplement a weakened or atrophied limb or function. They include braces, collars, casts, splints, and other similar apparatus, as well as parts thereof. Orthotic devices do not include durable medical equipment such as wheelchairs, crutches, walkers, and canes nor consumable supplies such as elastic stockings, arch pads, belts, supports, bandages, and the like, whether prescribed or not.

((However,)) (d) The sales tax does not apply to sales of ostomic items, insulin, medically prescribed oxygen, and prosthetic devices. ((See WAC 458-20-18801 for definition of prosthetic device.

Sales of drugs, medicines, and other substances prescribed by dentists and physicians are deductible by the seller from gross retail sales where the written prescription bearing the signature of the issuing medical practitioner and the name of the patient for whom prescribed is retained, and such sales are separately accounted for. See WAC 458-20-18801.) Prosthetic devices are artificial substitutes which replace missing parts of the human body such as a limb, bone, joint, eye, tooth, or other organ or part thereof, and materials which become ingredients or components of prostheses. These materials include plastic, wood, hinges, screws, denture acrylic, porcelain, gold, silver, including any alloys of gold or silver. The following is a list of prosthetic devices or components of prosthetic devices that may be purchased

or sold by dentists and/or dental laboratories without retail sales tax applying:

(i) Alloy and mercury – used together to form an amalgam to fill existing teeth;

(ii) Casting alloy;

(iii) Cement – to cement crowns or teeth to bridges or dentures;

(iv) Cavity liner;

(v) Composites – filling material used in the place of alloy;

(vi) Filling material;

(vii) Temporary crowns;

(viii) Acrylics – dentures, crown, and bridge replacement of teeth;

(ix) Reline material – to reline dentures;

(x) Pins – used for retention;

(xi) Endo post – used in restoring teeth without any surface on tooth to support restoration;

(e) The retail sales tax does not apply to sales of prescription drugs to dentists, physicians, or other medical practitioners when sold for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. See WAC 458-20-18801.

(3) USE TAX. Use tax is due when retail sales tax has not been paid on the purchases of supplies and equipment used by a dentist, dental laboratory, or physician in the providing of professional services. This includes orthotic devices used or prescribed by dentists, or dental laboratories when retail sales tax was not paid to the supplier. Refer to subsection (2) of this section (Retail sales tax) for a further discussion of taxable items.

(a) The use tax does not apply to the purchase or use of ostomic items, insulin, medically prescribed oxygen, ((nor to)) prosthetic devices or ingredients/components of prostheses.

(b) The use tax also does not apply to purchases of prescription drugs when purchased for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. See WAC 458-20-18801.

WSR 91-15-024

PERMANENT RULES DEPARTMENT OF REVENUE

[Filed July 11, 1991, 9:57 a.m.]

Date of Adoption: July 11, 1991.

Purpose: To comply with the statute and provide a current rate of interest to be applied to refunds of property taxes.

Citation of Existing Rules Affected by this Order:
Amending WAC 458-18-220.

Statutory Authority for Adoption: RCW 84.08.010 and 84.69.100.

Pursuant to notice filed as WSR 91-10-070 on April 30, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 11, 1991
William N. Rice
Assistant Director

AMENDATORY SECTION (Amending Order PT 89-6, filed 5/3/89)

WAC 458-18-220 REFUNDS—RATE OF INTEREST. The following rates of interest shall apply ((based upon)) on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid or the claim for refund ((was)) is filed, whichever is later:

((Prior to July 27, 1988	.0596	(5.96%)
July 27, 1988 through		
December 31, 1988	.0600	(6.00%)
January 1, 1989 through		
December 31, 1989	.0675	(6.75%)
Effective dates	Rate	Percent
Prior to July 25, 1987		(5.0%)
July 25, 1987 through		
December 31, 1987	.0585	(5.85%)
January 1, 1988 through		
December 31, 1988	.0568	(5.68%)
January 1, 1989 through		
December 31, 1989	.0671	(6.71%)
January 1, 1990 through		
December 31, 1990	.0763	(7.63%)
January 1, 1991 through		
December 31, 1991	.0760	(7.60%)

WSR 91-15-025
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed July 11, 1991, 11:38 a.m.]

Original Notice.

Title of Rule: Informal settlement, WAC 390-37-085.

Purpose: Sets out procedures for attempting and executing an informal settlement.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: This rule was intended to be a part of WSR 91-13-089 but was inadvertently left out.

Name of Agency Personnel Responsible for Drafting: Roselyn Marcus, Olympia, 586-1913; Implementation and Enforcement: Graham Johnson, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes procedures for informal settlements of disputes.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Evergreen Plaza Building, 711 Capitol Way, 2nd Floor Conference Room, Olympia, WA 98504-3342, on August 27, 1991, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, 403 Evergreen Plaza Building, FJ-42, Olympia, WA 98504-3342, by August 27, 1991.

Date of Intended Adoption: Tuesday, August 27, 1991.

July 10, 1991
 Graham E. Johnson
 Executive Director

NEW SECTION

WAC 390-37-085 INFORMAL SETTLEMENT. RCW 34.05-.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute resolution that may make more elaborate proceedings under the Administrative Procedures Act unnecessary.

(1)(a) Any person whose interest in a matter before the Commission may be resolved by settlement shall communicate his/her request to the executive director, setting forth all pertinent facts and the desired remedy. If the executive director requires additional information to resolve the matter informally, the executive director shall promptly provide to the person seeking relief an opportunity to supply such information. Settlement negotiations shall be informal and without prejudice to rights of a participant in the negotiations.

(b) In the event an early, informal resolution is reached, the executive director is responsible for providing a written description of the recommended resolution to the person(s) involved.

(2)(a) If settlement of an adjudicative proceeding may be accomplished by informal negotiation, negotiations shall be commenced at the earliest possible time. Settlement shall be concluded by

- (i) stipulation of the parties or
- (ii) withdrawal of the application for an adjudicative proceeding by the applicant or
- (iii) withdrawal by the executive director of the action which is the subject matter of the adjudicative proceeding.

(b) A proposed stipulation shall be in writing and signed by each party to the stipulation or his/her representative. The stipulation shall be recited on the record at the hearing. The Commission has the option of accepting, rejecting or modifying the proposed stipulation. If the Commission accepts the stipulation or modifies the stipulation with the agreement of the opposing party, the Commission shall enter an order in conformity with the terms of the stipulation. If the Commission rejects the stipulation or the opposing party does not agree to the Commission's proposed modifications to the stipulation, then a hearing shall be held.

WSR 91-15-026
ATTORNEY GENERAL OPINION
Cite as: AGO 1991 No. 23
 [July 8, 1991]

AIDS—JUVENILES—HIV TESTING OF JUVENILES ADJUDGED TO HAVE COMMITTED SEXUAL OFFENSES

RCW 70.24.340 provides for mandatory HIV testing and counseling for persons convicted of a sexual offense under chapter 9A.44 RCW. A juvenile is not convicted of a sexual offense under chapter 9A.44 RCW. Rather, a juvenile is adjudged to have committed an offense under the Juvenile Justice Act, RCW 13.40.0357 (Schedule A). Therefore, the testing and counseling requirement in RCW 70.24.340 does not apply to juveniles adjudged to have committed sexual offenses pursuant to the Juvenile Justice Act.

Requested by:

Honorable Phil Talmadge
State Senator, District 34
432 John A. Cherberg Building
Olympia, Washington 98504

WSR 91-15-027
EMERGENCY RULES
PERSONNEL BOARD

[Order 378—Filed July 12, 1991, 10:42 a.m.]

Date of Adoption: July 11, 1991.

Purpose: This rule determines the rates and requirements to earn standby pay.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-080 Standby compensation.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: OFM did not approve the amendment made to this rule in January 1991 based on lack of funds. This rendered the rule ineffective. The proposed change returns the rule to its original state.

Effective Date of Rule: Immediately.

July 12, 1991
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 367, filed 1/16/91, effective 7/1/91)

WAC 356-15-080 STANDBY COMPENSATION. (1) Requirements:

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number

with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) Payment: Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.

(3) Rate: The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly ((~~four~~) two whole numbers higher. That is: ((~~30~~) 28 - 26, or ((~~30.3~~) 28.3 - 26.3) divided by 128 hours.

WSR 91-15-028
PROPOSED RULES
REDISTRICTING COMMISSION

[Filed July 12, 1991, 12:02 p.m.]

Original Notice.

Title of Rule: Chapter one, General administrative procedures; chapter two, Public records; and chapter six, Third party submissions.

Purpose: The purpose of these rules is to establish administrative rules for the Washington State Redistricting Commission and to implement Article 2, Section 43 of the state constitution and chapter 44.05 RCW.

Statutory Authority for Adoption: RCW 44.05.080(1).

Statute Being Implemented: Article 2, Section 43, state Constitution, chapter 44.05 RCW.

Summary: The proposed rules provide general administrative procedures for the Washington State Redistricting Commission, and also provide procedures for the public to request public records from the Washington State Redistricting Commission and to submit alternative or "third party" redistricting proposals.

Reasons Supporting Proposal: These permanent rules are proposed to provide for the orderly implementation of Article 2, Section 43 of the state constitution and chapter 44.05 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham H. Fernald, Chair, 1110 Capitol Way South, Suite 306, 786-7935.

Name of Proponent: Washington State Redistricting Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These proposed rules are permanent rules to replace emergency rules previously filed and provide the public an opportunity to comment on the proposed rules.

The purpose of the proposed rules is to provide the necessary administrative procedures for the conduct of business by the commission as required by provisions in the state constitution and statute. The proposed rules also provide procedures for public participation in the redistricting process as required by statute and as further deemed appropriate the Washington State Redistricting Commission.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Sea-Tac Office Building, 500 Pacific Highway South, Room 500, Seattle, WA, on August 28, 1991, at 12:00 p.m.

Submit Written Comments to: Jennifer Helget, Executive Director, 1110 Capitol Way South, Suite 306, AN-31, Olympia, WA 98504, by August 23, 1991.

Date of Intended Adoption: August 28, 1991.

July 12, 1991
Graham H. Fernald
Chair

CHAPTER 417-01 WAC
PERMANENT RULES
WASHINGTON STATE REDISTRICTING COMMISSION

WAC

- 417-01-100 Purpose.
- 417-01-105 Description of Organization.
- 417-01-110 Commission Responsibilities and Duties.
- 417-01-115 Authority.
- 417-01-120 Definitions.
- 417-01-125 Offices.
- 417-01-130 Officers.
- 417-01-135 Staff.
- 417-01-140 Professional Advisors.
- 417-01-145 Political Activities.
- 417-01-150 Schedule of Meetings.
- 417-01-155 Conduct of Commission Business.

NEW SECTION

WAC 417-01-100 PURPOSE. The purpose of these rules is to establish administrative rules for the Washington State Redistricting Commission and to implement the provisions of Article 2, Section 43 of the state constitution and Chapter 44.05 RCW.

NEW SECTION

WAC 417-01-105 DESCRIPTION OF ORGANIZATION. The Washington State Redistricting Commission is a five member commission appointed in accordance with Article 2, Section 43 of the state constitution and Chapter 44.05 RCW. The membership consists of four voting members appointed by the leaders of the two largest political caucuses in the Senate and House of Representatives. The Commission Chair is selected by the voting members. The administrative office of the Commission is located at the Washington State Redistricting Commission, Suite 306, 1110 Capitol Way South, Olympia, Washington 98504. The Commission's phone number is (206) 786-7935.

NEW SECTION

WAC 417-01-110 COMMISSION RESPONSIBILITIES AND DUTIES. Pursuant to Article 2, Section 43 of the state constitution and Chapter 44.05 RCW, the Commission's duties are:

- (1) to accomplish state legislative and congressional redistricting;
- (2) to act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;
- (3) to disclose and preserve public records as specified in 40.14 and 42.17 RCW;
- (4) to hold open public meetings pursuant to the open public meetings act;
- (5) to prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) to prepare and publish a report with a redistricting plan as provided in RCW 44.05.080(7);

(7) to distribute census data to counties for local redistricting as required by Chapter 29.70 RCW.

NEW SECTION

WAC 417-01-115 AUTHORITY. These rules are adopted pursuant to the requirements of RCW 44.05.080(1) and the Administrative Procedures Act, chapter 34.05 RCW.

NEW SECTION

WAC 417-01-120 DEFINITIONS. The following definitions shall apply throughout this title:

(1) "Commission" shall mean the Washington State Redistricting Commission established pursuant to Article II, Section 43 of the state Constitution and RCW 44.05.030;

(2) "Commissioners" shall mean the four voting commissioners appointed to the Commission pursuant to Article II, Section 43 of the state Constitution and RCW 44.05.030;

(3) "Chair" shall mean the nonvoting chairperson of the Commission, appointed by the voting members pursuant to Article II, Section 43 of the state Constitution and RCW 44.05.030(3);

NEW SECTION

WAC 417-01-125 OFFICES. The offices of the Commission, and its mailing address, shall be Suite 306, 1110 Capitol Way South, Olympia, Washington 98504. Office hours for the Commission shall be from 8 a.m. to 5 p.m. on all normal business days. Office hours for inspection and copying of public records shall be as provided in Chapter Two hereof.

NEW SECTION

WAC 417-01-130 OFFICERS. (1) There shall be an Executive Director of the Commission who shall be responsible to the Commission for the overall administration of the Commission and its business, and who shall have such other duties and responsibilities as the Commission may from time to time decide.

(2) There shall be a Director of Operations of the Commission who shall be responsible to the Commission for the acquisition, management and use of the Commission's technical equipment, and who shall have such related duties and responsibilities as the Commission may from time to time decide.

(3) The Executive Director and the Director of Operations shall report to the Chair.

NEW SECTION

WAC 417-01-135 STAFF. The Executive Director shall appoint such assistants and employees as may be appropriate and necessary to the functions of the Commission, and shall supervise the assistants and employees. The Executive Director shall coordinate the appointment and supervision of technical staff employees with the Director of Operations.

NEW SECTION

WAC 417-01-140 PROFESSIONAL ADVISORS. The Commission may, by majority vote, appoint attorneys, advisors and others to assist it in the conduct of its duties, and they shall have such duties and receive such compensation and reimbursement as the Commission may from time to time, by majority vote, determine. The Chair, upon approval by a majority of the Commission's voting members, shall authorize the payment of necessary expenses of a witness incurred in testifying at the invitation of the Commission.

NEW SECTION

WAC 417-01-145 POLITICAL ACTIVITIES. Neither the chair, nor any Commissioner shall:

- (1) Campaign, as a candidate, for any elective office while a member of the Commission;
- (2) Actively participate in or contribute to any political campaign of any candidate for any state or federal elective office while a member of the Commission;
- (3) Hold or campaign for a seat in the U.S. Congress or in the legislature of this state until two years have elapsed following the effective

date of the 1992 redistricting plan adopted pursuant to RCW 44.05.100.

NEW SECTION

WAC 417-01-150 SCHEDULE OF MEETINGS. (1) Regular Meetings: The Commission shall meet monthly during the months of April 1991 through December 1991 on the second Thursday of the month, at the Commission's offices in Olympia, at 4 p.m., unless they shall appoint a different day, time or place.

(2) Special Meetings: The Commission shall meet at other times and places, at the call of the Chair or of a majority of the Commissioners. Notice of special meetings shall be given as far in advance as may be practical, to the press and to all others who have requested notice of Commission meetings.

(3) Agenda: The Chair, or the Commission majority calling a special meeting, shall propose an agenda for the meeting, which shall be distributed to Commissioners, to the press, and to others who have requested notice, at the earliest practical date prior to the meeting.

NEW SECTION

WAC 417-01-155 CONDUCT OF COMMISSION BUSINESS. (1) Three voting members of the Commission shall constitute a quorum for the conduct of business.

(2) The votes of any three of the Commissioners shall be required for any official action of the Commission: provided, that the Chair shall have the authority on behalf of the Commission to execute contracts and leases, and approve expenditures and reimbursements, related to the business of the Commission. The Chair may, without the prior approval of the Commission, authorize expenditures for equipment and supplies not to exceed \$10,000. Expenditures made pursuant to this section shall be reported as a separate item on the agenda at the next Commission meeting.

(3) The Chair shall not have a vote at any meeting of the Commission.

(4) Commission meetings shall be conducted in accordance with the open meetings act (Chapter 42.30 RCW).

(5) The Commission shall not adopt any redistricting plan, or partial redistricting plan, except at a public meeting, notice of which has been given in accordance with these rules.

(6) The Commission shall not take any action by secret ballot.

(7) When not inconsistent with the state constitution, statute, or these rules, parliamentary matters before the commission shall be governed by Reed's Parliamentary Rules.

(8) Motions shall not require a second in order to be placed before the Commission for a vote.

(9) All public meetings of the Commission shall be electronically recorded. The minutes and tapes thereof shall be available to the public in accordance with the rules regarding access to public records held by the Commission. The Commission shall provide for presence of a court reporter at Commission meetings for the purpose of recording public testimony regarding a districting plan. A typewritten transcript of such testimony shall be prepared as soon as possible after such hearings and shall be made available to the public in accordance with the rules regarding access to public records held by the Commission. The shorthand transcript of a court reporter prepared pursuant to this section shall become part of the official records of the Commission.

(10) Except as provided in this section, the Chair shall preside at all meetings. In the event of the Chair's absence the Commission shall select from among the voting members a temporary chair to preside in the Chair's absence. The position of temporary chair shall alternate between a member of the two parties represented on the Commission.

**CHAPTER 417-02 WAC
PERMANENT RULES**

**WASHINGTON STATE REDISTRICTING COMMISSION
PUBLIC RECORDS**

WAC

417-02-100	Purpose.
417-02-105	Definitions.
417-02-110	Public Records Available.
417-02-115	Public Records Officer.
417-02-120	Office Hours.
417-02-125	Request of Public Records.
417-02-130	Copying.
417-02-135	Exemptions.
417-02-140	Review of Denials of Public Records Requests.

414-02-145	Protection of Public Records.
417-02-150	Adoption of Form.
417-02-155	Records Index.

NEW SECTION

WAC 417-02-100 PURPOSE. The purpose of this chapter is to establish methods by which the Commission will comply with the provisions of Chapter 42.17 RCW dealing with public records.

NEW SECTION

WAC 417-02-105 DEFINITIONS. As used in this Chapter:

(1) All words and phrases defined in Chapter One of his title (WAC 417-01-105) shall have the same meaning for purpose of this Chapter.

(2) "Public records" include any writing (including communications of any type, maps, computer prints, magnetic and paper tapes, computer disks and diskettes, photographs, and other documents) in the possession or control of the Commission: provided, that "public records" do not include any writing, map or other document prepared on Commission equipment pursuant to a contract with another person or entity; further provided, that "public records" do not include any plans, supporting materials, maps or other documents prepared for an individual Commissioner prior to the time that such materials are submitted to the Commission.

NEW SECTION

WAC 417-02-110 PUBLIC RECORDS AVAILABLE. All public records of the Commission are available for public inspection and copying pursuant to these rules except as otherwise provided in RCW 42.17.310.

NEW SECTION

WAC 417-02-115 PUBLIC RECORDS OFFICER. The Commission's public records shall be in the charge of the public records officer, who shall be the Executive Director of the Commission. The public records officer shall be responsible for: implementation of Commission policy as to release of public records; authorizing release of records, which authorization shall be in writing; and insuring staff compliance with the requirements of these rules. The public records officer may designate in writing an assistant public records officer to perform the duties of public records officer when she is absent or unavailable.

NEW SECTION

WAC 417-02-120 OFFICE HOURS. Public records shall be available for inspection and copying on Monday through Friday (except state holidays) from 9 a.m. until noon, and from 1:00 p.m. to 4:00 p.m. All public records shall be located at the Washington State Redistricting Commission, Suite 306, 1110 Capitol Way South, Olympia, Washington 98504.

NEW SECTION

WAC 417-02-125 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of Chapter 42.17 RCW that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the Commission's office. The form shall be presented to the public records officer, or to the designated assistant public records officer if the public records officer is not available, during the office hours established in this Chapter. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) A specific identification or description of each record requested;
- (d) If the matter requested is referenced within the current index maintained by the Commission, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer, or the designated assistant public records officer if the public records officer is not available, will ascertain whether or not the information requested is exempt from public inspection and copying as defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the rights of privacy of the individual, and other particular information.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer, or the designated assistant public records officer if the public records officer is not available, to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copies;
- (d) Prevent disorganization of file folders or document containers;
- (e) Prevent excessive interference with the other essential functions of the Commission.

(5) Only the staff and Commissioners may open files to gain access to Commission records.

(6) No public record of the Commission may be taken from the premises of the Commission by a member of the public.

(7) Public inspection of Commission records shall be done only in such locations as are approved by the public records officer, or the designated assistant public records officer if the public records officer is not available, which locations must provide an opportunity for staff to ensure that no public record of the Commission is damaged, destroyed, unreasonably disorganized, or removed from its proper location or order by a member of the public.

(8) Public records of the Commission may be copied only on the copying machine of the Commission unless other arrangements are authorized by public records officer, or the designated assistant public records officer if the public records officer is not available.

NEW SECTION

WAC 417-02-130 **COPYING.** No fee shall be charged for the inspection of public records. The Commission shall charge for copies of public records and the use of Commission copy equipment such amount as is necessary to reimburse the Commission for its actual cost incident to such copying. The Executive Director shall establish charges for copying public records. If the public records officer, or the designated assistant public records officer if the public records officer is not available, deems it more efficient to have copying done outside the office of the Commission, the charges will be based on the actual cost of such outside copying service.

NEW SECTION

WAC 417-02-135 **EXEMPTIONS.** (1) The Commission reserves the right to determine that a public record requested in accordance with the procedures outlined herein in WAC 30-40-050 is exempt under the provisions of RCW 42.17.310.

(2) The Commission reserves the right to allow the public to inspect but not copy certain public records where there is reason to believe that the ability to copy such records would be a violation of copyright agreements, contracts, or Census Bureau or other governmental requirements.

(3) Pursuant to RCW 42.17.260, the Commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by Chapter 42.17 RCW. The public records officer, or the designated assistant public records officer if the public records officer is not available, will justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

NEW SECTION

WAC 417-02-140 **REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer, or the designated assistant public records officer, which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or the designated assistant public records officer denying the request shall refer it to the Chair. The Chair shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within three working days following the written request for review of the original denial.

(3) Administrative remedies shall not be considered exhausted until the Chair has returned the petition with a decision or until the close of the third business day following the request for review, whichever occurs first.

NEW SECTION

WAC 417-02-145 **PROTECTION OF PUBLIC RECORDS (1)** Records are available for inspection and copying at the location and during office hours identified in this Chapter and then only in the presence of an authorized staff person of the Commission and with the aid and assistance of such staff person.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the Commission office and the availability of authorized staff to operate the equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The Request for an appointment shall be made on the Request for Public Record Form as provided in this Chapter. Staff shall acknowledge such request for an appointment within three working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staff person or shall advise the requester that authorized staff is not available to operate the equipment for the purposes requested, giving the reasons therefor.

NEW SECTION

WAC 417-02-150 **ADOPTION OF FORM.** The Commission hereby adopts for use by all persons requesting inspection or copies of its records, the form attached hereto entitled "Request for Public Record Form."

NEW SECTION

WAC 417-02-155 **RECORDS INDEX.** The Commission shall provide a current records index based on those records available in the Commission office and outlined on the Commission's schedule for archival of official agency records. Those records which are considered exempt for the purposes of this Chapter and RCW 42.17.310 shall be noted on the index.



WASHINGTON STATE REDISTRICTING COMMISSION

1110 Capitol Way South, Suite 306 (AN-31)
Olympia, Washington 98504
Telephone: 206/786-7935
FAX: 206/786-1869

REQUEST FOR PUBLIC RECORD

REDISTRICTING COMMISSION
1110 Capitol Way South, Suite 306 (AN-31)
Olympia, Washington 98504
Telephone: (206) 786-7935
FAX: (206) 786-1869

NAME OF REQUESTER: _____ PHONE: _____

STREET ADDRESS: _____

CITY: _____ STATE : _____ ZIP: _____

DATE OF REQUEST (M/D/Y): _____ TIME _____ A.M.
P.M.

PUBLIC RECORDS OR INFORMATION REQUESTED: _____

Record Provided by Public Records Officer: _____

NUMBER OF COPIES, IF REQUESTED:	NUMBER OF COPIES PROVIDED:	AMOUNT RECEIVED FOR COPIES: \$

APPOINTMENT TO VIEW RECORDS:
(Preferred Dates)

(1st) DATE:	TIME:	APPOINTMENT:
(2nd) DATE:	TIME:	CONFIRMED:
(3rd) DATE:	TIME:	DATE: TIME: STAFF:

IF SPECIAL EQUIPMENT REQUIRED FOR VIEWING RECORDS, PLEASE DESCRIBE: _____

AGREEMENTS: I have read, understand, and will comply with the rules of the Washington State Redistricting Commission governing the inspection and copying of public records. I also agree that any list of individuals and/or information provided me by the Commission shall not be used for any commercial purpose by me or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for the purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

SIGNATURE OF REQUESTER: _____ DATE: _____

CHAPTER 417-06 WAC
PERMANENT RULES
WASHINGTON STATE REDISTRICTING COMMISSION
THIRD PARTY SUBMISSIONS

WAC

417-06-100	Purpose.
417-06-110	Definitions.
417-06-120	Requirements Applicable to Third Party Plans.
417-06-130	Format for Formal Plans.
417-06-140	Format for Informal Plans.
417-06-150	Time and Place of Submission.
417-06-160	Public Access to Third Party Plans.
417-06-170	Public Rights in Third Party Plans.

NEW SECTION

WAC 417-06-100 PURPOSE. The Commission encourages individuals and interest groups to submit proposed redistricting plans to the Commission. The purpose of this Chapter is to establish methods by which such plans may be submitted to the Commission.

NEW SECTION

WAC 417-06-110 DEFINITIONS. As used in this Chapter:

(1) All words and phrases defined in Chapter One of this title (WAC 417-01-105) shall have the same meaning for the purposes of this Chapter.

(2) "Commission Plan" means a proposed plan of redistricting, including any amendment to a proposed plan of redistricting, that is submitted to the Commission by a Commissioner, or by the Chair or the staff of the Commission. It also means a plan of redistricting, including any amendment to a proposed plan of redistricting, that is prepared by or at the direction of one or more of the Commissioners.

(3) "Formal Plan" means a redistricting plan other than a Commission Plan that meets the requirements of WAC 417-06-130 and that covers all of the territory of the State, or that covers at least all of the territory of the State that lies to the east of, or to the west of, the crest of the Cascade range.

(4) "Informal Plan" means a redistricting plan other than a Commission plan that does not qualify as a Formal Plan.

(5) "Third Party Amendment" means a proposal for an amendment to a Commission Plan or a Third Party Plan, submitted to the Commission by an individual or interest group other than the Commissioners or the Chair or staff of the Commission. A Third Party Amendment may be a Formal Plan or an Informal Plan.

(6) "Third Party Plan" means a plan of redistricting that is a Formal Plan or an Informal Plan or a Third Party Amendment, submitted to the Commission by an individual or interest group other than the Commissioners or the Chair or staff of the Commission.

NEW SECTION

WAC 417-06-120 REQUIREMENTS APPLICABLE TO THIRD PARTY PLANS. Any Third Party Plan must adhere to the statutory requirements applicable to Commission Plans, in Art. 2, Sec. 43 of the Constitution of the State of Washington and RCW 44.05-.090. Copies of these Constitutional and Statutory provisions are attached to this Chapter.

NEW SECTION

WAC 417-06-130 FORMAT FOR FORMAL PLANS. Any Formal Plan submitted to the Commission should be submitted in one of the following approved formats:

Paper Maps: The Commission will have available for public purchase 11-inch x 17-inch paper maps, created using geographic data provided by the U.S. Bureau of the Census. The maps will be sold for an amount (to be established by the Executive Director) sufficient to cover the cost to the Commission of producing the map copies. Map scale will vary, depending on the population density in the area covered. Maps may be purchased singly or in sets. Individuals and groups may submit Formal Plans using such maps. Submissions should be made on the maps provided by the Commission, or on full-size copies thereof. Explanations of the Commission's maps, and instructions to users for submission of Formal Plans, are available free of charge from the Commission.

Electronic Disks: Individuals and groups may submit Formal Plans on 3.5-inch or 5.25-inch floppy disks in MS-DOS, ASCII format approved by the National Conference of State Legislatures and the U.S. Department of Justice. Materials explaining this format are available free of charge from the Commission. The Commission has disks available for sale in the CD-ROM format which include census and geographic data.

Individuals and groups submitting Formal Plans should supplement their paper map or data disk submissions with a narrative explanation of the Plan's compliance with the constitutional and statutory requirements identified in WAC 417-06-120. They may also include with the Formal Plan such other supporting materials and data as they deem appropriate.

NEW SECTION

WAC 417-06-140 FORMAT FOR INFORMAL PLANS. The Commission requests that individuals and interest groups submitting Informal Plans use the paper map or electronic disk formats that are required for Formal Plans. Informal Plans that are submitted in non-conforming formats may not be capable of being tested for population data against the census geography that is incorporated in the Commission's systems.

NEW SECTION

WAC 417-06-150 TIME AND PLACE OF SUBMISSIONS. Early submission of Third Party Plans is encouraged. All submissions should be mailed or delivered to the Commission's office (not to a Commissioner) in Olympia, or they may be presented to Commission staff at any public hearing held by the Commission.

NEW SECTION

WAC 417-06-160 PUBLIC ACCESS TO THIRD PARTY PLANS. Any Third Party Plan submitted to the Commission, together with any supporting materials or data submitted in connection therewith, will be a public document, subject to inspection and copying in compliance with the Commission's rules with respect to public records (Chapter 417-02 WAC).

NEW SECTION

WAC 417-06-170 PUBLIC RIGHTS IN THIRD PARTY PLANS. The submission of any Third Party Plan to the Commission shall be deemed for all purposes a release and waiver, and an unconditional assignment to the State, of any proprietary or ownership rights therein, and in any materials or data submitted in connection therewith. The Commission, the State Supreme Court, and any other person or entity shall have the free and unrestricted right to make any use whatever, without any charge and free of any trademark, copyright or similar restriction, of all or any part of any such Third Party Plan, and any such materials or data.

WSR 91-15-029**EMERGENCY RULES****DEPARTMENT OF HEALTH**

[Order 181—Filed July 12, 1991, 2:10 p.m.]

Date of Adoption: July 12, 1991.

Purpose: For eligibility determination and fund distribution for medical and dental services to community health clinics.

Statutory Authority for Adoption: RCW 43.70.040 and section 214, chapter 19, Laws of 1989 1st ex. sess.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This amendment will preserve public health, safety and general welfare by allowing distribution of funds for medical and dental services to community health clinics under chapter 246-510 WAC until permanent adoption, with hearings, is completed.

Effective Date of Rule: Immediately.

July 12, 1991
Pam Campbell Mead
for Kristine M. Gebbie
Secretary

NEW SECTION

WAC 246-510-400 LIMITATIONS ON AWARDS. *Specific to the medical and dental base as referenced in WAC 246-510-200 (1)(b) and (2)(b): (1) Any approved contractor shall initially receive no more than one hundred ten percent (110%) of the contractor's previous year's initial allotment.*

(2) Any approved contractor shall initially receive no less than ninety percent (90%) of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide ninety percent (90%), criteria shall be established to equitably allocate the available funds.

**WSR 91-15-030
EMERGENCY RULES
STATE BOARD OF EDUCATION**
[Filed July 15, 1991, 4:32 p.m.]

Date of Adoption: July 15, 1991.

Purpose: To restrict state funding commitments and priorities to certain school construction projects approved after January 26, 1991.

Citation of Existing Rules Affected by this Order: New WAC 180-26-058, 180-29-1076, 180-29-116; and amending WAC 180-26-057, 180-29-1075, and 180-29-115.

Statutory Authority for Adoption: RCW 28A.525.020.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In response to legislative capital budget proviso's requiring priority rule changes for school projects approved after January 26, 1991, these rule amendments and adoptions are necessary.

July 1991 State Board of Education
Resolution Adopting Emergency
State Building Assistance Rule
Amendments and New Rules

Whereas, section 30(8) of chapter 14, Laws of 1991 1st ex. sess. conditions state construction assistance for projects granted project approval after January 26, 1991, upon the development of a new priority system for allocating state assistance, and the placement of such projects on the new priority system; and,

Whereas, commitments normally made to school districts for state assistance as projects progress through the various state approval stages therefor cannot be adhered to or continued to be made pending the State Board of Education's compliance with section 30(8), above, of the biennial capital budget;

Therefore be it resolved by the State Board of Education that:

(1) The board hereby finds that the immediate amendment of WAC 180-26-057, 180-29-1075 and 180-29-115, and the immediate adoption of new WAC 180-26-058, 180-29-1076 and 180-29-116, revoking and suspending any and all commitments for state assistance for projects granted WAC 180-25-040 project approval after January 26, 1991, is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and,

(2) The board hereby adopts the above referenced amendments and new rules, all as set forth below, on an emergency basis to become effective respecting each project now and hereafter granted project approval after January 26, 1991, immediately upon filing the same with the code reviser.

Effective Date of Rule: Immediately.

July 15, 1991
Monica Schmidt
Secretary
Executive Director

AMENDATORY SECTION [(Amending WSR 90-24-068, filed 12/5/90, effective 1/5/91)]

WAC 180-26-057 STATE BOARD OF EDUCATION PROJECT COMMITMENT AT PRELIMINARY FUNDED STATUS. *Except as provided at WAC 180-26-058, [W]hen preliminary funding status for a project is requested and granted pursuant to WAC 180-26-050, the state board of education commitment is limited to the eligibility of the project for state assistance, the eligible square footage, the maximum area cost allowance and the priority standing of the project as determined pursuant to the state building assistance rules in effect at the time such preliminary funding status is granted. This commitment is effective only for the initial one-year period set forth at WAC 180-26-060. The state board of education otherwise reserves the right to amend and/or repeal any rule(s) respecting state assistance in school building construction. Such rule changes may be made regardless of the negative and/or positive impact of such changes upon the eligibility of any project and/or the extent of eligibility of any project for state assistance.*

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 180-26-058 SUSPENSION OF STATE BUILDING ASSISTANCE COMMITMENTS PENDING ADOPTION OF NEW PRIORITY SYSTEM FOR ALLOCATING STATE ASSISTANCE. Notwithstanding the terms of WAC 180-26-057, there is no commitment whatsoever by the state board of education or the state to any project which has been or is hereafter granted project approval pursuant to WAC 180-25-040 subsequent to January 26, 1991, or to any amount of state assistance therefor. Furthermore, no commitment whatsoever to any such project or the amount of state assistance therefor is or may be made until such time as the state board of education hereafter develops a new priority system for allocating state assistance for school construction and modernization projects and repeals this rule. The eligibility and the extent of eligibility for state assistance, if any, of any project which has been or is hereafter granted project approval pursuant to WAC 180-25-040 subsequent to January 26, 1991, shall be determined in accordance with amendments hereafter made to chapters 180-25 through 180-33 WAC which implement the new priority system for allocating state assistance, regardless of the negative and/or positive impact of such changes.

AMENDATORY SECTION [(Amending Order 1-86, filed 2/4/86)]

WAC 180-29-1075 STATE BOARD OF EDUCATION COMMITMENT WHEN DISTRICT IS AUTHORIZED TO OPEN BIDS. Except as provided at WAC 180-29-1076. [W]hen a district is granted approval to open bids pursuant to WAC 180-29-107, the state board of education is committed as provided at WAC 180-29-107 as well as to all other state building assistance determinations including but not limited to, for example, additional state assistance, and professional fees, determined pursuant to state building assistance rules and regulations in effect at the time such approval to open bids is granted. This commitment is subject to the district's compliance with time limitation for requesting an authorization for contract award as set forth in WAC 180-29-108.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 180-29-1076 SUSPENSION OF STATE BUILDING ASSISTANCE COMMITMENTS PENDING ADOPTION OF NEW PRIORITY SYSTEM FOR ALLOCATING STATE ASSISTANCE. Notwithstanding the terms of WAC 180-29-1075, there is no commitment whatsoever by the state board of education or the state to any project which has been or is

hereafter granted project approval pursuant to WAC 180-25-040 subsequent to January 26, 1991, or to any amount of state assistance therefor. Furthermore, no commitment whatsoever to any such project or the amount of state assistance therefor is or may be made until such time as the state board of education hereafter develops a new priority system for allocating state assistance for school construction and modernization projects and repeals this rule. The eligibility and the extent of eligibility for state assistance, if any, of any project which has been or is hereafter granted project approval pursuant to WAC 180-25-040 subsequent to January 26, 1991, shall be determined in accordance with amendments hereafter made to chapters 180-25 through 180-33 WAC which implement the new priority system for allocating state assistance, regardless of the negative and/or positive impact of such changes.

AMENDATORY SECTION [(Amending Order 12-83, filed 10/17/83)]

WAC 180-29-115 AUTHORIZATION FOR CONTRACT AWARD. (1) Upon receipt of the items as per WAC 180-29-110, the superintendent of public instruction shall:

- (a) Analyze the bids;
- (b) Determine the amount of state moneys allocable; and

(c) Except as provided at WAC 180-29-116, [M]ake an allocation of state moneys for construction and other items as per chapter 180-27 WAC.

(2) Authorization for contract award and allocation of state moneys shall be contingent upon the following:

- (a) The contract price for the construction has been established by competitive bid(s); and
- (b) The school district has available sufficient local funds pursuant to chapter 180-25- WAC.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 180-29-116 SUSPENSION OF STATE BUILDING ASSISTANCE COMMITMENTS PENDING ADOPTION OF NEW PRIORITY SYSTEM FOR ALLOCATING STATE ASSISTANCE. Notwithstanding the terms of WAC 180-29-115, there is no commitment whatsoever by the state board of education or the state to any project which has been or is hereafter granted project approval pursuant to WAC 180-25-040 subsequent to January 26, 1991, or to any amount of state assistance therefor. Furthermore, no commitment whatsoever to any such project or the amount of state assistance therefor is or may be made until such time as the state board of education hereafter

develops a new priority system for allocating state assistance for school construction and modernization projects and repeals this rule. The eligibility and the extent of eligibility for state assistance, if any, of any project which has been or is hereafter granted project approval pursuant to WAC 180-25-040 subsequent to January 26, 1991, shall be determined in accordance with amendments hereafter made to chapters 180-25 through 180-33 WAC which implement the new priority system for allocating state assistance, regardless of the negative and/or positive impact of such changes.

WSR 91-15-031
PROPOSED RULES
DEPARTMENT OF FISHERIES

[Filed July 16, 1991, 8:44 a.m.]

Continuance of WSR 91-11-111.

Title of Rule: Commercial fishing rules.

Purpose: Amend shellfish season rules.

Other Identifying Information: Continuation for later adoption.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Set sea urchin and sea cucumber seasons; change shrimp pot opening date.

Reasons Supporting Proposal: Seasons needed to harvest available surplus.

Name of Agency Personnel Responsible for Drafting: Evan S. Jacoby, Mailstop AX-11, Olympia, 586-2429; Implementation: Judith Freeman, Mailstop AX-11, Olympia, 753-6749; and Enforcement: Dayna Matthews, Mailstop AX-11, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 91-11-111.

Proposal Changes the Following Existing Rules: See WSR 91-11-111.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

See WSR 91-11-111.

Date of Intended Adoption: August 26, 1991.

July 9, 1991
 Joseph R. Blum
 Director

WSR 91-15-032
EMERGENCY RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed July 16, 1991, 9:21 a.m.]

Date of Adoption: July 3, 1991.

Purpose: To specify salary movement on the periodic increment date for employees under the Higher Education Personnel Board locality special pay plan.

Citation of Existing Rules Affected by this Order: Amending WAC 251-08-090.

Statutory Authority for Adoption: Chapter 28B.16 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Employees under the Higher Education Personnel Board locality special pay plan will receive salary adjustments effective July 1, 1991. The amended rule addressing salary movement on the periodic increment date for these employees must be effective as close to the July 1 date as possible to minimize any adverse affect on the employees' salary movement.

Effective Date of Rule: July 16, 1991.

July 3, 1991
 John A. Spitz
 Director

AMENDATORY SECTION (Amending Order 136, filed 9/25/85)

WAC 251-08-090 SALARY—PERIODIC INCREMENT. (1) Employees whose performance permits them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range. An exception to the two step movement on the periodic increment date are those employees who occupy classes included in the higher education personnel board locality special pay plan per WAC 251-09-090 which applies only to University of Washington hospitals. The salary of each employee under this plan shall be increased as specified in the higher education personnel board hospital special pay plan.

(2) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

WSR 91-15-033
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—July 12, 1991]

This is to notify you that the August 16, 1991, meeting of the University of Washington board of regents has been cancelled. The next regular meeting of the board will be held as scheduled on September 27, 1991.

WSR 91-15-034
RULES COORDINATOR
BELLEVUE COMMUNITY COLLEGE

[Filed July 16, 1991, 1:45 p.m.]

As required by RCW 34.05.310(3), the designated rules coordinator for Bellevue Community College, Community College District VIII, will be the following person: Phyllis C. Hudson, Executive Assistant and Secretary to the President, Bellevue Community College - A201, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

B. Jean Floten
 President

WSR 91-15-035
RULES COORDINATOR
SKAGIT VALLEY COLLEGE

[Filed July 16, 1991, 1:46 p.m.]

This is notice that the rules coordinator for Skagit Valley College is Dr. Wally Sigmar. The address for the office is: Dr. Wally Sigmar, Dean, Administrative and Student Services, Skagit Valley College, 2405 College Way, Mt. Vernon, WA 98273. The telephone number is (206) 428-1180, 542-1180 scan.

Dr. James M. Ford
 President

WSR 91-15-036
PERMANENT RULES
HORSE RACING COMMISSION

[Filed July 16, 1991, 1:50 p.m.]

Date of Adoption: May 7, 1991.

Purpose: Amend WAC 260-32-190 and implement new WAC 260-75-010.

Citation of Existing Rules Affected by this Order: Amending WAC 260-32-190.

Statutory Authority for Adoption: RCW 67.16.040.

Pursuant to notice filed as WSR 91-08-073 on April 3, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 15, 1991
 John Crowley
 Executive Secretary

AMENDATORY SECTION (Amending Rules of Racing, filed 4/21/91)

~~WAC 260-32-190 TEMPORARY SUSPENSION. ((A jockey under temporary suspension shall not ride in a race for any one during the period of his suspension, except with the permission of the stewards he may ride out his stake engagements. Said engagement or engagements must be in writing, and filed with the commission prior to the commission of the offense for which said jockey is under suspension.~~

~~Jockeys while under temporary suspension in any other state shall not be permitted to ride stake engagements~~

~~in Washington unless the racing rules of that state permit said jockey to ride stake engagements while under temporary suspension.~~

~~A jockey temporarily suspended may, with the approval of the stewards, be permitted to exercise or gallop horses during the morning hours and to lodge on the grounds of the association at night, but he shall be refused admission to any part of the racing course or stands during such periods of time as the stewards may order.))~~

(1) If a jockey is suspended for an offense not involving fraud, and the suspension is for ten (10) days or less, then the jockey may ride in those stakes races, futurity races, futurity trials, or other races which are designated by the respective stewards as races in which the jockey may compete, even though under suspension.

(2) Official rulings for riding infractions not involving fraud, with sanctions of suspension for ten (10) days or less shall state the term of the suspension and shall not prohibit participation in designated races.

(3) A listing of the designated races shall be posted in the jockey's room, and any other such place deemed appropriate by the stewards.

(4) A suspended jockey must be named at the time of entry to participate in any designated race.

(5) A day in which a jockey participated in a designated race while on suspension shall count as a suspension day.

NEW SECTION

WAC 260-75-010 SATELLITE LOCATIONS DAILY FEE. All licensees of the Washington Horse Racing Commission that operate satellite locations pursuant to RCW 67.16.100, shall pay daily a fee of One Hundred Fifty Dollars (\$150.00), per site, to the commission. This fee will be used by the commission to cover the costs of administering the satellite racing program in Washington; provided that, if the daily mutuel handle of the license from all locations is in excess of Four Hundred Thousand Dollars (\$400,000.00), the commission may defer payment of this fee for such day.

WSR 91-15-037
PERMANENT RULES
LOTTERY COMMISSION

[Filed July 16, 1991, 4:17 p.m.]

Date of Adoption: July 12, 1991.

Purpose: To establish the game play rules and criteria for determining winners of instant game 67 ("21"); 68 ("Mistledough"); and to amend WAC 315-11-630 and 315-11-632 to change the play symbol captions in the game "Lucky 7's."

Citation of Existing Rules Affected by this Order: Amending WAC 315-11-630 and 315-11-632.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 91-12-069 on June 5, 1991.

Effective Date of Rule: Thirty-one days after filing.
 July 15, 1991
 Evelyn Y. Sun
 Director

NEW SECTION

WAC 315-11-670 DEFINITIONS FOR INSTANT GAME NUMBER 67 ("21"). (1) Play symbols: The following are the "play symbols": "11"; "12"; "13"; "15"; "16"; "17"; "19"; "20"; and "21." One of these play symbols appears in each of the three play spots in the "your hand" column and in each of the three play spots in the "dealer's hand" column in the playfield on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The number 1, 2, or 3 precedes the play symbols to indicate the location of the play symbol in Game 1, Game 2, or Game 3. For Instant Game Number 67, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
11	ELEVN
12	TWLVE
13	THRTN
15	FIFTN
16	SIXTN
17	SVNTN
19	NINTN
20	TWNTY
21	TTYON

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$7.00"; "\$12.00"; "\$50.00"; and "\$21,000." One of these prize symbols appears for each game (row) in the prize column on the front of the ticket.

(4) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under the prize symbol. The number 1, 2, or 3 precedes the prize symbols to indicate the location of the prize symbol in Game 1, Game 2, or Game 3. For Instant Game Number 67, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$7.00	SEVEN
\$12.00	TWELVE
\$50.00	FIFTY
\$21,000	21 THOU

(5) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(6) Pack-ticket number: The eleven-digit number of the form 06700001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 67 constitute the "pack number" which starts at 06700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 67, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00 (\$2; \$1 and \$1)
FOR	\$4.00 (\$2 and \$2)
SVN	\$7.00 (\$7; \$4 and \$2 and \$1)
TLV	\$12.00 (\$7 and \$4 and \$1)
TTN	\$21.00 (\$12 and \$7 and \$2)

(8) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-671 CRITERIA FOR INSTANT GAME NUMBER 67. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your hand" column that is a larger number than the play symbol in the "dealer's hand" column in the same game (row) shall win the prize shown in the prize column for that game (row). The bearer of a ticket having winning play symbols in more than one game (row) shall win the sum of the prizes in each winning game (row). Play symbols in different games (rows) may not be combined to win a prize.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 67 set forth in WAC 315-11-672, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 67; and/or

(b) Vary the number of tickets sold in Instant Game Number 67 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-672 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 67. (1) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 67 shall comply with all of the following validation requirements.

(a) Exactly one play symbol must appear in each of the three play spots in the "your hand" column and in each of the three play spots in the "dealer's hand" column under the latex covering on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) Exactly one prize symbol for each of the three games (rows) must appear under the latex covering in the prize column on the front of the ticket.

(d) Each of the three prize symbols must have a caption below and each must agree with its caption.

(e) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(f) Each of the play symbols and its caption, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-670(1); each of the play symbol captions must be exactly one of those described in WAC 315-11-670(2); each of the prize symbols must be exactly one of those described in WAC 315-11-670(3); and each of the prize symbol captions must be exactly one of those described in WAC 315-11-670(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-680 DEFINITIONS FOR INSTANT GAME NUMBER 68 ("MISTLEDOUGH").

(1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$14.00"; "\$24.00"; "\$40.00"; "\$80.00"; and "\$5,000." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and

correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 68, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$8.00	EGT DOL
\$14.00	FORTEEN
\$24.00	TTF DOL
\$40.00	\$FORTY\$
\$80.00	\$EIGHTY
\$5,000	FIVTHOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The eleven-digit number of the form 06800001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 68 constitute the "pack number" which starts at 06800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 or less. For Instant Game Number 68, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
EGT	\$8.00
FRN	\$14.00
TTF	\$24.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-681 CRITERIA FOR INSTANT GAME NUMBER 68. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$ 1.00	play symbols - Win	\$ 1.00
Three	\$ 2.00	play symbols - Win	\$ 2.00
Three	\$ 4.00	play symbols - Win	\$ 4.00
Three	\$ 8.00	play symbols - Win	\$ 8.00
Three	\$ 14.00	play symbols - Win	\$ 14.00
Three	\$ 24.00	play symbols - Win	\$ 24.00
Three	\$ 40.00	play symbols - Win	\$ 40.00
Three	\$ 80.00	play symbols - Win	\$ 80.00
Three	\$ 5,000	play symbols - Win	\$ 5,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 68 set forth in WAC 315-11-682, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 68; and/or

(b) Vary the number of tickets sold in Instant Game Number 68 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-682 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 68. (1) A valid instant game ticket for Instant Game Number 68 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

(a) Exactly one play symbol must appear in each of the six play spots under the removable latex covering on the front of the ticket.

(b) Each of the six play symbols must have a caption below it, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-680(1) and each of the captions must be exactly one of those described in WAC 315-11-680(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending WSR 91-06-074, filed 3/5/91, effective 4/5/91)

WAC 315-11-630 DEFINITIONS FOR INSTANT GAME NUMBER 63 ("LUCKY 7'S"). (1) Play symbols: The following are the "play symbols": "0," "2," "3," "4," "5," "6," "7" and "9." One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket. The nine play spots are arranged in a three by three configuration. The area under the latex covering shall be known as the playfield.

(2) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption (~~contains four characters. The first character repeats the play symbol. The last three characters repeat the ticket number~~) is a spelling out in full or in abbreviated form of the play symbol. One and only one caption appears under each play symbol. ((An example of play symbol captions for Instant Game Number 63 follows:)) For Instant Game Number 63, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
	((Example for ticket number 122))
0	((0122)) ZERO
2	((2122)) TWO#
3	((3122)) THREE
4	((4122)) FOUR
5	((5122)) FIVE
6	((6122)) SIX#
7	((7122)) SEVN
9	((9122)) NINE

(3) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$7.00," "\$17.00," "\$70.00," "\$700" and "\$7,000." One of these prize symbols appears under the prize box on the front of the ticket which has the word "PRIZE" printed on the latex covering. The prize box shall be contiguous to the playfield.

(4) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under the prize symbol. For Instant Game Number 63, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$7.00	SVN DOL
\$17.00	SVNTEEN
\$70.00	SEVENTY
\$700	SVNHUND
\$7,000	SVNTHOU

(5) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(6) Pack-ticket number: The eleven-digit number of the form 06300001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 63 constitute the "pack number" which starts at 06300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 63, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
SVN	\$7.00
SVT	\$17.00

(9) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

AMENDATORY SECTION (Amending WSR 91-06-074, filed 3/5/91, effective 4/5/91)

WAC 315-11-632 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 63. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 63 all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the nine play spots in the playfield.

(b) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(c) Exactly one prize symbol must appear under the rub-off material covering the prize box on the front of the ticket.

(d) The prize symbol must have a prize symbol caption below it and must agree with its caption.

(e) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file

with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(f) Each of the play symbols and ((their)) its caption((s)), the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-630(1) and each of the play symbol captions must be exactly one of those described in WAC 315-11-630(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WSR 91-15-038

ATTORNEY GENERAL OPINION

Cite as: AGO 1991 No. 24

[July 12, 1991]

DEPARTMENT OF HEALTH—COUNSELORS—REGISTRATION OF COUNSELORS UNDER THE OMNIBUS CREDENTIALING ACT FOR COUNSELORS

RCW 18.19.030 requires counselors to register with the Department of Health. This registration requirement applies to individuals who provide counseling services. A business that employs counselors is not required to register with the Department of Health pursuant to RCW 18.19.030.

Requested by:

Honorable Phil Talmadge
State Senator, District 34
5251 California Avenue SW
Seattle, Washington 98136

WSR 91-15-039

PROPOSED RULES

GAMBLING COMMISSION

[Filed July 17, 1991, 10:15 a.m.]

Original Notice.

Title of Rule: New sections WAC 230-02-510 Amusement device defined, 230-02-515 School hours defined, 230-02-520 School-aged minors defined, 230-04-135 Commercial amusement games—License required, 230-04-138 Commercial amusement games—Authorized locations, 230-12-500 Gambling devices on board foreign vessels in Washington waters and 230-20-680 Commercial amusement games—Operation restrictions; amendatory sections WAC 230-04-110 Licensing of manufacturers, 230-04-120 Licensing of distributors,

230-04-124 Licensing of manufacturers and distributors, 230-04-190 Issuance of license, 230-04-201 Fees, 230-08-060 Electronic crane amusement game records, 230-08-180 Quarterly activity reports by electronic crane operators, 230-08-240 Annual activity reports by special location amusement game licensees other than bona fide charitable or nonprofit organizations, 230-12-220 Agreement requiring payment by licensee based upon percentage of receipts from authorized activity—Prohibited, 230-20-605 Types of amusement games authorized, 230-20-630 Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or script—Prizes not to differ from those posted and 230-20-670 Electronic crane amusement games—Approved locations; and repealing WAC 230-20-380 Persons obtaining a special amusement game license to conduct activities only at limited locations and 230-20-698 Electronic crane amusement games—Special authorization.

Purpose: To comply with legislative change to RCW 9.46.0331 allowing expanded locations for amusement games and clarify an existing policy regarding gambling devices on cruise ships.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: Rules proposed to comply with a legislative change to RCW 9.46.0331, except WAC 230-12-500.

Name of Agency Personnel Responsible for Drafting: Ronald O. Bailey, Director, Lacey, Washington, (206) 438-7654; **Implementation:** Frank L. Miller, Deputy Director, Lacey, Washington (206) 438-7654; and **Enforcement:** Neal S. Nunamaker, Assistant Director, Lacey, Washington (206) 438-7654.

Name of Proponent: Washington State Gambling Commission staff, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 230-02-510 defines an amusement device; WAC 230-02-515 defines school hours; WAC 230-02-520 defines school-aged minors; WAC 230-04-110 removes electronic cranes from the licensing requirement pertaining to manufacturers; WAC 230-04-120 removes electronic cranes from the licensing requirement pertaining to distributors; WAC 230-04-124 removes electronic cranes from the licensing requirements pertaining to manufacturer and distributor representatives; WAC 230-04-135 describes the criteria for licensing of commercial amusement games; WAC 230-04-138 describes the authorized locations for commercial amusement games; WAC 230-04-190 clarifies the issuance process of licenses for commercial location amusement games which include electronic cranes; WAC 230-04-201 provides a fee schedule to meet the needs of amusement game activities; WAC 230-08-060 provides regulations for records-keeping requirements for commercial amusement games; WAC 230-08-180 provides requirements for quarterly activity reports by commercial

amusement game operators, class C and above; WAC 230-08-240 provides requirements for quarterly activity reports by commercial amusement game operators, class C and above; WAC 230-12-220 provides for an exception for amusement games to allow percentage based profits; WAC 230-12-500 clarifies the ability of foreign registered cruise ships to possess gambling devices in Washington territorial waters under certain conditions consistent with Washington state law; WAC 230-20-380 repealer; WAC 230-20-605 clarifies the types of amusement games authorized; WAC 230-20-630 clarifies amusement game fees, rules, prizes, etc. by removing electronic game proviso; WAC 230-20-670 clarifies commercial amusement game operating requirements; WAC 230-20-680 provides operating restrictions to commercial amusement game licensees; and WAC 230-20-698 repealer.

Proposal Changes the Following Existing Rules: Changes are proposed to comply with a recent legislative change to RCW 9.46.0331 which expands the approved locations for operating amusement games. WAC 230-12-500 clarifies an existing policy regarding possession of gambling devices aboard foreign registered cruise ships.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The agency has considered whether these rule changes would create an adverse economic impact on small businesses as defined by chapter 19.85 RCW. It has determined that there is no economic impact to small business as a result of these proposals.

Hearing Location: Best Western Heritage Inn, 151 East McLeod Road, Bellingham, WA 98226, on September 13, 1991, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Olympia, WA 98504-2400, by September 11, 1991.

Date of Intended Adoption: September 13, 1991.

July 15, 1991
Sharon M. Tolton
Rules Coordinator

NEW SECTION

WAC 230-02-510 **AMUSEMENT DEVICE DEFINED.** An amusement device is any mechanical, electro-mechanical, or electronic device through which the operation results in a game or contest which:

- (1) Is played only for entertainment;
- (2) Allows the player to actively participate;
- (3) The outcome of the game or contest depends in a material degree upon the skill of the player; and
- (4) The outcome is not in control of any person other than the player or players.

NEW SECTION

WAC 230-02-515 **SCHOOL HOURS DEFINED.** School hours are defined as 8:00 a.m. through 3:00 p.m., Monday through Friday, using the operating schedule of the public school district in which the activity is located.

NEW SECTION

WAC 230-02-520 **SCHOOL-AGED MINORS DEFINED.** School-aged minors are defined as persons who have not reached an age of 18 years.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-04-110 LICENSING OF MANUFACTURERS. (1) A manufacturer shall obtain a license from the commission prior to manufacturing, selling or supplying to any person(s) within this state, or for use within this state, one or more of the following devices:

- (a) Punchboards;
- (b) Pull tabs; and
- (c) Devices for the dispensing of pull tabs(;;); ~~(and~~
- ~~(d) Electronic cranes;)~~

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials which are elsewhere required under these rules:

- (a) The name and address of the applicant;
 - (b) The name and address of each of its separate locations manufacturing such devices;
 - (c) The name and home address of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name and address of each of the officers and each of the directors of the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation;
 - (d) A full description of each separate type of punchboard, pull tab, device for the dispensing of pull tabs, or electronic crane which the applicant seeks to manufacture or to market in this state; and
 - (e) The brand name under which each device is sold;
- (3) If the applicant is a foreign manufacturer, then the full name, business and home address of the agent who is a resident of this state designated pursuant to WAC 230-12-300;

(4) A list of all distributors of such devices, punchboards or pull tabs, and of all businesses or organizations located within the state of Washington in which the licensee has some financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include, among all other interests, indebtedness from the licensee to the other person, or vice versa, in excess of five hundred dollars.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-04-120 LICENSING OF DISTRIBUTORS. (1) Prior to selling or supplying to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission for one or more of the following separate licensed activities:

- (a) Punchboards;
- (b) Pull tabs;
- (c) Devices for the dispensing of pull tabs; and
- (d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events(;;); ~~(and~~
- ~~(e) Electronic cranes;)~~

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

- (a) The full name and address of the applicant;
- (b) The business name and address of each of the separate locations operated by the distributor;
- (c) The name and home address of all owners if the business is not a corporation. If the business is a corporation, the name and address of each of the officers, each director, and each stockholder having ten percent or more of the shares of any class of stock in the corporation;
- (d) A full description of each type of punchboard, pull tab, device for the dispensing of pull tabs, or electronic cranes that the distributor intends to market in this state or for use in this state;
- (3) For each such device, the brand name under which it will be sold;
- (4) If the applicant is a distributor located out of state, then the name, business and home address of the agent who is a resident of this state designated by the applicant pursuant to WAC 230-12-300;
- (5) A list of all manufacturers of such devices and all businesses or organizations located in the state of Washington in which the applicant has some financial interest. For the purposes of this subsection, the

term financial interest shall include, among all other interests, an indebtedness from the other person to the applicant, or vice versa, in excess of five hundred dollars.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-04-124 LICENSING OF MANUFACTURERS AND DISTRIBUTORS REPRESENTATIVES. (1) Prior to selling or supplying to any person gambling equipment(;;) or gambling paraphernalia ~~((or electronic cranes))~~ for use in connection with licensed gambling activities, a representative or agent of a licensed manufacturer or distributor shall first obtain a license from the commission.

(2) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a manufacturer or distributor shall not be required to be additionally licensed as a representative to engage in the selling or supplying of the manufacturer's or distributor's products or services. Office, clerical or warehouse personnel employed by the manufacturer or distributor who have contact with the public and potential customers occasionally and only by telephone or at the manufacturer's or distributor's own premises when working under the immediate and direct supervision of the owner, a partner, or major officer of a corporation, shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest in a licensed manufacturer or distributor and whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of the manufacturer's or distributor's products shall be licensed as required by this rule prior to performing such functions. A manufacturer or distributor shall not allow an unlicensed person to represent them in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.

(3) On or before the first day he or she actually performs work as a representative, a person shall submit a complete application for a license to the commission. The application shall not be deemed complete until all questions on the application form and attachments are fully and truthfully answered and the form, with all attachments and the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission).

(4) The manufacturer or distributor for which the representative will work shall sign the application of each such representative acknowledging that the applicant will be representing them with their full knowledge and consent.

(5) In addition to the above requirements, an applicant applying for a license as a distributor's representative shall:

- (a) Complete a training course provided by the commission within 30 days after the first day worked; and
- (b) Represent only one licensed distributor at a time and shall not represent a manufacturer: Provided, That this rule shall not bar the distributor's representative from representing his own distributor who is also licensed as a manufacturer.

NEW SECTION

WAC 230-04-135 COMMERCIAL AMUSEMENT GAMES—LICENSE REQUIRED. (1) Prior to operating commercial amusement games at any location, persons other than a bona fide charitable or bona fide nonprofit organization shall first obtain a license from the commission. Class B and above commercial amusement game license may locate and operate amusement games at multiple locations authorized by WAC 230-04-138 subsections (1)(f), (g), (h), (i), or (j).

(2) In addition to the requirements for certification as set out in WAC 230-04-020 and all other sections of this title, applicants must provide the following additional information as a part of their application for applicable operating locations:

- (a) A description of the business location at which the activity will be operated. This description must include details necessary to determine qualification of the location for operation of the activity and include the following minimum details:
 - (i) The number of mechanical or aquatic rides open for public use;
 - (ii) The number of amusement devices operated at the location; and
 - (iv) The number of theatrical productions, motion pictures, and slide show presentations available for the public;
- (b) A detailed floor plan showing the entire premises to include property boundaries, all service facilities, exits and entrances, and proposed locations for each amusement game. If the premises is within a

regional shopping center, the size of the shopping center, in gross square feet not including parking areas, must be provided;

(c) A detailed description of the business operation including the following items:

- (i) The products or services provided;
- (ii) Whether the business has a license issued by the Washington State Liquor Control Board;
- (iii) Normal operating hours of the business;
- (iv) Whether school-aged minors are allowed on the premises. If portions of the premises are restricted to adults only, indicate those areas that may be used by school-aged minors on the floor plan in (2)(b) above;
- (v) The amount of gross income generated from the primary business during the last 12 months. The income must be separated to include the amounts derived from amusement devices and food service for on-premises consumption;
- (d) Written permission from the sponsor of any activity authorized by WAC 230-04-138 sub-section (1)(a), (b), (c), (d), or (e);
- (e) A copy of any rental/lease agreement for use of any amusement games(s) from a licensed commercial amusement game operator. The document should disclose full details of the rental/lease agreement, including any revenue sharing provisions, all costs to be shared, and any restrictions regarding the number of amusement games to be operated;
- (f) A personal information form for all "adult supervisors" required by WAC 230-20-680(2).

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 230-04-138 COMMERCIAL AMUSEMENT GAMES—AUTHORIZED LOCATIONS. (1) Amusement games may only be conducted by commercial amusement game licensees when operated as a part of, and/or upon the site of:

- (a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or
- (b) A civic center of a county, city or town; or
- (c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or
- (d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or
- (e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than 17 consecutive days by any licensee during any calendar year; or
- (f) An amusement park. An amusement park is a group of activities, at a permanent location, to which people go to be entertained through a combination of various mechanical or aquatic rides, theatrical productions, motion picture and/or slide show presentation with food and drink service. The amusement park must include at least five different mechanical or aquatic rides, three additional activities and the gross receipts must be primarily from these amusement activities.
- (g) Within a regional shopping center. A regional shopping center is a shopping center developed and operated for retail sales and service by retail sales and service operators and consisting of more than six hundred thousand gross square feet not including parking areas. Amusement games conducted as a part of, and upon the site of, a regional shopping center shall not be subject to the prohibition on leases of premises based on a percentage of gambling receipts set forth in RCW 9.46.120; or
- (h) Any location that possesses a valid license from the Washington State Liquor Control Board and prohibits minors on their premises; or
- (i) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers. For the purposes of this section an amusement center shall be defined as a permanent location whose primary source of income is from the operation of 10 or more amusement devices; or
- (j) Any business whose primary activity is to provide food service for on premises consumption and who offers family entertainment which includes at least three of the following activities: amusement devices; theatrical productions; mechanical rides; motion pictures; and slide show presentations.

(2) No amusement games may be conducted in any location except in conformance with local zoning, fire, health, and similar regulations.

(3) No amusement games may be conducted in any location(s) without first having obtained written permission to do so from the person or organization owning the premises or property where the activity will be operated. If the games are conducted as a part of or in conjunction with any of the activities set out in section (1)(a), (b), (c), (d), or (e), written permission must be obtained from the person or organization sponsoring the activity.

(4) All rental agreements relating to use of a premises or site to conduct amusement games must be submitted to the commission as a part of the application.

(5) Any operator licensed to conduct Class B or above amusement games may enter into a contract with the business owner of any of the locations set out in sub-sections (1)(f), (g), (h), (i), or (j) above to locate and operate amusement games upon their premises if the business is licensed to conduct class A amusement games. All such contracts must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party. All contracts regarding the operation of amusement games must be on file with the commission prior to location and operation of the activity. Violations of terms of the contract by an amusement game operator may be grounds for suspension or revocation of their license.

AMENDATORY SECTION (Amending Order 203, filed 1/18/90, effective 2/18/90)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The Commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs; and
- (e) Social cards(,); ~~((and~~
- (f) ~~Electronic cranes.))~~

(2) Fund raising event as defined in RCW 9.46.0233. The Commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

~~(3) ((Special amusement game license. The Commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.))~~

Commercial location amusement game license. The commission may issue a separate license to commercial business operators of amusement games at one or more of the locations listed in WAC 230-04-138.

(4) Commercial stimulant card games. The Commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The Commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

~~((7) Commercial electronic cranes:~~

~~(a) Electronic crane operator — The commission may issue a license to any person, association or organization other than a bona fide charitable or nonprofit organization to operate electronic cranes at a single or multiple locations as defined in WAC 230-20-670(1). PROVIDED; That if electronic cranes are operated at more than one location, each separate location shall be licensed per subparagraph (b) below.~~

~~(b) Electronic crane separate premises — The commission may issue a license to any person operating a business, as defined in WAC 230-~~

~~20-670 (1)(a), (b), or (c), to allow an electronic crane operator to locate and operate electronic cranes upon their premises:))~~

~~((+)) (7) Manufacturers and distributors of gambling equipment(;) and paraphernalia ((and electronic cranes)).~~ The commission may issue a separate or combination license to the following:

(a) Manufacturers of punchboards, pull tabs, and devices for the dispensing of pull tabs ~~((and electronic cranes));~~ and

(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events and electronic cranes;))

~~((+)) (8) Representatives of manufacturers or distributors.~~ The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment(;) and paraphernalia ~~((and electronic cranes)).~~ Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

(a) Punchboard and pull tab manufacturers,

(b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,

(c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and

(d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

~~((+)) (9) License expiration.~~ Each such license shall be valid for one year from the date that it is issued: Provided, That:

(a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of subsection (a), a license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival.

(d) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) A license issued to conduct a fund raising event shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event.

(f) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.

(g) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, that if a properly completed renewal application and fees are received within the fourteen (14) day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

~~((+)) (9)) (10) Conditions of license issuance.~~ All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

[AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)]

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	SEE
1. AMUSEMENT GAMES	(Fee based on annual gross receipts)	
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$ 15,000	150
Class C	Up to \$ 25,000	250
Class D	Up to \$ 50,000	400
Class E	over \$ 50,000	700

LICENSE TYPE		DEFINITION	FEE	
2.	BINGO GROUP I	CLASS	(Fee based on annual gross gambling receipts)	
		Class A	Up to \$15,000	
	Class B	\$ 15,001 to 50,000	\$ 50	
	Class C	\$ 50,001 to 100,000	150	
	Class D	\$ 100,001 to 300,000	300	
	Class E	\$ 300,001 to 500,000	800	
	Class F	\$ 500,001 to 1,000,000	1,350	
	II	Class G	\$ 1,000,001 to 1,500,000	2,700
		Class H	\$ 1,500,001 to 2,000,000	3,900
		Class I	\$ 2,000,001 to 2,500,000	5,200
	III	Class J	\$ 2,500,001 to 3,000,000	6,500
		Class K	\$ 3,000,001 to 3,500,000	7,800
		Class L	\$ 3,500,001 to 4,000,000	8,750
		Class M	Over \$4,000,000	10,000
			11,250	
3.	BINGO GAME MANAGER	Original	\$ 150	
		Renewal	75	
4.	CARD GAMES			
	Class A	General (fee to play charged)	\$ 500	
	Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, and/or cribbage - (fee to play charged)	150	
	Class C	Tournament only - no more than ten consec. days per tournament	50	
	Class D	General (no fee to play charged)	50	
	Class R	Primarily for recreation (WAC 230-04-199)	25	
5.	CHANGES NAME	(See WAC 230-04-310)	\$ 25	
	LOCATION	(See WAC 230-04-320)	25	
	FRE	(Reno Nite date(s)/time(s))	25	
	LICENSE CLASS	(See WAC 230-04-325)	25	
	DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25	
	IDENTIFICATION STAMPS	(See WAC 230-04-290)	25	
6.	FUND RAISING EVENT			
	Class A	One event not more than 24 consec. hrs.	\$ 300	
	Class B	One event not more than 72 consec. hrs.	500	
	Class C	Additional participant in joint event (not lead organization)	150	
7.	PERMITS	Agricultural fair/special property bingo		
	Class A	One location and event only (see WAC 230-04-191)	\$ 25	
8.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross gambling receipts)	(One Time Variance)	
	Class A	Up to \$ 50,000	\$ 5,000	
	Class B	Up to \$ 100,000	5,000	
	Class C	Up to \$ 200,000	\$10,000	
	Class D	Up to \$ 300,000	\$10,000	
	Class E	Up to \$ 400,000	\$10,000	
	Class F	Up to \$ 500,000	\$10,000	
	Class G	Up to \$ 600,000	\$10,000	
	Class H	Up to \$ 700,000	\$10,000	
	Class I	Up to \$ 800,000	\$10,000	
	Class J	Up to \$ 1,000,000	\$20,000	
	Class K	Up to \$ 1,250,000	\$25,000	
	Class L	Up to \$ 1,500,000	\$25,000	
	Class M	Up to \$ 1,750,000	\$25,000	
	Class N	Up to \$ 2,000,000	\$25,000	
	Class O	Over \$2,000,000	Non-Applicable	

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
	A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.	
9. RAFFLES	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$ 10,000	150
Class C	Up to \$ 25,000	300
Class D	Up to \$ 50,000	500
Class E	Up to \$ 75,000	800
Class F	Over \$ 75,000	1,200
10. SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25
11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required
12. SIX-MONTH PAYMENT PLAN	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. CARD GAMES		
Class B	(Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS		

LICENSE TYPE	DEFINITION	FEE
CLASSIFICATION	(Same owners - see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-340(1))	50
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
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3. DISTRIBUTOR	(Fee based on annual gross sales of gambling related supplies and equipment)	
Class A	Non-Punchboard/pull tab only	\$ 500
Class B	Up to \$250,000	\$1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
<hr/>		
4. DISTRIBUTOR'S REPRESENTATIVE	Original	\$ 200
	Renewal	125
<hr/>		
(5.) ELECTRONIC CRANE SEPARATE ((PREMISES))	(For locations only see WAC 230-04-190))	
	((Original))	((-\$ 250))
	((Renewal))	((+\$50))
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(6.) 5. MANUFACTURER	(Fee based on annual gross sales of gambling related supplies and equipment)	
Class A	Machines Only	\$ 500
Class B	Up to \$250,000	\$1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
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(7.) 6. MANUFACTURER'S REPRESENTATIVE	Original	\$ 200
	Renewal	125
<hr/>		
(8.) 7. PERMITS	Agricultural fair/special property bingo	
Class A	One location and event only (see WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations (see WAC 230-04-193)	150
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(9.) 8. PUBLIC CARD ROOM EMPLOYEE	Original	\$ 150
	Renewal	75
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(10.) 9. PUNCHBOARDS/PULL TABS	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 50,000	\$ 475
Class B	Up to \$ 100,000	850
Class C	Up to \$ 200,000	1,600
Class D	Up to \$ 300,000	2,325
Class E	Up to \$ 400,000	3,000
Class F	Up to \$ 500,000	3,625
	(One Time Variance)	

LICENSE TYPE	DEFINITION		FEE
Class G	Up to \$ 600,000	\$10,000	4,200
Class H	Up to \$ 700,000	\$10,000	4,725
Class I	Up to \$ 800,000	\$10,000	5,200
Class J	Up to \$ 1,000,000	\$20,000	5,900
Class K	Up to \$ 1,250,000	\$25,000	6,550
Class L	Up to \$ 1,500,000	\$25,000	7,150
Class M	Up to \$ 1,750,000	\$25,000	7,650
Class N	Up to \$ 2,000,000	\$25,000	8,100
Class O	Over \$2,000,000	Non-Applicable	8,900

A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.

((+)) <u>10.</u>	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP EXCEEDING LICENSE CLASS	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030) (See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As Required As Required As Required
	REVIEW/EVALUATION/APPROVAL OF AMUSEMENT GAMES OR DEVICES	(See WAC 230-20-605)	\$ 100

((+)) <u>11.</u>	((SPECIAL LOCATION/ ELECTRONIC CRANE OPERATOR AMUSEMENT GAMES)) COMMERCIAL AMUSEMENT GAMES	(Fee based on annual gross receipts)	
	*Class A	Up to \$10,000	**\$250/100
	Class ((A)) B	Up to \$50,000	\$ 500
	Class ((B)) C	((\$ 50,001 to \$ 100,000)) Up to \$ 100,000	900
	Class ((C)) D	((100,001 to 250,000)) Up to \$250,000	2,000
	Class ((D)) E	((250,001 to 500,000)) Up to \$500,000	3,500
	Class ((E)) F	((500,001 to 1,000,000)) Up to \$1,000,000	6,000
	Class ((F)) G	((Over 1,000,000)) Up to \$1,500,000	7,500
	Class H	Up to \$2,000,000	10,000
	Class I	Over \$2,000,000	12,000

*Restricts Class A amusement games to only one location for the original license fee of \$250.
 **Provides for the submission of a reduced fee of \$100 when:
 -Renewing an annual license;
 -Applying for an additional license(s); and/or
 -Applying for multiple licenses.

((+)) <u>12.</u>	SIX-MONTH PAYMENT PLAN	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25
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Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/18/89 [12/28/89])

WAC 230-08-060 (~~(ELECTRONIC CRANE)~~) **COMMERCIAL AMUSEMENT GAME RECORDS.** Licensees for the operation of (~~(electronic crane)~~) commercial amusement games shall be required to prepare a detailed record for each (~~(machine)~~) game or concession operated. (~~(Licensees who do not own electronic crane games are exempt from all portions of this rule.)~~) This record shall be recorded using a prescribed format provided by the commission (~~(Each record)~~) and shall include the following:

~~((1))~~ Cash withdrawal record. A separate cash withdrawal record shall be maintained for each game and shall include the following entries for each cash withdrawal:

- (a) Date;
- (b) Ending "coin-in" meter reading;
- (c) Beginning "coin-in" meter reading;
- (d) Cost per play;
- (e) Expected cash;
- (f) Actual cash removed.

~~(2))~~ Prize reconciliation record. The prize reconciliation record shall include at a minimum the following information:

- (a) The number of prizes in each machine at the beginning of each month;
- (b) The average cost of each prize in each machine;
- (c) The number of prizes purchased during the period and the average cost of each prize purchased;
- (d) A physical count of the number of prizes on hand at the end of the period and the average cost of each prize on hand; and
- (e) The total number of prizes awarded and the average cost of each prize awarded;

(1) The gross gambling receipts collected from each separate amusement game supported by proper receiving records. The minimum records shall contain an entry for each withdrawal of receipts from a game. For amusement games with coin-in meters the minimum entry will be the coin-in meter reading at the time of each withdrawal of receipts of a game;

(2) The number and actual cost of merchandise prizes awarded. The minimum records shall contain an entry of the number and actual cost of prizes each time prizes are added to the inventory of a game or concession and when disbursements are made for prizes;

(3) For amusement games that issue tickets for the redemption of prizes the minimum entry shall be a log of the beginning/ending ticket numbers at the end of the month for each game; and

- (4) Full details on all expenses including:
 - (a) All cash disbursements;
 - (b) the number and actual costs of all prizes purchased;
 - (c) All other expenses directly related to the conduct of amusement games; and
 - (d) All disbursements of receipts to locations authorized by WAC 230-04-138.

These records shall be maintained for a period of not less than three years.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/18/89 [12/28/89])

WAC 230-08-180 **QUARTERLY ACTIVITY REPORTS BY** (~~(ELECTRONIC CRANE)~~) **COMMERCIAL AMUSEMENT GAME OPERATORS.** (License Class C and above) (1) Each licensee for the operation of (~~(electronic crane)~~) commercial amusement games Class C and above shall submit an activity report to the commission

concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- (a) January 1st through March 31st;
- (b) April 1st through June 30th;
- (c) July 1st through September 30th; and
- (d) October 1st through December 31st.

(2) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided.

(4) If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

(5) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

- (a) The total gross gambling receipts;
- (b) The total cost to the licensee of all prizes paid out;
- (c) Full details of all expenses related to the purchase and operation of (~~(electronic crane)~~) amusement games;
- (d) Total net gambling income;
- (~~(e))~~ The number of machines by denomination of price of play at the end of the period;

(6) In addition to the above, (~~(electronic crane)~~) commercial amusement game operators operating (~~(electronic cranes)~~) amusement games at (~~(separate premises)~~) locations set forth in WAC 230-04-138 shall provide:

- (a) The business name and address of each location;
- (~~((b))~~) The number of machines by each denomination of price of play at the end of the reporting period;
- (~~((c))~~) (b) The total gross gambling receipts;
- (~~((d))~~) (c) The amount of funds distributed to (~~(the separate premise)~~) each licensee.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 147, filed 2/22/85)

WAC 230-08-240 **ANNUAL ACTIVITY REPORTS BY** (~~(SPECIAL LOCATION)~~) **COMMERCIAL AMUSEMENT GAME** (~~(LICENSEES OTHER THAN BONA FIDE CHARITABLE OR NONPROFIT ORGANIZATIONS)~~) **OPERATORS CLASS A AND B.** Each licensee to conduct commercial amusement games class A and B (~~(at special locations, other than bona fide charitable or nonprofit organizations)~~) shall submit an activity report to the commission concerning the operation of those amusement games and other matters set forth below for each (~~(calendar)~~) license year.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than (~~(February 28th of the)~~) thirty days following (~~(calendar year)~~) license expiration date.

The report shall be signed by the highest ranking executive officer or his designee. If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report. The report shall be completed in accordance with the related instructions furnished with the report. The report shall include (~~(among other items)~~) the following:

- (1) The total gross gambling receipts from amusement games (~~(by location)~~);
- (2) The total (~~(cash prizes actually paid out and the total of the)~~) cost to the licensee of all merchandise prizes actually (~~(paid out)~~) awarded for amusement games;
- (3) The net gambling receipts from amusement games;
- (4) Full details on all expenses directly related to conducting such amusement games;
- (5) The net gambling income from amusement games; and
- (6) The gross receipts from the rental or leasing of space for any licensed gambling activity.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 58, filed 8/17/76)

WAC 230-12-220 AGREEMENT REQUIRING PAYMENT BY LICENSEE BASED UPON PERCENTAGE OF RECEIPTS FROM AUTHORIZED ACTIVITY—PROHIBITED. No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any activity authorized under RCW ~~((9.46.030))~~ 9.46.031, or any amendments thereto, upon any premises if the lease, license, contract, or any other arrangement under which the right to use the premises for the conduct of the activity is obtained requires an unreasonable rental or other payment to another, or such rental or other payment is to be paid by the licensee wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity. Provided, that amusement games conducted as a part of, and upon the site of, a regional shopping center are exempted from the percentage of receipts or profits restriction of this section and RCW 9.46.120(2).

NEW SECTION

WAC 230-12-500 GAMBLING DEVICES ON BOARD FOREIGN VESSELS IN WASHINGTON WATERS. (1) The commission acknowledges that many foreign registered cruise ships operating in international waters have gambling devices aboard for the entertainment of their passengers. These foreign registered cruise ships periodically enter Washington waters for the purpose of taking on passengers or to permit their passengers to visit the various seaport cities on the Washington coast. The state gambling statute RCW 9.46.230 prohibits the possession of gambling devices in the state which also applies to territorial waters as defined in the constitution. The Commission is aware that the states of Texas, California, Florida and New York have gambling laws similar to Washington which prohibit the possession of gambling devices. However, these states permit foreign registered cruise ships with gambling devices on board to enter their territorial waters provided the devices are locked down and/or inoperable in their waters.

(2) The commission further states that foreign registered cruise ships may possess gambling devices when operating in Washington waters only if the possessor of the devices can demonstrate that:

(a) The device is inaccessible to the public or passengers of the common carrier, or rendered inoperable, or both, while located within the state of Washington, including the territorial waters of the state of Washington;

(b) The device aboard a ship or conveyance is temporarily within the state of Washington for a period not to exceed seventy-two hours, unless the period is expressly extended by the commission;

(c) The device is not actually operated while within the state of Washington, including the territorial waters of the state of Washington; and

(d) The device is being transported from a location where it may be lawfully possessed, manufactured, or operated.

REPEALER

WAC 230-20-380 PERSONS OBTAINING A SPECIAL AMUSEMENT GAME LICENSE TO CONDUCT ONLY AT LIMITED LOCATIONS.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-20-605 TYPES OF AMUSEMENT GAMES AUTHORIZED. The commission hereby authorizes the following amusement games whether coin operated or not, to be operated by persons possessing a special location amusement games license, or bona fide charitable or nonprofit organizations possessing a license issued by the gambling commission or when conducted as authorized by RCW 9.46.0321 at an authorized location. For clarification, games will be classified as either "nondispensing" (operator awards prize or redeems tickets or tokens for prize) or "self-dispensing" (game awards merchandise prize).

((+)) Nondispensing amusement games:))

((+)) (1) Fish pond (duck pond). The player "catches" a fish or other object floating in a pond of water by using a pole, hand, net or

string. All fish or objects are marked on the bottom indicating the size of prize the player wins. The player is awarded a prize every time and the player must be allowed to continue playing until a prize is won. When played at school carnivals, the game may be played without the pond of water and the operator of the game may assist the player by attaching a prize to the pole, hand, net or string.

((+)) (2) Hoop or ring toss. The player must toss a hoop(s) or ring(s) over a target which may consist of bottles, pegs, blocks, or prizes. The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target. All hoops of the same color used at an individual stand must be the same size. All targets used at an individual booth must be the same size or the operator must advise the player by posting signs or using color codes denoting the different sizes.

((+)) (3) Dart games. The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart. The target area will be in the rear of the stand and will be at least three feet but not more than fifteen feet from the foul line. Target must be stationary at all times.

((+)) (a) Balloon (poparoo) (balloon smash). The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the dart(s), the player receives the prize indicated.

((+)) (b) Dart throw. The targets are various sizes and shapes located on the target area. The player must throw dart(s) individually at the target. The player must hit and the dart must stick in a predetermined target to win the prize as designated.

((+)) (c) Tic tac toe dart. The target is a tic tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally or diagonally to win.

((+)) (d) Add um up darts. The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines will receive a rethrow. The player has the right to add up the score of the darts thrown.

((+)) (4) Ball tosses. In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size or the operator must color code the targets and advise the player of the difference in targets by posting a sign or providing a duplicate of the target showing the limitations or restrictions readily visible to the player.

((+)) (a) Milk bottle toss. The player tosses or throws ball(s) at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.

((+)) (b) Milk can (Mexican hat, cone). The player tosses a ball(s) into the opening of a milk can or a fiber glassed Mexican hat turned upside down or through a cone to win.

((+)) (c) Football toss (tire toss). The player tosses or throws a football(s) through a stationary tire or hoop to win.

((+)) (d) Basketball toss/throw. The player tosses or throws a basketball(s) through a basketball type hoop to win.

((+)) (e) Bushel baskets. The player tosses a ball(s) into a bushel type basket mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the basket to win. All rim shots will be allowed except the operator may designate the top 6 inches of the basket rim by color and disallow ball(s) striking this area as winning tosses.

((+)) (f) Cat-ball-toss (star/diamond toss). The player tosses a ball(s) into a simulated cat's mouth or a round, diamond or star shaped hole to win.

((+)) (g) Ping pong toss. The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays must have water covering the bottom of the surface which is facing up.

((+)) (h) Fish bowl game. The player tosses ping pong balls into a water-filled fish bowl to win.

((+)) (i) Volley ball toss (soccer ball). The player tosses a volley or soccer ball(s) into a keg type container mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the keg to win a prize. Rim shots are authorized as stated in paragraph (e) above for bushel baskets.

((xv)) (j) Goblet ball (whiffle ball). The player tosses a whiffle ball(s) into a target area of glass or plastic goblets. Located in the colored goblets which determine the type of prize the player wins. At least 33 percent of the goblets in the target area must be winners. The ball(s) must stay in the goblet to win a prize.

((xvi)) (k) Break the plate/bottle. The player tosses or throws a ball(s) at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.

((xvii)) (l) Punk rack. The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton or other like material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.

((xviii)) (m) Teeth game. The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball(s).

((xix)) (n) Toilet game (doniker). The player tosses or throws a ball or other object through a toilet seat, which is located at the rear of the stand, to win.

((xx)) (o) (Coke roll). The player rolls a ball(s) down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles shall be placed on predetermined spots painted on the surface of the alley.

((xxi)) (p) Rolldown. The player rolls ball(s) down an alley with the object of putting the ball(s) in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth and free from defects.

((xxii)) (q) Fascination (I got it). A group game which involves competition among the players. The target area consists of twenty-five holes and the player tosses or rolls a ball into one of the holes. The object of the game is to get five balls in a row either vertically, horizontally or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.

((xxiii)) (r) Pokereno. The target area consists of twenty-five squares with each square given the value of a poker card. The player rolls or tosses five balls to land in the squares. The operator has predetermined winning poker hands and the player wins when balls land in the squares that duplicate the operators selection.

((xxiv)) (s) Batter-up. The player uses a whiffle ball bat to swing and strike whiffle balls which are pitched at medium speed from a pitching machine. The player wins when he "hits" a ball into the "home run" shelf. The "home run" shelf is located at the back of the batting cage approximately fifteen feet from the player.

((xxv)) (t) Sky bowling. Two bowling pins are set on predetermined painted spots on a shelf. A ball is attached to a chain suspended from a stationary support at least 6 inches to the right or left of the bowling pins. The object is to swing the ball, miss the pins with the ball as it goes forward and knock the pins over as the ball returns.

((xxvi)) (u) Clown rolldown. A ball is tossed through the open mouth of a moving clown or animal head. The ball then rolls down a chute to numbered slots to the rear of the clown or animal head. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Prizes are awarded on the points achieved.

((xxvii)) (v) Skee ball. The player rolls a ball(s) up the mechanical bowling alley into targets. A computer adds up the scores and predetermined scores win.

((xxviii)) (w) Speedball radar game. Player gets four balls. Player throws three balls through radar to establish speeds and to estimate at what speed fourth ball will pass through radar. Player wins prize if he accurately estimates speed of the fourth ball. Radar must be mounted and stationary.

((xxix)) (x) Shooting games. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.

((xxx)) (a) Short range (shooting gallery) includes where the player is given four rounds to shoot at a spot target 1/4 inches or less in diameter. The player wins when the spot target is completely shot out, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. The prize is determined

by the number of targets struck by the player, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. Within each target is a bull's eye and the player must hit the bull's eye without touching outer surface of the target. The prize won is determined by the number of bull's eyes correctly hit.

((xxxi)) (b) Shoot-out-the-star (machine gun). The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star shaped target. The player must shoot out all of the target to win. The star cannot be more than one and one quarter inch from point to point.

((xxxii)) (c) Water racer. This group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.

((xxxiii)) (d) Rapid fire. This group game involves competition among players similar to the water racer described in (c) above. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.

((xxxiv)) (e) Cork gallery. The player uses a cork gun or similar device to propel objects which could include, but are not limited to, corks, suction cup darts, or styrofoam balls, to shoot at targets located on a shelf or bull's-eye type target. The player must hit the bull's-eye or knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf, or by the player accomplishing other tasks as stated in the posted rules. When suction cup darts or other darts are used and fail to stay on or in the target, the player will receive the play over. The base of each target shall be uniform front and rear.

((xxxv)) (f) Boomball. The player uses a cannon with compressed air to propel balls into a target area. The targets have varied point value and if the ball remains in the target, a computer adds up the scores. Prizes are awarded based on the points achieved.

((xxxvi)) (6) Coin pitchers.

((xxxvii)) (a) Spot pitch (lucky strike). The player pitches a coin at colored spots located on a table in the center of the stand. The coin must touch or stay inside of a spot to win a prize.

((xxxviii)) (b) Plate pitch. The player pitches a coin onto a glass plate to win a prize as designated.

((xxxix)) (c) Glass pitch (bowl). The player pitches a coin into or onto dishes, glasses, etc. If the coin remains in one of the top "target" glass items then the player wins that item.

((xl)) (7) Miscellaneous games.

((xli)) (a) Skill chute (bulldozer) (penny fall). The player inserts a coin or token into a chute aiming the coin or token so that it will fall in front of a continuous sweeper, (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute which sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip or similar obstruction which inhibits the passage of tokens or prizes into the hole or chute which sends them to the player, then the operator must post a sign to advise the players.)

((xlii)) (b) Tip-em-up bottle. The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with ring, must raise a bottle lying on its side to an upright position to win.

((xliiii)) (c) Hi-striker. The player, using a wooden maul, must strike a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player must ring the bell a predetermined number of times to win a prize.

((xliv)) (d) Rope ladder. Player must climb up a rope ladder, which is anchored at both ends by a swivel and ring a bell or buzzer to win a prize.

((xlv)) (e) Whac-a-mole. A group game which has a target surface with 5 holes - animated "moles" pop up and down at random. Whac (hit) as many moles as possible with a mallet. First player to hit a predetermined number of moles wins.

((xlvi)) (f) Dip bowling game. Player rolls a bowling type ball over hump in track. If ball stays on the back side of hump, the player wins.

((xlvii)) (g) Horse race derby. A group game. Players advance their horse by shooting or rolling a ball in target area. The faster and more skillful one shoots or rolls his ball, the faster his horse will run. First horse to finish line wins.

~~((viii))~~ (h) Shuffleboard. Player pushes a puck(s) down a shuffleboard alley to knock over poly pins at end of alley. Player wins by knocking down all the pins.

~~((ix))~~ (i) Bean bag. The player tosses or throws a bean bag or a simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the object(s) off the raised platform or tips the targets over.

~~((x))~~ (j) Soccer kick. The player kicks a soccer ball(s) through a hole(s) in the target area to win.

~~((xi))~~ (k) Frog game. Plastic frog or similar object sits on a small end of teeter totter. The opposite end of the teeter totter is struck with a mallet causing the frog to fly off the teeter totter. If the frog lands in a pail or similar receptacle, the player wins a prize.

~~((xii))~~ (l) Cover the spot. The object of the game is for player to drop 5 circular discs onto a circular spot, completely covering the spot. The diameter of each of the discs utilized to cover the spot will be a minimum of 64% of the diameter of the spot to be covered. The spot to be covered shall be painted or drawn on a permanent, solid material such as metal or wood, or may be a round opened lighted circle. The spot and each disc shall have a uniform diameter.

~~((xiii))~~ (m) Pocket billiards. Using a regulation pocket billiard table, a player must run a consecutive number of balls to win a prize. The number of balls shall be set by the operator.

~~((2))~~ Self-dispensing amusement games. All self-dispensing amusement games must have nonresettable coin in meters. The following games are authorized:

~~((a))~~ (n) Digger. The player turns a crank on a mechanical crane to pick up a prize. If the player picks up a prize then the player wins that prize. There can be no stops on the digger or, if there are stops, all prizes must be the same. All prizes must be capable of being picked up by the crane.

~~((b))~~ (o) Electronic crane games. The player uses a joystick and/or push buttons to maneuver the crane into a position to retrieve a prize. All games must meet the following conditions:

(i) At least twenty seconds playing time per operation thereof;

(ii) The crane must be capable of reaching, picking up and dispensing all prizes within the machine.

(iii) The crane cabinet must be level so that when the crane's head descends, it makes a vertical descent to the bottom of its travel, this being perpendicular to the bottom of the prize access area and parallel to the cabinet sides.

(iv) The controls for the crane must be clearly labelled as to function and signs posted giving instructions on crane play to the player, (as follows:

~~((a))~~ Time of play;

~~((b))~~ Functional limitations of machine;

~~((c))~~ Weight limit of prizes in machine;

~~((d))~~ Weight limit of machine;

~~((e))~~ Dimensional limit of machine;

~~((f))~~ Dimensional limits on prizes;

~~((g))~~ Dimensional limits on claw; and

~~((h))~~ Cost per play;

~~((v))~~ The device may not contain any controls, devices, switches or adjustments which allow the changing of any play characteristics or modes by the operator, but may have service adjustments within the device which allow maintenance of operation within the tolerances for the device as set by the manufacturer and as approved by the commission. All adjustable parameters associated with game play must be wire strapped and that portion of the circuit board marked with a colored, urethane seal coating.

~~((vi))~~ All proms and circuit boards must be sealed in place and have identifying codes on them which readily identify their source and Washington use certification. All such circuit boards and EPROMS must be contained within the separate sealed compartment accessible only to service and commission personnel as set forth in (v) above.

~~((vii))~~ The device must be certified as capable of picking up four ounces, but may be certified as picking up greater weights.

~~((viii))~~ The claw must close completely or have no more than a 1/4" gap between prongs when closing is completed.

~~((ix))~~ The device must have a hard wired non-resettable coin in meter, the removal or disconnecting of which stops the play of the machine. The meter must be certified as accurate to within plus or minus 1 coin in 1,000 plays.)

~~((x))~~ (v) The device must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money not to exceed the cost of five plays.

~~((xi))~~ It must be demonstrated that voltage to the claw provides sufficient power to clamp and hold the certified weight and is maintained at a line voltage of 115 VAC plus or minus 10 volts AC during all plays, continuous or repeated.

~~((xii))~~ The power cord to the solenoid must not significantly effect a player's skill factor by causing the claw mechanism to descend into the prize area in a nonperpendicular manner.

~~((xiii))~~ The claw assembly must be a sealed unit without adjustments.

~~((xiv))~~ The game must provide a locked coin/currency container within the device to collect the monies received from plays.)

~~((xv))~~ (vi) Prizes must be loose and shall not be packed, arranged or lodged in the machine in any way which would prevent the prize from being picked up by the claw.

~~((3))~~ Any additional games, or a modification of the games authorized above, must be submitted to the commission staff in writing prior to using the new or modified game in the state. The written request shall include proposed rules of play, game specifications and pictures of the game or modification. A demonstration of the game must be provided to the staff, upon request, in ((Olympia)) Lacey or at such place as designated by the commission staff. ((Manufacturers of electronic crane games must submit a crane of each variety, model, brand or type which they will sell or use in Washington state for review, analysis and approval prior to selling or using said cranes in Washington state.)) A fee will be assessed by the commission to offset the cost of review and analysis as required. ((Said review shall include submission of copies of all schematics, programs and program chips for the device in a form as provided by the commission, additionally, once approved, one device from each licensed manufacturer shall be selected by the commission staff at random from in play devices for review and analysis every other year as if it were a new device being submitted for approval, the cost of which shall be assessed against the manufacturer by the commission. Excess fees submitted shall be returned at the completion of the review and analysis.))

After review, the director may temporarily authorize the use of a new or modified game, in writing, subject to final approval by the commission.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-20-630 AMUSEMENT GAMES—FEES, RULES, PRIZES AND VARIATIONS IN OBJECTS TO BE POSTED—FEES TO BE PAID IN CASH OR SCRIPT—PRIZES NOT TO DIFFER FROM THOSE POSTED. (1) No person shall conduct any amusement game at any location within the state of Washington unless there is posted in a conspicuous place, readily visible to persons playing the game, a sign(s) made of permanent material, such as wood, poster board, metal or plastic with lettering at least one and one-half inches in height that contains the following information:

(a) Fees charged for playing;

(b) The rules by which the game is to be played;

(c) Prizes to be won;

(d) Any variation in the size or weight of objects utilized in the game which is not readily visible to the player; and

(e) The name of the operator and an assigned concession number.

(2) Licensed amusement game operators shall assign each concession a number and a list of all concessions and their assigned numbers shall be kept available in the show office.

(3) No amusement games shall be conducted wherein the price charged for playing said game is paid other than in cash, or in an amount other than that posted upon the premises of said game. The term "cash" as used herein shall include checks. In addition, the operator may accept as consideration, tokens, script or tickets, but only under the following conditions:

(a) The value of each token, ticket or item of script, as measured by the equivalent amount of cash which a player would have to present in lieu of said token, ticket or script, must be indicated on the face thereof;

(b) Said tokens, tickets or script are not redeemable for cash;

(c) Said tickets or script shall bear the name of the operator or sponsor.

(4) No amusement games shall be conducted within the state of Washington wherein the prize to be given to a prospective winner is other than that posted upon the premises of said game: Provided, however, That after an individual player has won two or more prizes, an operator may offer said player the opportunity to exchange said prizes for one or more other prizes, but only if the prize to be received by the player in exchange was on display during the play of the game. Any prize system which requires forfeiture of previously won prize(s) in exchange for another play is prohibited. Operators of amusement games may utilize a scheme for distribution of prizes wherein the winners of individual prizes receive tickets, which are subsequently redeemable in combination with other tickets won for a merchandise prize. (~~Provided further that no prize offered in an electronic crane game shall exceed a cost of \$20.00 and the step up prizes shall not exceed a cost of \$100.00 to the electronic crane operator. In locations which allow children under the age of eighteen to play, no step up prizes shall be allowed for electronic crane games.~~)

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/18/89 [12/28/89])

~~WAC 230-20-670 ((ELECTRONIC CRANE)) COMMERCIAL AMUSEMENT GAMES—((APPROVED LOCATIONS)) OPERATING REQUIREMENTS. ((†) Persons other than bona fide charitable or bona fide nonprofit organizations may operate electronic crane amusement games at the following locations if licensed by the commission:~~

~~(a) Those locations that possess a valid license from the Washington state liquor board and prohibit minors on their premises; and~~

~~(b) Those locations that are frequented by children under the age of eighteen to participate in activities other than the playing of amusement devices, limited to movie theaters, bowling alleys, and miniature golf course facilities; and~~

~~(c) Those locations that operate adult-supervised family amusement centers located in enclosed shopping malls which prohibit children under the age of eighteen from playing licensed, self-dispensing amusement games during school hours; maintain full-time personnel whose responsibilities include maintaining security and daily machine maintenance; and which close at the same time as surrounding businesses within the enclosed shopping mall.~~

~~(2) Each location where electronic cranes are operated, other than a single premises, operated and under the control of the holder of an electronic crane game operator's license, shall be required to obtain an "electronic crane separate premises" license. It shall be the responsibility of the electronic crane operator to ensure that each premises is licensed with the commission prior to operating electronic cranes at that location.~~

~~(3) A person licensed as an electronic crane operator may enter into a contract with separate premise licensees to operate electronic cranes on their premises. The contract must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party. Provided, That the amount of rent/consideration may be based on a percentage of revenue generated by the activity if the method of distribution is specific. All contracts regarding the operation of electronic cranes shall be submitted to the commission and become a part of the license file. Violations of the terms of the contract by an electronic crane operator shall be grounds for suspension or revocation of their license.~~

~~(4) The maximum fee to play shall be up to \$1.00 per game at the locations specified in (1)(a) above, and up to 25 cents at the locations specified in (1)(b) and (c) above.)) (1) Each location where commercial amusement games are operated shall be required to obtain a commercial amusement game license.~~

~~(2) A person licensed as a commercial amusement game operator may enter into a contract with licensees to operate amusement games on their premises. The contract must be written and specific in terms, setting out the time of the contract, revenue sharing plan and all expenses to be borne by each party: Provided, that the revenue sharing plan may be based on a percentage of revenue generated by the activity if the method of distribution is specific. All contracts regarding the operation of amusement games shall be submitted to the commission and become part of the licensee file.~~

~~(3) It shall be the responsibility of the commercial amusement game operator providing the games to ensure that each premises is licensed with the commission prior to operating at that location.~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 230-20-680 COMMERCIAL AMUSEMENT GAMES—OPERATION RESTRICTIONS. (1) No person shall operate commercial amusement games in any location except under the following conditions:

(a) The operation of amusement games must be closely monitored and controlled to ensure all games are operated in accordance with all provisions of this WAC title and:

(i) The players are protected from fraud and game manipulation;

(ii) All games and/or machines are maintained in proper condition to ensure the operation is as approved by WAC 230-20-605;

(2) All locations where school-aged minors are allowed to play must be supervised by an adult during all hours of operation. The adult supervisor will ensure that school-aged minors are prohibited from entry and/or playing amusement games in locations authorized by WAC 230-04-138 (1)(g), (i), or (j) during school hours and after 10:00 p.m. on any day: Provided, that school-aged minors are prohibited from playing amusement games in regional shopping centers after the normal shopping area closing hours on Sunday through Thursday.

REPEALER

WAC 230-20-698 ELECTRONIC CRANE AMUSEMENT GAMES—SPECIAL AUTHORIZATION.

WSR 91-15-040

PERMANENT RULES

GAMBLING COMMISSION

[Order 224—Filed July 17, 1991, 10:25 a.m.]

Date of Adoption: July 12, 1991.

Purpose: To provide rules and regulations to allow the conduct of a recreational gaming activity and clarify an existing policy for "fun nights."

Citation of Existing Rules Affected by this Order: New sections WAC 230-02-505, 230-04-187 and 230-25-330; and amending WAC 230-04-120, 230-04-190, 230-04-201, and 230-25-110.

Statutory Authority for Adoption: Chapter 9.46 RCW.

Pursuant to notice filed as WSR 91-07-019 on March 13, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 15, 1991

Sharon M. Tolton
Rules Coordinator

NEW SECTION

WAC 230-02-505 RECREATIONAL GAMING ACTIVITY – DEFINED. A recreational gaming activity is a non-gambling activity utilizing gambling devices authorized for use in fund raising events, conducted no more than two times per year, by or on behalf of an organization that has been in existence for at least six months. Only members and guests of the sponsoring organization may participate and such activity shall be subject to the requirements of WAC 230-25-330.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-04-120 LICENSING OF DISTRIBUTORS. (1) Prior to selling or supplying to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission for one or more of the following separate licensed activities:

- (a) Punchboards;
- (b) Pull tabs;
- (c) Devices for the dispensing of pull tabs;
- (d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events, or recreational gaming activity; and
- (e) Electronic cranes.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

- (a) The full name and address of the applicant;
- (b) The business name and address of each of the separate locations operated by the distributor;
- (c) The name and home address of all owners if the business is not a corporation. If the business is a corporation, the name and address of each of the officers, each director, and each stockholder having ten percent or more of the shares of any class of stock in the corporation;
- (d) A full description of each type of punchboard, pull tab, device for the dispensing of pull tabs, or electronic cranes that the distributor intends to market in this state or for use in this state;

(3) For each such device, the brand name under which it will be sold;

(4) If the applicant is a distributor located out of state, then the name, business and home address of the agent who is a resident of this state designated by the applicant pursuant to WAC 230-12-300;

(5) A list of all manufacturers of such devices and all businesses or organizations located in the state of Washington in which the applicant has some financial interest. For the purposes of this subsection, the term financial interest shall include, among all other interests, an indebtedness from the other person to the applicant, or vice versa, in excess of five hundred dollars.

NEW SECTION

WAC 230-04-187 RECREATIONAL GAMING ACTIVITY - PERMIT REQUIRED. Any organization wanting to conduct a recreational gaming activity must complete the appropriate form and secure a recreational gaming permit from the commission at least fourteen days prior to commencement. The fee for such activity shall be fifty dollars per activity.

AMENDATORY SECTION (Amending Order 203, filed 1/18/90, effective 2/18/90)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified

bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs;
- (e) Social cards; and
- (f) Electronic cranes.

(2) Fund raising event as defined in RCW 9.46.0233. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punchboards and pull tabs upon specified premises.

(7) Commercial electronic cranes.

(a) Electronic crane operator - The commission may issue a license to any person, association or organization other than a bona fide charitable or nonprofit organization to operate electronic cranes at a single or multiple locations as defined in WAC 230-20-670(1): Provided, That if electronic cranes are operated at more than one location, each separate location shall be licensed per subparagraph (b) below.

(b) Electronic crane separate premises - The commission may issue a license to any person operating a business, as defined in WAC 230-20-670 (1)(a), (b), or (c), to allow an electronic crane operator to locate and operate electronic cranes upon their premises.

(8) Manufacturers and distributors of gambling equipment, paraphernalia and electronic cranes. The commission may issue a separate or combination license to the following:

(a) Manufacturers of punchboards, pull tabs, devices for the dispensing of pull tabs and electronic cranes; and

(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events, recreational gaming activities and electronic cranes;

(9) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in

the sale and distribution of gambling equipment, paraphernalia and electronic cranes.

(10) Recreational Gaming Activity Permit. The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

~~((+H))~~ (11) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That:

(a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of subsection (a), a license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival.

(d) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) A license issued to conduct a fund raising event shall be valid for one year from the date issued but the event (or events) permitted under the license shall be

held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event.

(f) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.

(g) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, that if a properly completed renewal application and fees are received within the fourteen (14) day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

~~((+H))~~ (12) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

[AMENDATORY SECTION (Amending Order 201, filed 11/27/89)]

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

<u>LICENSE TYPE</u>		<u>DEFINITION</u>	<u>FEE</u>
1.	AMUSEMENT GAMES	(Fee based on annual gross receipts)	
	Class A	Up to \$ 5,000	\$ 50
	Class B	Up to \$ 15,000	150
	Class C	Up to \$ 25,000	250
	Class D	Up to \$ 50,000	400
	Class E	over \$ 50,000	700
2.	BINGO GROUP	(Fee based on annual gross gambling receipts)	
	I	Class A Up to \$15,000	\$ 50
		Class B \$ 15,001 to 50,000	150
		Class C \$ 50,001 to 100,000	300
		Class D \$ 100,001 to 300,000	800
		Class E \$ 300,001 to 500,000	1,350
		Class F \$ 500,001 to 1,000,000	2,700
	II	Class G \$ 1,000,001 to 1,500,000	3,900
		Class H \$ 1,500,001 to 2,000,000	5,200
		Class I \$ 2,000,001 to 2,500,000	6,500
		Class J \$ 2,500,001 to 3,000,000	7,800
	III	Class K \$ 3,000,001 to 3,500,000	8,750
		Class L \$ 3,500,001 to 4,000,000	10,000
		Class M Over \$4,000,000	11,250
3.	BINGO GAME MANAGER	Original Renewal	\$ 150 75
4.	CARD GAMES		
	Class A	General (fee to play charged)	\$ 500
	Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, and/or cribbage - (fee to play charged)	150
	Class C	Tournament only - no more than ten consec. days per tournament	50
	Class D	General (no fee to play charged)	50
	Class R	Primarily for recreation (WAC 230-04-199)	25
5.	CHANGES		
	NAME	(See WAC 230-04-310)	\$ 25
	LOCATION	(See WAC 230-04-320)	25
	FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
	LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
	DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-290)	25
	IDENTIFICATION STAMPS	(See WAC 230-30-016)	25

LICENSE TYPE	DEFINITION	FEE
6. FUND RAISING EVENT		
Class A	One event not more than 24 consec. hrs.	\$ 300
Class B	One event not more than 72 consec. hrs.	500
Class C	Additional participant in joint event (not lead organization)	150
<u>Class D</u>	<u>Fund Raising Event Equipment Distributor – Rents or leases, equipment for fund raising event or recreational gaming activity more than 4 times per year.</u>	<u>200</u>
<u>Class E</u>	<u>Fund Raising Event Equipment Distributor – Rents or leases equipment for fund raising event or recreational gaming activity more than 10 times per year.</u> <u>NOTE: Charitable and nonprofit organizations licensed to conduct fund raising events may rent equipment up to four occasions without getting licensed as a distributor.</u>	<u>500</u>
7. PERMITS	Agricultural fair/special property bingo	
((Class A))	One location and event only (see WAC 230-04-191)	\$ 25
<u>Recreational Gaming Activity Permit (RGA) (see WAC 230-25-330 and WAC 230-02-505)</u>		<u>50</u>
8. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross gambling receipts)	
	(One time variance)	
Class A	Up to \$ 50,000	\$ 475
Class B	Up to \$ 100,000	850
Class C	Up to \$ 200,000	1,600
Class D	Up to \$ 300,000	2,325
Class E	Up to \$ 400,000	3,000
Class F	Up to \$ 500,000	3,625
Class G	Up to \$ 600,000	4,200
Class H	Up to \$ 700,000	4,725
Class I	Up to \$ 800,000	5,200
Class J	Up to \$ 1,000,000	5,900
Class K	Up to \$ 1,250,000	6,550
Class L	Up to \$ 1,500,000	7,150
Class M	Up to \$ 1,750,000	7,650
Class N	Up to \$ 2,000,000	8,100
Class O	Over \$2,000,000	8,900
	A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.	
9. RAFFLES	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$ 10,000	150
Class C	Up to \$ 25,000	300
Class D	Up to \$ 50,000	500
Class E	Up to \$ 75,000	800
Class F	Over \$ 75,000	1,200
10. SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required
12. SIX-MONTH PAYMENT PLAN	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners – see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-340(1))	50
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
<hr/>		
3. DISTRIBUTOR	(Fee based on annual gross sales of gambling related supplies and equipment)	
(a) Class A	Nonpunchboard/pull tab only	\$ 500
Class B	Up to \$250,000	\$1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
(b) <u>Fund Raising Event Equipment Distributor</u>		
<u>Class A</u>	<u>Rents or leases equipment for fund raising event or recreational gaming activity up to ten times per year.</u>	<u>\$ 200</u>
<u>Class B</u>	<u>Rents or leases equipment for fund raising event or recreational gaming activity more than ten times per year.</u>	<u>\$ 500</u>
<hr/>		
4. DISTRIBUTOR'S REPRESENTATIVE	Original	\$ 200
	Renewal	125
<hr/>		
5. ELECTRONIC CRANE SEPARATE PREMISES	(For locations only see WAC 230-04-190)	
	Original	\$ 250
	Renewal	150
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6. MANUFACTURER	(Fee based on annual gross sales of gambling related supplies and equipment)	
Class A	Machines Only	\$ 500
Class B	Up to \$250,000	\$1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
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7. MANUFACTURER'S REPRESENTATIVE	Original	\$ 200
	Renewal	125

LICENSE TYPE	DEFINITION	FEE
8. PERMITS Class A Class B	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Annual permit for specified different events and locations (see WAC 230-04-193)	\$ 25 150
9. PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$ 150 75
10. PUNCHBOARDS/ PULL TABS Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K Class L Class M Class N Class O	(Fee based on annual gross gambling receipts) (One Time Variance) Up to \$ 50,000 \$ 5,000 Up to \$ 100,000 \$ 5,000 Up to \$ 200,000 \$10,000 Up to \$ 300,000 \$10,000 Up to \$ 400,000 \$10,000 Up to \$ 500,000 \$10,000 Up to \$ 600,000 \$10,000 Up to \$ 700,000 \$10,000 Up to \$ 800,000 \$10,000 Up to \$ 1,000,000 \$20,000 Up to \$ 1,250,000 \$25,000 Up to \$ 1,500,000 \$25,000 Up to \$ 1,750,000 \$25,000 Up to \$ 2,000,000 \$25,000 Over \$2,000,000 Non-Applicable	\$ 475 850 1,600 2,325 3,000 3,625 4,200 4,725 5,200 5,900 6,550 7,150 7,650 8,100 8,900
A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.		
11. SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP EXCEEDING LICENSE CLASS	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030) (See WAC 230-04-260)	As Required As Required As Required
In addition to all normal license fees, a licensee may be may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.		
12. SPECIAL LOCATION/ ELECTRONIC CRANE OPERATOR AMUSEMENT GAMES Class A Class B Class C Class D Class E Class F	(Fee based on annual gross receipts) Up to \$50,000 \$ 50,001 to \$ 100,000 100,001 to 250,000 250,001 to 500,000 500,001 to 1,000,000 Over 1,000,000	\$ 500 900 2,000 3,500 6,000 7,500

LICENSE TYPE	DEFINITION	FEE
13. SIX-MONTH PAYMENT PLAN	<p>The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments.</p> <p>SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.</p>	\$ 25

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 183, filed 9/13/88)

WAC 230-25-110 FUND RAISING EVENT—USE OF EQUIPMENT, LEASE OR RENTAL FROM LICENSEE ONLY. Only those persons holding a valid license to sell or distribute punchboards, pull tabs, or pull tab dispensing devices and/or fund raising event equipment shall be authorized to sell or lease gaming equipment (~~and pull tabs~~) to bona fide nonprofit or charitable organizations licensed to conduct fund raising events for use in connection with a licensed fund raising event. All rules and regulations of the commission relating to the sale or distribution of punchboards, pull tabs, or pull tab dispensing devices by such distributors, shall be likewise applicable to the sale or rental by them of gaming equipment and pull tabs for use in a licensed fund raising event, except to the extent such rules are inconsistent with the provisions of this section: Provided, commission approval of such gaming equipment shall not be required, nor shall identification stamps be required for such equipment: Provided further, a licensee to conduct fund raising events may sell, loan or rent equipment acquired for its own fund raising event to another such licensee(s) for up to four events per year without being licensed as a distributor of fund raising event equipment.

No sale or rental of gaming equipment for use in a licensed fund raising event shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate, and shall not be based upon a percentage of the income or profit derived from the conduct of the fund raising event.

No licensee to conduct fund raising events shall purchase or rent gaming equipment except from another such licensee, or from a licensed distributor.

Any bona fide charitable or nonprofit organization licensed to conduct fund raising events may utilize such equipment, not otherwise prohibited by law or these regulations, as is owned or constructed by such licensee, or which is borrowed or leased from another bona fide charitable or nonprofit organization which has been licensed by the commission to conduct fund raising events.

No licensee to conduct fund raising events shall use, or permit the use of, equipment owned by it for any purpose other than the operation of licensed fund raising events, or other authorized gambling activities by the licensee: Provided, however, That the licensee may, within the twelve calendar month period following the conduct of the fund raising event for which it was licensed, loan or rent such equipment to another bona fide charitable or nonprofit organization for use in conjunction with a licensed fund raising event.

NEW SECTION

WAC 230-25-330 RECREATIONAL GAMING ACTIVITY - RULES FOR PLAY. An organization or association issued a permit shall conduct a recreational gaming activity in accordance with the following rules:

(1) Any gambling device utilized for such activity must be rented or obtained from a licensed distributor of fund raising event equipment or a licensee authorized to

conduct fund raising events (not applicable to home-made, nonprofessional devices);

(2) Gambling of any type shall be prohibited on the premises where recreational gaming activity takes place;

(3) Script or chips having no value shall be utilized for each activity;

(4) There shall be no fee charged for the opportunity to participate or enter the premises, Provided: An organization may charge a fee for an accompanying dinner, meal, or entertainment associated with the activity, as long as such a fee is only related to those additional activities and the costs incurred in renting the devices utilized in the activity;

(5) An organization may utilize a scheme whereby participants can redeem their script or chips for prizes; Provided: All prizes must be donated to or provided by the sponsoring organization;

(6) The activity shall be limited to eight hours. The director may for good cause shown, grant additional time;

(7) The sponsoring organization must notify local law enforcement officials at least ten days prior to the commencement of the activity, and specify the date, time and location of the activity.

WSR 91-15-041
EMERGENCY RULES
GAMBLING COMMISSION
[Filed July 17, 1991, 10:29 a.m.]

Date of Adoption: July 12, 1991.

Purpose: To comply with the legislative change to RCW 9.46.0331 allowing expanded locations for amusement games.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-20-380 and 230-20-698; amending 230-04-110 Licensing of manufacturers, 230-04-120 Licensing of distributors, 230-04-124 Licensing of manufacturers and distributors, 230-04-190 Issuance of license, 230-04-201 Fees, 230-08-060 Electronic crane amusement game records, 230-08-180 Quarterly activity reports by electronic crane operators, 230-08-240 Annual activity reports by special location amusement game licensees other than bona fide charitable or non-profit organizations, 230-12-220 Agreement requiring payment by licensee based upon percentage of receipts from authorized activity—Prohibited, 230-20-605 Types of amusement games authorized, 230-20-630 Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or script—Prizes not to differ from those posted and 230-20-670 Electronic crane amusement games—Approved locations; and new sections 230-02-510 Amusement device defined, 230-02-515 School hours defined, 230-02-520 School-aged minors defined, 230-04-135 Commercial amusement games—License required, 230-04-138 Commercial amusement games—Authorized locations and 230-20-680 Commercial amusement games—Operation restrictions.

Statutory Authority for Adoption: Chapter 9.46 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To assure administrative rule compliance with recently enacted legislation pertaining to amusement games.

Effective Date of Rule: Immediately.

July 15, 1991
Sharon M. Tolton
Rules Coordinator

NEW SECTION

WAC 230-02-510 AMUSEMENT DEVICE DEFINED. An amusement device is any mechanical, electro-mechanical, or electronic device through which the operation results in a game or contest which:

- (1) Is played only for entertainment;
- (2) Allows the player to actively participate;
- (3) The outcome of the game or contest depends in a material degree upon the skill of the player; and
- (4) The outcome is not in control of any person other than the player or players.

NEW SECTION

WAC 230-02-515 SCHOOL HOURS DEFINED. School hours are defined as 8:00 a.m. through 3:00 p.m., Monday through Friday, using the operating schedule of the public school district in which the activity is located.

NEW SECTION

WAC 230-02-520 SCHOOL-AGED MINORS DEFINED. School-aged minors are defined as persons who have not reached an age of 18 years.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-04-110 LICENSING OF MANUFACTURERS. (1) A manufacturer shall obtain a license from the commission prior to manufacturing, selling or supplying to any person(s) within this state, or for use within this state, one or more of the following devices:

- (a) Punchboards;
 - (b) Pull tabs; and
 - (c) Devices for the dispensing of pull tabs((:)); ((and
 - (d) ~~Electronic cranes~~);)
- (2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials which are elsewhere required under these rules:
- (a) The name and address of the applicant;
 - (b) The name and address of each of its separate locations manufacturing such devices;

(c) The name and home address of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name and address of each of the officers and each of the directors of the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation;

(d) A full description of each separate type of punchboard, pull tab, device for the dispensing of pull tabs, or electronic crane which the applicant seeks to manufacture or to market in this state; and

(e) The brand name under which each device is sold;

(3) If the applicant is a foreign manufacturer, then the full name, business and home address of the agent who is a resident of this state designated pursuant to WAC 230-12-300;

(4) A list of all distributors of such devices, punchboards or pull tabs, and of all businesses or organizations located within the state of Washington in which the licensee has some financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include, among all other interests, indebtedness from the licensee to the other person, or vice versa, in excess of five hundred dollars.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-04-120 LICENSING OF DISTRIBUTORS. (1) Prior to selling or supplying to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission for one or more of the following separate licensed activities:

(a) Punchboards;

(b) Pull tabs;

(c) Devices for the dispensing of pull tabs; and

(d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events((:));

(and
(~~e) Electronic cranes;~~)

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

(a) The full name and address of the applicant;

(b) The business name and address of each of the separate locations operated by the distributor;

(c) The name and home address of all owners if the business is not a corporation. If the business is a corporation, the name and address of each of the officers, each director, and each stockholder having ten percent or more of the shares of any class of stock in the corporation;

(d) A full description of each type of punchboard, pull tab, device for the dispensing of pull tabs, or electronic cranes that the distributor intends to market in this state or for use in this state;

(3) For each such device, the brand name under which it will be sold;

(4) If the applicant is a distributor located out of state, then the name, business and home address of the agent who is a resident of this state designated by the applicant pursuant to WAC 230-12-300;

(5) A list of all manufacturers of such devices and all businesses or organizations located in the state of Washington in which the applicant has some financial interest. For the purposes of this subsection, the term financial interest shall include, among all other interests, an indebtedness from the other person to the applicant, or vice versa, in excess of five hundred dollars.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-04-124 LICENSING OF MANUFACTURERS AND DISTRIBUTORS REPRESENTATIVES. (1) Prior to selling or supplying to any person gambling equipment((:)) or gambling paraphernalia ((~~or electronic cranes~~)) for use in connection with licensed gambling activities, a representative or agent of a licensed manufacturer or distributor shall first obtain a license from the commission.

(2) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a manufacturer or distributor shall not be required to be additionally licensed as a representative to engage in the selling or supplying of the manufacturer's or distributor's products or services. Office, clerical or warehouse personnel employed by the manufacturer or distributor who have contact with the public and potential customers occasionally and only by telephone or at the manufacturer's or distributor's own premises when working under the immediate and direct supervision of the owner, a partner, or major officer of a corporation, shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest in a licensed manufacturer or distributor and whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of the manufacturer's or distributor's products shall be licensed as required by this rule prior to performing such functions. A manufacturer or distributor shall not allow an unlicensed person to represent them in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.

(3) On or before the first day he or she actually performs work as a representative, a person shall submit a complete application for a license to the commission. The application shall not be deemed complete until all questions on the application form and attachments are fully and truthfully answered and the form, with all attachments and the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission).

(4) The manufacturer or distributor for which the representative will work shall sign the application of

each such representative acknowledging that the applicant will be representing them with their full knowledge and consent.

(5) In addition to the above requirements, an applicant applying for a license as a distributor's representative shall:

(a) Complete a training course provided by the commission within 30 days after the first day worked; and

(b) Represent only one licensed distributor at a time and shall not represent a manufacturer: Provided, That this rule shall not bar the distributor's representative from representing his own distributor who is also licensed as a manufacturer.

NEW SECTION

WAC 230-04-135 COMMERCIAL AMUSEMENT GAMES—LICENSE REQUIRED. (1) Prior to operating commercial amusement games at any location, persons other than a bona fide charitable or bona fide nonprofit organization shall first obtain a license from the commission. Class B and above commercial amusement game license may locate and operate amusement games at multiple locations authorized by WAC 230-04-138 subsections (1)(f), (g), (h), (i), or (j).

(2) In addition to the requirements for certification as set out in WAC 230-04-020 and all other sections of this title, applicants must provide the following additional information as a part of their application for applicable operating locations:

(a) A description of the business location at which the activity will be operated. This description must include details necessary to determine qualification of the location for operation of the activity and include the following minimum details:

(i) The number of mechanical or aquatic rides open for public use;

(ii) The number of amusement devices operated at the location; and

(iv) The number of theatrical productions, motion pictures, and slide show presentations available for the public;

(b) A detailed floor plan showing the entire premises to include property boundaries, all service facilities, exits and entrances, and proposed locations for each amusement game. If the premises is within a regional shopping center, the size of the shopping center, in gross square feet not including parking areas, must be provided;

(c) A detailed description of the business operation including the following items:

(i) The products or services provided;

(ii) Whether the business has a license issued by the Washington State Liquor Control Board;

(iii) Normal operating hours of the business;

(iv) Whether school-aged minors are allowed on the premises. If portions of the premises are restricted to adults only, indicate those areas that may be used by school-aged minors on the floor plan in (2)(b) above;

(v) The amount of gross income generated from the primary business during the last 12 months. The income must be separated to include the amounts derived from amusement devices and food service for on-premises consumption;

(d) Written permission from the sponsor of any activity authorized by WAC 230-04-138 sub-section (1)(a), (b), (c), (d), or (e);

(e) A copy of any rental/lease agreement for use of any amusement game(s) from a licensed commercial amusement game operator. The document should disclose full details of the rental/lease agreement, including any revenue sharing provisions, all costs to be shared, and any restrictions regarding the number of amusement games to be operated;

(f) A personal information form for all "adult supervisors" required by WAC 230-20-680(2).

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 230-04-138 COMMERCIAL AMUSEMENT GAMES—AUTHORIZED LOCATIONS. (1) Amusement games may only be conducted by commercial amusement game licensees when operated as a part of, and/or upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city or town; or

(c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than 17 consecutive days by any licensee during any calendar year; or

(f) An amusement park. An amusement park is a group of activities, at a permanent location, to which people go to be entertained through a combination of various mechanical or aquatic rides, theatrical productions, motion picture and/or slide show presentation with food and drink service. The amusement park must include at least five different mechanical or aquatic rides, three additional activities and the gross receipts must be primarily from these amusement activities.

(g) Within a regional shopping center. A regional shopping center is a shopping center developed and operated for retail sales and service by retail sales and service operators and consisting of more than six hundred thousand gross square feet not including parking areas. Amusement games conducted as a part of, and upon the site of, a regional shopping center shall not be subject to the prohibition on leases of premises based on a percentage of gambling receipts set forth in RCW 9.46.120; or

(h) Any location that possesses a valid license from the Washington State Liquor Control Board and prohibits minors on their premises; or

(i) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers. For the purposes of this section an amusement center shall be defined as a permanent location whose primary source of income is from the operation of 10 or more amusement devices, or

(j) Any business whose primary activity is to provide food service for on premises consumption and who offers family entertainment which includes at least three of the following activities: amusement devices; theatrical productions; mechanical rides; motion pictures; and slide show presentations.

(2) No amusement games may be conducted in any location except in conformance with local zoning, fire, health, and similar regulations.

(3) No amusement games may be conducted in any locations(s) without first having obtained written permission to do so from the person or organization owning the premises or property where the activity will be operated. If the games are conducted as a part of or in conjunction with any of the activities set out in section (1)(a), (b), (c), (d), or (e), written permission must be obtained from the person or organization sponsoring the activity.

(4) All rental agreements relating to use of a premises or site to conduct amusement games must be submitted to the commission as a part of the application.

(5) Any operator licensed to conduct Class B or above amusement games may enter into a contract with the business owner of any of the locations set out in subsections (1)(f), (g), (h), (i), or (j) above to locate and operate amusement games upon their premises if the business is licensed to conduct class A amusement games. All such contracts must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party. All contracts regarding the operation of amusement games must be on file with the commission prior to location and operation of the activity. Violations of terms of the contract by an amusement game operator may be grounds for suspension or revocation of their license.

AMENDATORY SECTION (Amending Order 203, filed 1/18/90, effective 2/18/90)

WAC 230-04-190 **ISSUANCE OF LICENSE.** (1) Charitable and nonprofit organizations and agricultural fairs. The Commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs; and
- (e) Social cards(;;). ~~((and~~
- ~~(f) Electronic cranes.))~~

(2) Fund raising event as defined in RCW 9.46.0233. The Commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

~~(3) ((Special amusement game license. The Commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.))~~

Commercial location amusement game license. The commission may issue a separate license to commercial business operators of amusement games at one or more of the locations listed in WAC 230-04-138.

(4) Commercial stimulant card games. The Commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The Commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

~~((7) Commercial electronic cranes.~~

~~(a) Electronic crane operator — The commission may issue a license to any person, association or organization other than a bona fide charitable or nonprofit organization to operate electronic cranes at a single or multiple locations as defined in WAC 230-20-670(1). **PROVIDED**, That if electronic cranes are operated at more than one location, each separate location shall be licensed per subparagraph (b) below.~~

~~(b) Electronic crane separate premises — The commission may issue a license to any person operating a business, as defined in WAC 230-20-670 (1)(a), (b), or (c), to allow an electronic crane operator to locate and operate electronic cranes upon their premises.))~~

~~((8))) (7) Manufacturers and distributors of gambling equipment(;;) and paraphernalia ~~((and electronic cranes))~~. The commission may issue a separate or combination license to the following:~~

~~(a) Manufacturers of punchboards, pull tabs, and devices for the dispensing of pull tabs ~~((and electronic cranes))~~; and~~

~~(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events and electronic cranes;))~~

~~((9))) (8) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment(;;) and paraphernalia ~~((and electronic cranes))~~.~~

Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and
- (d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

~~((10)-(8))~~ (9) License expiration. Each such license shall be valid for one year from the date that it is issued. Provided, That:

(a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of subsection (a), a license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival.

(d) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) A license issued to conduct a fund raising event shall be valid for one year from the date issued but the

event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event.

(f) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.

(g) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, that if a properly completed renewal application and fees are received within the fourteen (14) day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

~~((11)-(9))~~ (10) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

[AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)]

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE		DEFINITION	FEE
1.	AMUSEMENT GAMES	(Fee based on annual gross receipts)	
	Class A	Up to \$ 5,000	\$ 50
	Class B	Up to \$ 15,000	150
	Class C	Up to \$ 25,000	250
	Class D	Up to \$ 50,000	400
	Class E	over \$ 50,000	700
2.	BINGO GROUP	(Fee based on annual gross gambling receipts)	
	I	Class A Up to \$15,000	\$ 50
		Class B \$ 15,001 to 50,000	150
		Class C \$ 50,001 to 100,000	300
		Class D \$ 100,001 to 300,000	800
		Class E \$ 300,001 to 500,000	1,350
		Class F \$ 500,001 to 1,000,000	2,700
	II	Class G \$ 1,000,001 to 1,500,000	3,900
		Class H \$ 1,500,001 to 2,000,000	5,200
		Class I \$ 2,000,001 to 2,500,000	6,500
		Class J \$ 2,500,001 to 3,000,000	7,800
	III	Class K \$ 3,000,001 to 3,500,000	8,750
		Class L \$ 3,500,001 to 4,000,000	10,000
		Class M Over \$4,000,000	11,250
3.	BINGO GAME MANAGER	Original Renewal	\$ 150 75
4.	CARD GAMES		
	Class A	General (fee to play charged)	\$ 500
	Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, and/or cribbage - (fee to play charged)	150
	Class C	Tournament only - no more than ten consec. days per tournament	50
	Class D	General (no fee to play charged)	50
	Class R	Primarily for recreation (WAC 230-04-199)	25
5.	CHANGES		
	NAME	(See WAC 230-04-310)	\$ 25
	LOCATION	(See WAC 230-04-320)	25
	FRE	(Reno Nite date(s)/time(s))	25
	LICENSE CLASS	(See WAC 230-04-325)	25
	DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
	IDENTIFICATION STAMPS	(See WAC 230-04-290)	25
		(See WAC 230-30-016)	25

LICENSE TYPE	DEFINITION	FEE
6. FUND RAISING EVENT Class A Class B Class C	One event not more than 24 consec. hrs. One event not more than 72 consec. hrs. Additional participant in joint event (not lead organization)	\$ 300 500 150
7. PERMITS Class A	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25
8. PUNCHBOARDS/ PULL TABS Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K Class L Class M Class N Class O	(Fee based on annual gross gambling receipts) (One Time Variance) Up to \$ 50,000 \$ 5,000 Up to \$ 100,000 \$ 5,000 Up to \$ 200,000 \$10,000 Up to \$ 300,000 \$10,000 Up to \$ 400,000 \$10,000 Up to \$ 500,000 \$10,000 Up to \$ 600,000 \$10,000 Up to \$ 700,000 \$10,000 Up to \$ 800,000 \$10,000 Up to \$ 1,000,000 \$20,000 Up to \$ 1,250,000 \$25,000 Up to \$ 1,500,000 \$25,000 Up to \$ 1,750,000 \$25,000 Up to \$ 2,000,000 \$25,000 Over \$2,000,000 Non-Applicable	\$ 475 850 1,600 2,325 3,000 3,625 4,200 4,725 5,200 5,900 6,550 7,150 7,650 8,100 8,900
<p>A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.</p>		
9. RAFFLES Class A Class B Class C Class D Class E Class F	(Fee based on annual gross gambling receipts) Up to \$ 5,000 Up to \$ 10,000 Up to \$ 25,000 Up to \$ 50,000 Up to \$ 75,000 Over \$ 75,000	\$ 50 150 300 500 800 1,200
10. SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25
11. SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP EXCEEDING LICENSE CLASS	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030) (See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required As required As required

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
12. SIX-MONTH PAYMENT PLAN	<p>The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments.</p> <p>SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.</p>	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners – see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-340(1))	50
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
3. DISTRIBUTOR	(Fee based on annual gross sales of gambling related supplies and equipment)	
Class A	Non-Punchboard/pull tab only	\$ 500
Class B	Up to \$250,000	\$1,000

LICENSE TYPE	DEFINITION	FEE
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
<p><i>In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.</i></p>		
4. DISTRIBUTOR'S REPRESENTATIVE	Original Renewal	\$ 200 125
<p>((5. ELECTRONIC CRANE SEPARATE ((PREMISES)) (For locations only see WAC 230-04-190)))</p>		
<p>((Original)) (\$-250)</p> <p>((Renewal)) ((+150))</p>		
((6.)) MANUFACTURER	<i>(Fee based on annual gross sales of gambling related supplies and equipment)</i>	
5. Class A	Machines Only	\$ 500
Class B	Up to \$250,000	\$1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
<p><i>In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.</i></p>		
((7.)) MANUFACTURER'S REPRESENTATIVE	Original Renewal	\$ 200 125
6. PERMITS	Agricultural fair/special property bingo	
7. Class A	One location and event only (see WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations (see WAC 230-04-193)	150
((9.)) PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$ 150 75
8. PUNCHBOARDS/ PULL TABS	<i>(Fee based on annual gross gambling receipts)</i>	
9. Class A	Up to \$ 50,000	\$ 475
Class B	Up to \$ 100,000	850
Class C	Up to \$ 200,000	1,600
Class D	Up to \$ 300,000	2,325
Class E	Up to \$ 400,000	3,000
Class F	Up to \$ 500,000	3,625
		<i>(One Time Variance)</i>

LICENSE TYPE	DEFINITION	FEE
Class G	Up to \$ 600,000	\$10,000 4,200
Class H	Up to \$ 700,000	\$10,000 4,725
Class I	Up to \$ 800,000	\$10,000 5,200
Class J	Up to \$ 1,000,000	\$20,000 5,900
Class K	Up to \$ 1,250,000	\$25,000 6,550
Class L	Up to \$ 1,500,000	\$25,000 7,150
Class M	Up to \$ 1,750,000	\$25,000 7,650
Class N	Up to \$ 2,000,000	\$25,000 8,100
Class O	Over \$2,000,000	Non-Applicable 8,900

A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260, Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.

(11.) SPECIAL FEES		
10. INVESTIGATION	(See WAC 230-04-240)	As Required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As Required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As Required
REVIEW/EVALUATION/APPROVAL OF AMUSEMENT GAMES OR DEVICES	(See WAC 230-20-605)	\$ 100

(12.) ((SPECIAL LOCATION/ ELECTRONIC CRANE OPERATOR AMUSEMENT GAMES)) COMMERCIAL AMUSEMENT GAMES	(Fee based on annual gross receipts)	
*Class A	Up to \$10,000	**\$250/100
Class ((A)) B	Up to \$50,000	\$ 500
Class ((B)) C	((\$ 50,001 to \$ 100,000)) Up to \$ 100,000	900
Class ((C)) D	((100,001 to 250,000)) Up to \$250,000	2,000
Class ((D)) E	((250,001 to 500,000)) Up to \$500,000	3,500
Class ((E)) F	((500,001 to 1,000,000)) Up to \$1,000,000	6,000
Class ((F)) G	((Over 1,000,000)) Up to \$1,500,000	7,500
Class H	Up to \$2,000,000	10,000
Class I	Over \$2,000,000	12,000

*Restricts Class A amusement games to only one location for the original license fee of \$250.
 **Provides for the submission of a reduced fee of \$100 when:
 -Renewing an annual license;
 -Applying for an additional license(s); and/or
 -Applying for multiple licenses.

(13.) SIX-MONTH PAYMENT PLAN	The commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments.	\$ 25
12.		

LICENSE TYPEDEFINITIONFEESIX-MONTH PAYMENT PLAN PROCEDURE:

The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/18/89 [12/28/89])

WAC 230-08-060 (~~ELECTRONIC CRANE~~) COMMERCIAL AMUSEMENT GAME RECORDS. Licensees for the operation of (~~electronic crane~~) commercial amusement games shall be required to prepare a detailed record for each (~~machine~~) game or concession operated. (~~Licensees who do not own electronic crane games are exempt from all portions of this rule.~~) This record shall be recorded using a prescribed format provided by the commission (~~Each record~~) and shall include the following:

~~((1) Cash withdrawal record. A separate cash withdrawal record shall be maintained for each game and shall include the following entries for each cash withdrawal:~~

- ~~(a) Date;~~
- ~~(b) Ending "coin-in" meter reading;~~
- ~~(c) Beginning "coin-in" meter reading;~~
- ~~(d) Cost per play;~~
- ~~(e) Expected cash;~~
- ~~(f) Actual cash removed.~~

~~(2) Prize reconciliation record. The prize reconciliation record shall include at a minimum the following information:~~

- ~~(a) The number of prizes in each machine at the beginning of each month;~~
- ~~(b) The average cost of each prize in each machine;~~
- ~~(c) The number of prizes purchased during the period and the average cost of each prize purchased;~~
- ~~(d) A physical count of the number of prizes on hand at the end of the period and the average cost of each prize on hand; and~~

~~(c) The total number of prizes awarded and the average cost of each prize awarded.)~~

(1) The gross gambling receipts collected from each separate amusement game supported by proper receipting records. The minimum records shall contain an entry for each withdrawal of receipts from a game. For amusement games with coin-in meters the minimum entry will be the coin-in meter reading at the time of each withdrawal of receipts of a game;

(2) The number and actual cost of merchandise prizes awarded. The minimum records shall contain an entry of the number and actual cost of prizes each time prizes are added to the inventory of a game or concession and when disbursements are made for prizes;

(3) For amusement games that issue tickets for the redemption of prizes the minimum entry shall be a log of the beginning/ending ticket numbers at the end of the month for each game; and

(4) Full details on all expenses including:

(a) All cash disbursements;

(b) the number and actual costs of all prizes purchased;

(c) All other expenses directly related to the conduct of amusement games; and

(d) All disbursements of receipts to locations authorized by WAC 230-04-138.

These records shall be maintained for a period of not less than three years.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/18/89 [12/28/89])

WAC 230-08-180 QUARTERLY ACTIVITY REPORTS BY ((ELECTRONIC CRANE)) COMMERCIAL AMUSEMENT GAME OPERATORS. (License Class C and above) (1) Each licensee for the operation of (~~electronic crane~~) commercial amusement games Class C and above shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- (a) January 1st through March 31st;
- (b) April 1st through June 30th;
- (c) July 1st through September 30th; and
- (d) October 1st through December 31st.

(2) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

(3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided.

(4) If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

(5) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

- (a) The total gross gambling receipts;
- (b) The total cost to the licensee of all prizes paid out;
- (c) Full details of all expenses related to the purchase and operation of ~~((electronic crane))~~ amusement games;
- (d) Total net gambling income;
- ~~((e))~~ ~~The number of machines by denomination of price of play at the end of the period;~~

(6) In addition to the above, ~~((electronic crane))~~ commercial amusement game operators operating ~~((electronic cranes))~~ amusement games at ~~((separate premises))~~ locations set forth in WAC 230-04-138 shall provide:

- (a) The business name and address of each location;
- ~~((b))~~ ~~The number of machines by each denomination of price of play at the end of the reporting period;~~
- ~~((c))~~ (b) The total gross gambling receipts;
- ~~((d))~~ (c) The amount of funds distributed to ~~((the separate premise))~~ each licensee.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 147, filed 2/22/85)

WAC 230-08-240 ANNUAL ACTIVITY REPORTS BY ~~((SPECIAL LOCATION))~~ COMMERCIAL AMUSEMENT GAME ~~((LICENSEES OTHER THAN BONA FIDE CHARITABLE OR NON-PROFIT ORGANIZATIONS.))~~ OPERATORS CLASS A AND B. Each licensee to conduct commercial amusement games class A and B ~~((at special locations, other than bona fide charitable or nonprofit organizations.))~~ shall submit an activity report to the commission concerning the operation of those amusement games and other matters set forth below for each ~~((calendar))~~ license year.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than ~~((February~~

~~28th of the))~~ thirty days following ~~((calendar year))~~ license expiration date.

The report shall be signed by the highest ranking executive officer or his designee. If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report. The report shall be completed in accordance with the related instructions furnished with the report. The report shall include~~((; among other items.))~~ the following:

(1) The total gross gambling receipts from amusement games ~~((by location));~~

(2) The total ~~((cash prizes actually paid out and the total of the))~~ cost to the licensee of all merchandise prizes actually ~~((paid out))~~ awarded for amusement games;

(3) The net gambling receipts from amusement games;

(4) Full details on all expenses directly related to conducting such amusement games;

(5) The net gambling income from amusement games; and

(6) The gross receipts from the rental or leasing of space for any licensed gambling activity.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 58, filed 8/17/76)

WAC 230-12-220 AGREEMENT REQUIRING PAYMENT BY LICENSEE BASED UPON PERCENTAGE OF RECEIPTS FROM AUTHORIZED ACTIVITY—PROHIBITED. No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any activity authorized under RCW ~~((9.46.030))~~ 9.46.0311, or any amendments thereto, upon any premises if the lease, license, contract, or any other arrangement under which the right to use the premises for the conduct of the activity is obtained requires an unreasonable rental or other payment to another, or such rental or other payment is to be paid by the licensee wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity. Provided, that amusement games conducted as a part of, and upon the site of, a regional shopping center are exempted from the percentage of receipts or profits restriction of this section and RCW 9.46.120(2).

REPEALER

WAC 230-20-380 PERSONS OBTAINING A SPECIAL AMUSEMENT GAME LICENSE TO CONDUCT ONLY AT LIMITED LOCATIONS.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-20-605 TYPES OF AMUSEMENT GAMES AUTHORIZED. The commission hereby authorizes the following amusement games whether coin operated or not, to be operated by persons possessing a

special location amusement games license, or bona fide charitable or nonprofit organizations possessing a license issued by the gambling commission or when conducted as authorized by RCW 9.46.0321 at an authorized location. For clarification, games will be classified as either "nondispensing" (operator awards prize or redeems tickets or tokens for prize) or "self-dispensing" (game awards merchandise prize).

((†)) **(1) Nondispensing amusement games.))**

((†a)) **(1) Fish pond (duck pond).** The player "catches" a fish or other object floating in a pond of water by using a pole, hand, net or string. All fish or objects are marked on the bottom indicating the size of prize the player wins. The player is awarded a prize every time and the player must be allowed to continue playing until a prize is won. When played at school carnivals, the game may be played without the pond of water and the operator of the game may assist the player by attaching a prize to the pole, hand, net or string.

((†b)) **(2) Hoop or ring toss.** The player must toss a hoop(s) or ring(s) over a target which may consist of bottles, pegs, blocks, or prizes. The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target. All hoops of the same color used at an individual stand must be the same size. All targets used at an individual booth must be the same size or the operator must advise the player by posting signs or using color codes denoting the different sizes.

((†c)) **(3) Dart games.** The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart. The target area will be in the rear of the stand and will be at least three feet but not more than fifteen feet from the foul line. Target must be stationary at all times.

((†d)) **(a) Balloon (poparoo) (balloon smash).** The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the dart(s), the player receives the prize indicated.

((†e)) **(b) Dart throw.** The targets are various sizes and shapes located on the target area. The player must throw dart(s) individually at the target. The player must hit and the dart must stick in a predetermined target to win the prize as designated.

((†f)) **(c) Tic tac toe dart.** The target is a tic tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally or diagonally to win.

((†g)) **(d) Add um up darts.** The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines will receive a rethrow. The player has the right to add up the score of the darts thrown.

((†h)) **(4) Ball tosses.** In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size or the operator must color code the targets and advise the player of the difference in targets by posting a sign or

providing a duplicate of the target showing the limitations or restrictions readily visible to the player.

((†i)) **(a) Milk bottle toss.** The player tosses or throws ball(s) at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.

((†j)) **(b) Milk can (Mexican hat, cone).** The player tosses a ball(s) into the opening of a milk can or a fiber glassed Mexican hat turned upside down or through a cone to win.

((†k)) **(c) Football toss (tire toss).** The player tosses or throws a football(s) through a stationary tire or hoop to win.

((†l)) **(d) Basketball toss/throw.** The player tosses or throws a basketball(s) through a basketball type hoop to win.

((†m)) **(e) Bushel baskets.** The player tosses a ball(s) into a bushel type basket mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the basket to win. All rim shots will be allowed except the operator may designate the top 6 inches of the basket rim by color and disallow ball(s) striking this area as winning tosses.

((†n)) **(f) Cat-ball-toss (star/diamond toss).** The player tosses a ball(s) into a simulated cat's mouth or a round, diamond or star shaped hole to win.

((†o)) **(g) Ping pong toss.** The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays must have water covering the bottom of the surface which is facing up.

((†p)) **(h) Fish bowl game.** The player tosses ping pong balls into a water-filled fish bowl to win.

((†q)) **(i) Volley ball toss (soccer ball).** The player tosses a volley or soccer ball(s) into a keg type container mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the keg to win a prize. Rim shots are authorized as stated in paragraph (e) above for bushel baskets.

((†r)) **(j) Goblet ball (whiffle ball).** The player tosses a whiffle ball(s) into a target area of glass or plastic goblets. Located in the colored goblets which determine the type of prize the player wins. At least 33 percent of the goblets in the target area must be winners. The ball(s) must stay in the goblet to win a prize.

((†s)) **(k) Break the plate/bottle.** The player tosses or throws a ball(s) at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.

((†t)) **(l) Punk rack.** The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton or other like material which provides a firm base for the ball to strike. The hair protruding from the side

of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.

((xiii)) (m) Teeth game. The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball(s).

((xiv)) (n) Toilet game (doniker). The player tosses or throws a ball or other object through a toilet seat, which is located at the rear of the stand, to win.

((xv)) (o) (Coke roll). The player rolls a ball(s) down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles shall be placed on predetermined spots painted on the surface of the alley.

((xvi)) (p) Rolldown. The player rolls ball(s) down an alley with the object of putting the ball(s) in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth and free from defects.

((xvii)) (q) Fascination (I got it). A group game which involves competition among the players. The target area consists of twenty-five holes and the player tosses or rolls a ball into one of the holes. The object of the game is to get five balls in a row either vertically, horizontally or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.

((xviii)) (r) Pokereno. The target area consists of twenty-five squares with each square given the value of a poker card. The player rolls or tosses five balls to land in the squares. The operator has predetermined winning poker hands and the player wins when balls land in the squares that duplicate the operators selection.

((xix)) (s) Batter-up. The player uses a whiffle ball bat to swing and strike whiffle balls which are pitched at medium speed from a pitching machine. The player wins when he "hits" a ball into the "home run" shelf. The "home run" shelf is located at the back of the batting cage approximately fifteen feet from the player.

((xx)) (t) Sky bowling. Two bowling pins are set on predetermined painted spots on a shelf. A ball is attached to a chain suspended from a stationary support at least 6 inches to the right or left of the bowling pins. The object is to swing the ball, miss the pins with the ball as it goes forward and knock the pins over as the ball returns.

((xxi)) (u) Clown rolldown. A ball is tossed through the open mouth of a moving clown or animal head. The ball then rolls down a chute to numbered slots to the rear of the clown or animal head. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Prizes are awarded on the points achieved.

((xxii)) (v) Skee ball. The player rolls a ball(s) up the mechanical bowling alley into targets. A computer adds up the scores and predetermined scores win.

((xxiii)) (w) Speedball radar game. Player gets four balls. Player throws three balls through radar to establish speeds and to estimate at what speed fourth ball will

pass through radar. Player wins prize if he accurately estimates speed of the fourth ball. Radar must be mounted and stationary.

((te)) (5) Shooting games. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.

((ti)) (a) Short range (shooting gallery) includes where the player is given four rounds to shoot at a spot target 1/4 inches or less in diameter. The player wins when the spot target is completely shot out, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. The prize is determined by the number of targets struck by the player, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. Within each target is a bull's eye and the player must hit the bull's eye without touching outer surface of the target. The prize won is determined by the number of bull's eyes correctly hit.

((tj)) (b) Shoot-out-the-star (machine gun). The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star shaped target. The player must shoot out all of the target to win. The star cannot be more than one and one quarter inch from point to point.

((tij)) (c) Water racer. This group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.

((tiv)) (d) Rapid fire. This group game involves competition among players similar to the water racer described in (c) above. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.

((tv)) (e) Cork gallery. The player uses a cork gun or similar device to propel objects which could include, but are not limited to, corks, suction cup darts, or styrofoam balls, to shoot at targets located on a shelf or bull's-eye type target. The player must hit the bull's-eye or knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf, or by the player accomplishing other tasks as stated in the posted rules. When suction cup darts or other darts are used and fail to stay on or in the target, the player will receive the play over. The base of each target shall be uniform front and rear.

((vi)) (f) Boomball. The player uses a cannon with compressed air to propel balls into a target area. The targets have varied point value and if the ball remains in the target, a computer adds up the scores. Prizes are awarded based on the points achieved.

((f)) (6) Coin pitchers.

((ft)) (a) Spot pitch (lucky strike). The player pitches a coin at colored spots located on a table in the center

of the stand. The coin must touch or stay inside of a spot to win a prize.

((~~(ii)~~)) (b) Plate pitch. The player pitches a coin onto a glass plate to win a prize as designated.

((~~(iii)~~)) (c) Glass pitch (bowl). The player pitches a coin into or onto dishes, glasses, etc. If the coin remains in one of the top "target" glass items then the player wins that item.

((~~(g)~~)) (7) Miscellaneous games.

((~~(f)~~)) (a) Skill chute (bulldozer) (penny fall). The player inserts a coin or token into a chute aiming the coin or token so that it will fall in front of a continuous sweeper, (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute which sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip or similar obstruction which inhibits the passage of tokens or prizes into the hole or chute which sends them to the player, then the operator must post a sign to advise the players.))

((~~(ii)~~)) (b) Tip-em-up bottle. The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with ring, must raise a bottle lying on its side to an upright position to win.

((~~(iii)~~)) (c) Hi-striker. The player, using a wooden maul, must strike a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player must ring the bell a predetermined number of times to win a prize.

((~~(iv)~~)) (d) Rope ladder. Player must climb up a rope ladder, which is anchored at both ends by a swivel and ring a bell or buzzer to win a prize.

((~~(v)~~)) (e) Whac-a-mole. A group game which has a target surface with 5 holes - animated "moles" pop up and down at random. Whac (hit) as many moles as possible with a mallet. First player to hit a predetermined number of moles wins.

((~~(vi)~~)) (f) Dip bowling game. Player rolls a bowling type ball over hump in track. If ball stays on the back side of hump, the player wins.

((~~(vii)~~)) (g) Horse race derby. A group game. Players advance their horse by shooting or rolling a ball in target area. The faster and more skillful one shoots or rolls his ball, the faster his horse will run. First horse to finish line wins.

((~~(viii)~~)) (h) Shuffleboard. Player pushes a puck(s) down a shuffleboard alley to knock over poly pins at end of alley. Player wins by knocking down all the pins.

((~~(ix)~~)) (i) Bean bag. The player tosses or throws a bean bag or a simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the object(s) off the raised platform or tips the targets over.

((~~(x)~~)) (j) Soccer kick. The player kicks a soccer ball(s) through a hole(s) in the target area to win.

((~~(xi)~~)) (k) Frog game. Plastic frog or similar object sits on a small end of teeter totter. The opposite end of the teeter totter is struck with a mallet causing the frog to fly off the teeter totter. If the frog lands in a pail or similar receptacle, the player wins a prize.

((~~(xii)~~)) (l) Cover the spot. The object of the game is for player to drop 5 circular discs onto a circular spot, completely covering the spot. The diameter of each of the discs utilized to cover the spot will be a minimum of 64% of the diameter of the spot to be covered. The spot to be covered shall be painted or drawn on a permanent, solid material such as metal or wood, or may be a round opened lighted circle. The spot and each disc shall have a uniform diameter.

((~~(xiii)~~)) (m) Pocket billiards. Using a regulation pocket billiard table, a player must run a consecutive number of balls to win a prize. The number of balls shall be set by the operator.

~~((2) Self-dispensing amusement games. All self-dispensing amusement games must have nonresetable coin in meters. The following games are authorized.))~~

((~~(a)~~)) (n) Digger. The player turns a crank on a mechanical crane to pick up a prize. If the player picks up a prize then the player wins that prize. There can be no stops on the digger or, if there are stops, all prizes must be the same. All prizes must be capable of being picked up by the crane.

((~~(b)~~)) (o) Electronic crane games. The player uses a joystick and/or push buttons to maneuver the crane into a position to retrieve a prize. All games must meet the following conditions:

(i) At least twenty seconds playing time per operation thereof;

(ii) The crane must be capable of reaching, picking up and dispensing all prizes within the machine.

(iii) The crane cabinet must be level so that when the crane's head descends, it makes a vertical descent to the bottom of its travel, this being perpendicular to the bottom of the prize access area and parallel to the cabinet sides.

(iv) The controls for the crane must be clearly labelled as to function and signs posted giving instructions on crane play to the player. ((as follows:

~~((a) Time of play;~~

~~(b) Functional limitations of machine;~~

~~(c) Weight limit of prizes in machine;~~

~~(d) Weight limit of machine;~~

~~(e) Dimensional limit of machine;~~

~~(f) Dimensional limits on prizes;~~

~~(g) Dimensional limits on claw; and~~

~~(h) Cost per play.~~

~~(v) The device may not contain any controls, devices, switches or adjustments which allow the changing of any play characteristics or modes by the operator, but may have service adjustments within the device which allow maintenance of operation within the tolerances for the device as set by the manufacturer and as approved by the commission. All adjustable parameters associated with game play must be wire strapped and that portion of the circuit board marked with a colored, urethane seal coating.~~

~~(vi) All proms and circuit boards must be sealed in place and have identifying codes on them which readily identify their source and Washington use certification. All such circuit boards and EPROMS must be contained within the separate sealed compartment accessible only~~

~~to service and commission personnel as set forth in (v) above.~~

~~(vii) The device must be certified as capable of picking up four ounces, but may be certified as picking up greater weights.~~

~~(viii) The claw must close completely or have no more than a 1/4" gap between prongs when closing is completed.~~

~~(ix) The device must have a hard wired non-resettable coin in meter, the removal or disconnecting of which stops the play of the machine. The meter must be certified as accurate to within plus or minus 1 coin in 1,000 plays.)~~

~~((*) (v) The device must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money not to exceed the cost of five plays.~~

~~((xi) It must be demonstrated that voltage to the claw provides sufficient power to clamp and hold the certified weight and is maintained at a line voltage of 115 VAC plus or minus 10 volts AC during all plays, continuous or repeated.~~

~~(xii) The power cord to the solenoid must not significantly effect a player's skill factor by causing the claw mechanism to descend into the prize area in a nonperpendicular manner.~~

~~(xiii) The claw assembly must be a sealed unit without adjustments.~~

~~(xiv) The game must provide a locked coin/currency container within the device to collect the monies received from plays.)~~

~~((xv)) (vi) Prizes must be loose and shall not be packed, arranged or lodged in the machine in any way which would prevent the prize from being picked up by the claw.~~

~~((*) Any additional games, or a modification of the games authorized above, must be submitted to the commission staff in writing prior to using the new or modified game in the state. The written request shall include proposed rules of play, game specifications and pictures of the game or modification. A demonstration of the game must be provided to the staff, upon request, in ((Olympia)) Lacey or at such place as designated by the commission staff. ((Manufacturers of electronic crane games must submit a crane of each variety, model, brand or type which they will sell or use in Washington state for review, analysis and approval prior to selling or using said cranes in Washington state.)) A fee will be assessed by the commission to offset the cost of review and analysis as required. ((Said review shall include submission of copies of all schematics, programs and program chips for the device in a form as provided by the commission, additionally, once approved, one device from each licensed manufacturer shall be selected by the commission staff at random from in play devices for review and analysis every other year as if it were a new device being submitted for approval, the cost of which shall be assessed against the manufacturer by the commission. Excess fees submitted shall be returned at the completion of the review and analysis.))~~

After review, the director may temporarily authorize the use of a new or modified game, in writing, subject to final approval by the commission.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/28/89)

WAC 230-20-630 AMUSEMENT GAMES—FEES, RULES, PRIZES AND VARIATIONS IN OBJECTS TO BE POSTED—FEES TO BE PAID IN CASH OR SCRIPT—PRIZES NOT TO DIFFER FROM THOSE POSTED. (1) No person shall conduct any amusement game at any location within the state of Washington unless there is posted in a conspicuous place, readily visible to persons playing the game, a sign(s) made of permanent material, such as wood, poster board, metal or plastic with lettering at least one and one-half inches in height that contains the following information:

(a) Fees charged for playing;

(b) The rules by which the game is to be played;

(c) Prizes to be won;

(d) Any variation in the size or weight of objects utilized in the game which is not readily visible to the player, and

(e) The name of the operator and an assigned concession number.

(2) Licensed amusement game operators shall assign each concession a number and a list of all concessions and their assigned numbers shall be kept available in the show office.

(3) No amusement games shall be conducted wherein the price charged for playing said game is paid other than in cash, or in an amount other than that posted upon the premises of said game. The term "cash" as used herein shall include checks. In addition, the operator may accept as consideration, tokens, script or tickets, but only under the following conditions:

(a) The value of each token, ticket or item of script, as measured by the equivalent amount of cash which a player would have to present in lieu of said token, ticket or script, must be indicated on the face thereof;

(b) Said tokens, tickets or script are not redeemable for cash;

(c) Said tickets or script shall bear the name of the operator or sponsor.

(4) No amusement games shall be conducted within the state of Washington wherein the prize to be given to a prospective winner is other than that posted upon the premises of said game: Provided, however, That after an individual player has won two or more prizes, an operator may offer said player the opportunity to exchange said prizes for one or more other prizes, but only if the prize to be received by the player in exchange was on display during the play of the game. Any prize system which requires forfeiture of previously won prize(s) in

exchange for another play is prohibited. Operators of amusement games may utilize a scheme for distribution of prizes wherein the winners of individual prizes receive tickets, which are subsequently redeemable in combination with other tickets won for a merchandise prize. ~~((Provided further that no prize offered in an electronic crane game shall exceed a cost of \$20.00 and the step up prizes shall not exceed a cost of \$100.00 to the electronic crane operator. In locations which allow children under the age of eighteen to play, no step up prizes shall be allowed for electronic crane games.))~~

AMENDATORY SECTION (Amending Order 201, filed 11/27/89, effective 12/18/89 [12/28/89])

~~WAC 230-20-670 ((ELECTRONIC CRANE)) COMMERCIAL AMUSEMENT GAMES--((APPROVED LOCATIONS)) OPERATING REQUIREMENTS. (((1) Persons other than bona fide charitable or bona fide nonprofit organizations may operate electronic crane amusement games at the following locations if licensed by the commission:~~

~~(a) Those locations that possess a valid license from the Washington state liquor board and prohibit minors on their premises, and~~

~~(b) Those locations that are frequented by children under the age of eighteen to participate in activities other than the playing of amusement devices, limited to movie theaters, bowling alleys, and miniature golf course facilities, and~~

~~(c) Those locations that operate adult-supervised family amusement centers located in enclosed shopping malls which prohibit children under the age of eighteen from playing licensed, self-dispensing amusement games during school hours, maintain full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and which close at the same time as surrounding businesses within the enclosed shopping mall.~~

~~(2) Each location where electronic cranes are operated, other than a single premises, operated and under the control of the holder of an electronic crane game operator's license, shall be required to obtain an "electronic crane separate premises" license. It shall be the responsibility of the electronic crane operator to ensure that each premises is licensed with the commission prior to operating electronic cranes at that location.~~

~~(3) A person licensed as an electronic crane operator may enter into a contract with separate premise licensees to operate electronic cranes on their premises. The contract must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party. Provided, That the amount of rent/consideration may be based on a percentage of revenue generated by the activity if the method of distribution is specific. All contracts regarding the operation of electronic cranes shall be submitted to the commission and become a part of the license file. Violations of the terms of the contract by an electronic crane operator shall be grounds for suspension or revocation of their license.~~

~~(4) The maximum fee to play shall be up to \$1.00 per game at the locations specified in (1)(a) above, and up to 25 cents at the locations specified in (1)(b) and (c) above.)) (1) Each location where commercial amusement games are operated shall be required to obtain a commercial amusement game license.~~

~~(2) A person licensed as a commercial amusement game operator may enter into a contract with licensees to operate amusement games on their premises. The contract must be written and specific in terms, setting out the time of the contract, revenue sharing plan and all expenses to be borne by each party: Provided, that the revenue sharing plan may be based on a percentage of revenue generated by the activity if the method of distribution is specific. All contracts regarding the operation of amusement games shall be submitted to the commission and become part of the licensee file.~~

~~(3) It shall be the responsibility of the commercial amusement game operator providing the games to ensure that each premises is licensed with the commission prior to operating at that location.~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 230-20-680 COMMERCIAL AMUSEMENT GAMES—OPERATION RESTRICTIONS.

(1) No person shall operate commercial amusement games in any location, except under the following conditions:

(a) The operation of amusement games must be closely monitored and controlled to ensure all games are operated in accordance with all provisions of this WAC title and:

(i) The players are protected from fraud and game manipulation;

(ii) All games and/or machines are maintained in proper condition to ensure the operation is as approved by WAC 230-20-605;

(2) All locations where school-aged minors are allowed to play must be supervised by an adult during all hours of operation. The adult supervisor will ensure that school-aged minors are prohibited from entry and/or playing amusement games in locations authorized by WAC 230-04-138 (1)(g), (i), or (j) during school hours and after 10:00 p.m. on any day: Provided, that school-aged minors are prohibited from playing amusement games in regional shopping centers after the normal shopping area closing hours on Sunday through Thursday.

REPEALER

WAC 230-20-698 ELECTRONIC CRANE AMUSEMENT GAMES—SPECIAL AUTHORIZATION.

WSR 91-15-042
NOTICE OF PUBLIC MEETINGS
BUILDING CODE COUNCIL
 [Memorandum—July 17, 1991]

The State Building Code Council is correcting dates in their September meeting schedule and adding information as to the location of meetings for the remainder of the calendar year.

- | | |
|---|--|
| September 13, 9:30 a.m.
Public Hearing | Spokane City Hall
Council Chambers
West 808 Spokane Falls
Spokane, WA |
| September 20, 9:00 a.m.
Public Hearing | SeaTac Fire Department
(Angle Lake Fire Hall)
2929 South 200th
SeaTac, WA |
| October 10, 10:00 a.m.
Barrier-Free Committee | SeaTac Fire Department |
| October 10, 2:30 p.m.
Uniform Codes Committee | SeaTac Fire Department |
| October 10, 5:00 p.m.
Energy Codes Committee | SeaTac Fire Department |
| October 11, 9:00 a.m.
State Building Code Council | SeaTac Fire Department |
| November 7, 10:00 a.m.
Barrier-Free Committee | SeaTac Fire Department |
| November 7, 2:30 p.m.
Uniform Codes Committee | SeaTac Fire Department |
| November 7, 5:00 p.m.
Energy Codes Committee | SeaTac Fire Department |
| November 8, 9:00 a.m.
State Building Code Council | SeaTac Fire Department |
| December 12, 10:00 a.m.
Barrier-Free Committee | SeaTac Fire Department |
| December 12, 2:30 p.m.
Uniform Codes Committee | SeaTac Fire Department |
| December 12, 5:00 p.m.
Energy Codes Committee | SeaTac Fire Department |
| December 13, 2:30 p.m.
State Building Code Council | SeaTac Fire Department |

WSR 91-15-043
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—July 16, 1991]

There has been a change in dates and location of the regular commission meeting of the Washington State Human Rights Commission in Seattle, Washington, in August 1991. The dates have been changed from August 21 and 22 to August 14 and 15. The meeting on August 14 will be held at the Port of Seattle, Third Floor Conference Room, Pier 66, Seattle and will be a training

and planning session beginning at 7:00 p.m. The regular business meeting on August 15 will be held at the Port of Seattle, Third Floor Commission Chambers, Pier 66, Seattle, beginning at 9:30 a.m.

WSR 91-15-044
RULES COORDINATOR
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Filed July 17, 1991, 2:06 p.m.]

This letter is to officially notify you that Patty Pynch will continue to serve as South Puget Sound Community College's administrative rules coordinator. She can be contacted at: President's Office, South Puget Sound Community College, 2011 Mottman Road, S.W., Olympia, WA 98502, (206) 754-7711 extension 202.

Kenneth J. Minnaert
President

WSR 91-15-045
PROPOSED RULES
WASHINGTON STATE PATROL
 [Order 91-005—Filed July 18, 1991, 8:47 a.m.]

Original Notice.

Title of Rule: Sex offender registration, WAC 446-20-500 Sex offender registration; 446-20-510 History retention; and 446-20-515 Photograph/fingerprint requirement.

Purpose: To update sections of chapter 446-20 WAC in accordance with SHB 1997 (1991 regular legislative session).

Statutory Authority for Adoption: Amended by SHB 1997, 1991 regular session.

Statute Being Implemented: RCW 9A.44.130 and 9A.44.140.

Summary: Amendments to RCW 9A.44.130 and 9A.44.140 require updating language contained in these rules.

Reasons Supporting Proposal: Sex offender legislation has been codified since adoption of these rules. Additional requirements were added in the 1991 legislative session.

Name of Agency Personnel Responsible for Drafting: N. Hawkinson, Washington State Patrol, Olympia, 753-4453; Implementation and Enforcement: R. Phillips, Washington State Patrol, Olympia, 753-6827.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Amends existing rules as described below.

Proposal Changes the Following Existing Rules: Adds RCW citations which were previously cited as legislation and adds further identification (date and place of birth) to WAC 446-20-515.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether this rule is subject to the Regulatory Fairness Act, and has determined that it is not for the following reason: All changes are administrative and deal only with the Washington State Patrol identification section.

Hearing Location: General Administration Building, Room G 130, Olympia, Washington 98504, on August 30, 1991, at 1:00 p.m.

Submit Written Comments to: Washington State Patrol, Research and Development Section, General Administration Building, AX-12, Olympia, Washington 98504, by August 30, 1991.

Date of Intended Adoption: September 20, 1991.

July 18, 1991
George B. Tellevik
Chief

AMENDATORY SECTION (Amending Order 90-003, filed 9/20/90, effective 10/21/90)

WAC 446-20-500 SEX OFFENDER REGISTRATION. ((E2SSB 6259, chapter 3, Laws of 1990, "An act relating to criminal offender")) RCW 9A.44.130 requires any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense ((as defined in RCW 9A.4A.030)) to register with the county sheriff for the county of that person's residence. The sheriff is required to forward the registration information to the section within five working days. The state patrol is mandated to maintain a central registry of sex offenders consistent with chapters 10.97, 10.98, and 43.43 RCW. The following regulations implement the provisions of this act.

AMENDATORY SECTION (Amending Order 90-003, filed 9/20/90, effective 10/21/90)

WAC 446-20-510 HISTORY RETENTION. Sex offender registration information will be maintained in the offender's criminal history file according to retention periods outlined in ((chapter 3, Laws of 1990)) RCW 9A.44.140. Once an offender is registered, a notation of "registered sex offender" shall be printed on the rap sheet for that individual.

AMENDATORY SECTION (Amending Order 90-003, filed 9/20/90, effective 10/21/90)

WAC 446-20-515 PHOTOGRAPH/FINGERPRINT REQUIREMENT. Registration requires the offender be fingerprinted and photographed and also provide the sheriff with the following information which must be forwarded to the Washington state patrol identification and criminal history section within five working days:

- Name;
Address;
Date of birth;
Place of birth;
Social Security number;
Place of employment;
Crime for which convicted;
Date/place of conviction; and
Aliases used.

WSR 91-15-046

ATTORNEY GENERAL OPINION

Cite as: AGO 1991 No. 25

[July 18, 1991]

COUNTIES—IRRIGATION—DISTRICTS—ASSESSMENTS—PROPERTY—TAXATION—LIENS—SALE OF PROPERTY

ACQUIRED BY FORECLOSURE BY A COUNTY OR AN IRRIGATION DISTRICT

- 1. RCW 87.06.100(4) provides that when an irrigation district sells property acquired in a foreclosure proceeding, it shall not provide a deed to the purchaser until various outstanding taxes and assessments are paid. These various taxes and assessments must be paid even if they exceed the market value of the property.
2. If a county sells property acquired at a foreclosure proceeding, the distribution of the proceeds of sale is governed by RCW 84.64.230. An irrigation district is entitled to a share of the proceeds of sale under RCW 84.64.230 because the irrigation district lien established by RCW 87.03.265 is of equal rank with the lien for general taxes established by RCW 84.60.010.
3. RCW 84.64.230 provides that no claim shall be allowed against the county on property acquired by the county by tax deed in a foreclosure proceeding. Thus, an irrigation district cannot foreclose its lien on tax deed property held by the county.

Requested by:

Honorable Andrew K. Miller
Benton County Prosecuting Attorney
Benton County Justice Center
7320 West Quinault
Kennewick, Washington 99336

WSR 91-15-047

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-50—Filed July 18, 1991, 10:57 a.m.]

Date of Adoption: July 18, 1991.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-350.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvest level at Fort Flagler State Park will be reached by July 20, 1991; harvest level at Oak Bay County Park will be reached by July 21, 1991; and an estimated 2,500 pounds of hardshell clams are available for harvest from Point Whitney.

Effective Date of Rule: Immediately.

July 18, 1991
Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-35000M HARDSHELL CLAMS—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-350:

(1) Effective July 20, 1991 until further notice, it is unlawful to take or possess hardshell clams taken for personal use from all publicly-owned tidelands at Fort Flagler State Park.

(2) Effective July 31, 1991 until further notice, it is unlawful to take or possess hardshell clams taken for personal use from all publicly-owned tidelands at the Oak Bay County Park (on the west side of Oak Bay).

(3) Effective August 8 through August 22, 1991, it is lawful to take or possess hardshell clams from all publicly-owned tidelands at Point Whitney enclosed within the lagoon.

WSR 91-15-048**PROPOSED RULES****DEPARTMENT OF LICENSING****(Board of Funeral Directors and Embalmers)**

[Filed July 18, 1991, 12:26 p.m.]

Original Notice.

Title of Rule: WAC 308-48-600 Procedure for obtaining board approval of continuing education activity.

Purpose: To revise existing rules.

Statutory Authority for Adoption: RCW 18.39.175(7).

Summary: The current continuing education rules would be amended so that organizations sponsoring continuing education will no longer be required to submit proof of attendance to the department.

Reasons Supporting Proposal: The revision would reduce administrative costs and improve efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jon Donnellan, P.O. Box 9012, Olympia, Washington 98507-9012, (206) 586-4905.

Name of Proponent: Board of Funeral Directors and Embalmers, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This change removes the requirement for organizations sponsoring continuing education to provide the department with lists of attendees. Individuals will keep their own proof of attendance which will be subject to inspection by the funeral director and embalmer inspector.

Proposal Changes the Following Existing Rules: Repeals an obsolete portion of the rule.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: The Olympia Center, Room 211, 222 North Columbia, Olympia, WA 98501, on September 10, 1991, at 9:15 a.m.

Submit Written Comments to: Jon Donnellan, Program Administrator, Funeral and Cemetery Unit, P.O.

Box 9012, Olympia, WA 98507-9012, by September 9, 1991.

Date of Intended Adoption: September 10, 1991.

July 17, 1991

Jon Donnellan

Program Administrator

AMENDATORY SECTION (Amending Order PL 504, filed 12/19/84)

WAC 308-48-600 PROCEDURE FOR OBTAINING BOARD APPROVAL OF CONTINUING EDUCATION ACTIVITY. (1) An application for approval of continuing education activity must be submitted to the board no less than ninety days before the activity is scheduled to commence. The board shall notify the applicant of approval or disapproval within forty-five days of submission of the application.

(2) The board may require examples of teaching materials and descriptive information about any continuing education activity and refuse approval of any continuing education activity that does not meet the qualifications.

(3) The board may monitor any approved activity and, upon a subsequent significant variation in the program, may disapprove any part of the credit hours. ~~((The board shall determine the manner in which attendance at all approved courses shall be monitored, recorded, and submitted to the department. Any organization sponsoring a continuing education activity shall make a written record of licensees and registrants in attendance and send a signed record to the board within thirty days of completion of the activity:))~~

(4) The board may grant post approval or disapprove participation in a nonapproved continuing education activity. If participation in such activity is approved, the board may consider and determine the number of hours of credit which shall be given for such participation. The board may determine that such nonapproved activities satisfy any, all, or none of the requirements. A petition for credit under this post approval subsection must be filed with the board within thirty days after completion of the activity. Such petition shall include documentation as the board may require. Failure to comply with these provisions shall be sufficient grounds to refuse credit.

WSR 91-15-049**RULES COORDINATOR****GRAYS HARBOR COLLEGE**

[Filed July 18, 1991, 2:46 p.m.]

Grays Harbor College designates the following individual as its rules coordinator: Sandra Zelasko, Assistant to the President, Grays Harbor College, 1620 Edward P. Smith Drive, Aberdeen, WA 98520, (206) 532-9020, extension 216.

Jewell C. Manspeaker
President

WSR 91-15-050**PROPOSED RULES****BELLEVUE COMMUNITY COLLEGE**

[Filed July 18, 1991, 2:47 p.m.]

Original Notice.

Title of Rule: Chapter 132H-160 WAC, Admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII; repealing WAC 132H-160-210-132H-160-250, 132H-160-290-132H-160-310, 132H-160-410, 132H-160-420, 132H-160-450, 132H-160-

460, 132H-160-470, 132H-160-490 and 132H-160-510; and amending WAC 132H-160-260.

Purpose: To update and streamline admissions and registration procedures in an endeavor to improve efficiency, effectiveness, and quality of service.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: In order to improve efficiency, effectiveness, and quality of service, the proposed changes separate policy from procedures.

Reasons Supporting Proposal: These codes were inappropriately included as they are procedures. This information is available to students through the college catalog, the quarterly course schedule, and printed literature provided in various college offices.

Name of Agency Personnel Responsible for Drafting: Phyllis Hudson, A 201, (206) 641-2301; Implementation and Enforcement: Tomas Ybarra, B 103, (206) 641-2454.

Name of Proponent: Bellevue Community College, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Repealing the sections identified streamlines the procedures for admissions, application, and registration of students. The anticipated result will be providing better service to students. The section to be amended will clarify the admitting policy for foreign students.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B 201, Bellevue, WA 98009-6484, on September 10, 1991, at 1:30 p.m.

Submit Written Comments to: Phyllis Hudson, Secretary, Board of Trustees, Bellevue Community College, 3000 Landerholm Circle S.E., B 201, Bellevue, WA 98009-6484, by September 3, 1991.

Date of Intended Adoption: September 10, 1991.

July 17, 1991
Phyllis C. Hudson
Secretary
Board of Trustees

WAC 132H-160-410 REGISTRATION PROCEDURES - STATEMENT OF PURPOSE
WAC 132H-160-420 DEFINITION OF STUDENT STATUS
WAC 132H-160-450 REGISTRATION PERIODS
WAC 132H-160-460 LATE REGISTRATION
WAC 132H-160-470 CHANGE OF STUDENT REGISTRATION SCHEDULE
WAC 132H-160-490 WITHDRAWAL FROM THE COLLEGE
WAC 132-160-510 CHANGE OF PROGRAM MAJOR

AMENDATORY SECTION (Amending WAC 132H-160-260 [Order 73, Resolution No. 136], filed 6/13/81 [5/13/81])

WAC 132H-160-260 ADMISSION OF FOREIGN STUDENTS. Foreign students are admitted to Community College District VIII only under matriculated student status. In order to qualify for matriculated student status foreign students must adhere to the following conditions:

(1) Applicants must also have on file translated copies of all secondary school scholastic records.

(2) Community College District VIII is not prepared to teach English to non-English speaking students. Therefore, it is required that all foreign students take the TOEFL (Test of English as a foreign language) examination and achieve the institutional acceptable score. More information about TOEFL may be obtained by corresponding with the Educational Testing Service, Princeton, New Jersey 08640. E.T.S. will forward the test results to the college.

(3) Foreign students must also provide the college with a Declaration and Certification of Finances or a notarized Affidavit of Support. Estimated expenses for a school year at Community College District VIII are \$2,000. Students unable to provide proof of financial responsibility will not be accepted. The college currently does not have funds available to provide financial assistance to foreign students.

(4) Students are also required to provide the college with the name of a local United States citizen who is their sponsor while in the United States.

Presently, Community College District VIII is not able to admit all foreign students applying for admission. It is suggested that fall quarter is the most opportune time for gaining acceptance, and students should therefore file an application accordingly. Fall quarter applications are accepted on December first of the previous calendar year. Bellevue Community College is authorized under federal law to enroll nonimmigrant aliens. Foreign students are admitted in a selective procedure each quarter.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following sections of Chapter WAC 132H-160 are repealed:

WAC 132H-160-210 STATEMENT OF PURPOSE
WAC 132H-160-220 ADMISSION CATEGORIES
WAC 132H-160-230 ADMISSION POLICY - COLLEGE CREDIT
WAC 132H-160-240 STUDENT CLASSIFICATION - COLLEGE CREDIT
WAC 132H-160-250 APPLICATION PROCEDURE - COLLEGE CREDIT
WAC 132H-160-290 ADMISSION OF FORMER STUDENTS
WAC 132H-160-300 ADMISSION POLICY NONMATRICULATED STATUS COLLEGE CREDIT
WAC 132H-160-310 DEFINITION OF NONMATRICULATED STUDENT

WSR 91-15-051

WITHDRAWAL OF PROPOSED RULES PUBLIC DISCLOSURE COMMISSION

[Filed July 18, 1991, 2:55 p.m.]

The Public Disclosure Commission hereby withdraws the following rule filed with the code reviser's office on July 11, 1991, WSR 91-15-025, WAC 390-37-085, new section.

Karen M. Copeland
Administrative Officer

WSR 91-15-052
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed July 18, 1991, 3:31 p.m.]

Original Notice.

Title of Rule: WAC 480-120-031 relating to accounting for telecommunications companies. The proposed amendatory section is shown below as Appendix A, Docket No. UT-910385. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendatory section on economic values, pursuant to chapter 43.21H RCW.

Purpose: To change the time when the fourth quarter statement of results of operations will be due from Class A companies to coincide with the due date for filing annual reports.

Statutory Authority for Adoption: RCW 80.01.040.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and Utilities Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: Changes the due date of periodic results of operations reports for Class A telecommunications companies from April 1 to May 1.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on August 28, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by August 19, 1991.

Date of Intended Adoption: August 28, 1991.

July 18, 1991
 Paul Curl
 Secretary

Appendix "A"

AMENDATORY SECTION (Amending Order R-343, Docket No. UT-901585, filed 4/15/91, effective 5/16/91)

WAC 480-120-031 ACCOUNTING. (1) Except as provided in this rule, the Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies published by the Federal Communications Commission (FCC) and designated as Part 32, effective January 1, 1988, is hereby prescribed for book and recording purposes for telecommunications companies in the state of Washington.

(2) Telecommunications companies operating within this state shall be classed by access lines as follows:

Class	Number of Access Lines
A	In Excess of 10,000
B	Less than 10,000

Upon authorization by the commission, a company presently classified by the commission as a Class B company but desiring more detailed accounting may adopt the accounts prescribed for Class A companies. Class B companies authorized to adopt the accounts prescribed for Class A companies shall be required to comply with the more detailed accounting specified for Class A companies. Any election to the contrary notwithstanding, the commission reserves the right to require any company to comply with the accounting requirements applicable to Class A companies.

(3) Jurisdictional differences. For Account 7910—Income effect of jurisdictional ratemaking differences—Net; Account 1500—Other jurisdictional assets—Net; Account 4370—Other jurisdictional liabilities and deferred credits—Net, and in a subaccount of Account 4550—Retained earnings, the exchange telecommunications companies operating in this state shall keep subsidiary accounts and records reflecting in separate accounts, subaccounts, and subsidiary records, the Washington intrastate differences in amounts arising from the departure of this commission for booking and/or ratemaking purposes from FCC prescribed accounting. Separate subaccounts shall be kept for each difference. Examples include, but are not limited to, separate accounting for the booking of an allowance for funds used during construction (AFUDC) for short-term construction work in progress (Account 2003, formerly subdivision (1) of Account 100.2); flow-through accounting of tax timing differences to the extent permitted by tax regulations (unless specific exceptions to the flow-through requirement have been granted or required by the commission); elimination of excess profits for affiliated transactions; or such other company specific ratemaking or accounting treatment ordered by the commission in any case involving the rates of a specific company, or in other accounting directives issued by the commission.

(a) All local exchange telecommunications companies shall account as of January 1, 1988, for any embedded jurisdictional ratemaking differences by incorporating any previous jurisdictional differences side-records accounts, and any other accounting directives made by the commission, into the appropriate jurisdictional differences account.

(b) All companies shall expense currently any costs associated with the implementation of Part 32.

(c) All companies shall keep subsidiary records as may be necessary to report readily the source of Washington intrastate local exchange network services revenues by residential and business class of service.

(d) All telecommunication companies subject to this rule shall keep subsidiary accounts in Account 5084—State access revenue, showing separately the following: Intrastate revenues from end users (subscriber line charges); special access revenues; interLATA and intraLATA switched access revenues, identified as revenue derived from the carrier common line and Universal Service Fund rate elements, and revenue derived from all other switched access rate elements; independent company settlements; and other access revenues.

(e) Any company filing with the FCC reports in compliance with the requirements of Part 32, Paragraph 32.25 of Subpart B, Unusual Items and Contingent Liabilities, relating to extraordinary items, prior period adjustments, or contingent liabilities shall file a copy of such report concurrently with this commission.

(f) As to a leased asset which is or has been used in the provision of utility service, unless an alternate accounting treatment has been specifically approved by the commission, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their original cost or the present value of the minimum lease payments. For purposes of this section "original cost" is defined as the net book value of the leased property to the lessor at the inception of the lease. If all efforts by a company to obtain original cost information fail, and the original cost can not be reasonably estimated, then the companies will file a request with the commission seeking approval to record the asset at the lower of the fair market value of the asset or the present value of the minimum lease payments.

When the asset in question has never been used in the provision of utility service, any company which capitalizes leases in accordance

with FASB-13 shall capitalize such leases at the lower of their fair market value or the present value of the minimum lease payments.

(g) Unless specific exceptions are granted, or required, all companies shall keep records for ratemaking and/or booking purposes which flow-through tax benefits to the extent permitted by federal tax regulations. Any jurisdictional ratemaking differences, created by this rule, shall be reflected in accounts provided in Part 32 for jurisdictional differences, more specifically Accounts 1500, 4370, and 7910. See sections 3(h) and 3(l) for further exceptions to this rule.

(h) As to compensated absences and sick pay, if payment of nonvesting accumulated sick pay benefits depends on the future illness of an employee, companies shall not accrue a liability for such an expense for purposes of portraying results of operations until such sick pay is actually paid. In addition, if a company accrues expenses for compensated absences before such expenses are actually deductible for federal income tax purposes, then an exception to the flow-through accounting requirement in section 3(g) is required. In such a case, a normalized tax accounting treatment will be required.

(i) No depreciation expense will be allowed for ratemaking purposes on amounts included in Account 2002—Property held for future telecommunications use. If a company records depreciation on amounts in this account, it shall record the jurisdictional difference in a separate subaccount of the designated jurisdictional differences accounts.

(j) Any property which has been used in the provision of utility service, when acquired from a nonaffiliate shall be recorded at its net book value at the time of the transfer. If the company wishes to record the acquisition at its acquisition cost rather than its net book value, it shall first seek approval for such accounting, providing such detail as the commission may require. If there is a jurisdictional difference in recording the cost of an acquisition, any such difference shall be recorded in a separate subaccount of the designated jurisdictional differences accounts. Any other property acquired from a nonaffiliate shall be recorded at its acquisition cost.

(k) Amounts booked to Account 2005—Telecommunications plant adjustment, shall be treated as nonoperating investment, and shall not be included in any rate base account without the expressed permission of the commission. Unless an alternate treatment has been authorized by the commission, any amortization taken on amounts in Account 2005 will be treated as though charged to Account 7360—Other nonoperating income, or other nonoperating accounts as required.

(l) If a company is allowed to convert to a GAAP accounting treatment of an item, or allowed other accounting changes which call for the accrual of expenses before such expenses are deductible for federal income tax purposes, an exception to the flow-through accounting requirement in section 3(g) is required. In such event, a normalized tax accounting treatment will be required.

(4) The annual report form promulgated by the Federal Communications Commission is hereby adopted for purposes of annually reporting to this commission by those Class A telecommunications companies classified by the FCC in CC Docket No. 86-182 as Class A Tier I telecommunications companies. The annual report forms for all other Class A and Class B telecommunications companies shall be published by the commission. The annual report shall be filed with the commission as soon after the close of each calendar year as possible but in no event later than May 1 of the succeeding year. Those telecommunications companies having multistate operations shall report both total company and Washington results in their annual report. Companies may also be required to include certain supplemental information in the annual report, such as the status of all jurisdictional differences accounts and subaccounts for the period. This supplemental information will be described in the mailing of the annual reports, or in other sections of this rule (see sections (7) and (9)).

(5) The total company results of operations reported by each telecommunications company in its annual report shall agree with the results of operations shown on its books and records.

(6) All telecommunications companies having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with state geographic boundaries can be readily ascertained.

(7) All telecommunications companies having multistate operations shall report to this commission at least once each year, as a supplement

to its annual report, such allocations between states as are requested by the commission from time to time for each utility. Any allocations required in developing results of operations for the state of Washington separately shall be accomplished on a basis acceptable to the commission. In these supplemental reports, adjustments will be made to incorporate Washington intrastate amounts in the jurisdictional differences accounts.

(8)(a) If a company prepares an annual separations cost study and furnishes a copy thereof to the National Exchange Carrier Association, Inc., (NECA), that company shall, upon request by the commission, make available for commission review at a company-designated location in Thurston County a copy of the same study material as has been so furnished to NECA. Such copy shall be made available for such commission review within ten days after the later of:

(i) The date of the company's receipt of the commission's request therefor; or

(ii) The date on which NECA's copy of the study is furnished to NECA.

(b) If a company prepares an annual separations cost study and furnishes a copy thereof to the Federal Communications Commission (FCC), that company shall, upon request by the commission, make available for commission review at a company designated location in Thurston County a copy of the same study material as has been so furnished to the FCC. Such copy shall be made available for such commission review within ten days after the later of:

(i) The date of the company's receipt of the commission's request therefor; or

(ii) The date on which FCC's copy of the study is furnished to the FCC.

(9) Each telecommunications company shall file with the commission periodic results of operations statements showing total Washington per books, restating adjustments to per books, total Washington per books restated, and Washington restated intrastate results of operations.

Class A companies shall file periodic results of operations statements quarterly. Each quarterly statement shall show monthly and twelve months ended data for each month of the quarter reported. Class B companies shall show semiannual and twelve months ended results. For Class A companies, periodic results of operations statements shall be due ninety days after the close of the period being reported with the exception of the fourth quarter statement which shall be due no later than May 1 of the succeeding year. Class B companies shall file the June 30 ended and December 31 ended semiannual results of operations statements on October 1 and May 1 of each year, respectively.

The periodic results of operations statements shall be on a "commission basis" and restated for out-of-period items, nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses. By use of notes, an explanation of the restating adjustments shall accompany the results of operations statement.

"Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

The telecommunications companies shall use the allocation factors from their most recent separations cost study to develop the Washington intrastate results of operations.

(10) This rule shall not supersede any reporting requirements specified in a commission order, nor shall it be construed to limit the commission's ability to request additional information on a company specific basis as is deemed necessary.

(11) The annual budget of expenditures form for budgetary reporting for telecommunications companies will be published by this commission in accordance with chapter 480-140 WAC.

(12) The requirements of this section shall not apply to telecommunications companies classified by the commission as competitive, and subject to WAC 480-120-033.

(13) There shall be no departure from the foregoing except as specifically authorized by the commission.

WSR 91-15-053
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT
 [Filed July 18, 1991, 4:55 p.m.]

Original Notice.

Title of Rule: Chapter 82-06 WAC, General provisions.

Purpose: To define criteria under which interest on past due receivables may be waived.

Statutory Authority for Adoption: Section 2, chapter 85, Laws of 1991.

Statute Being Implemented: Section 2, chapter 85, Laws of 1991.

Summary: Defines criteria under which agencies may waive interest on past due receivables. Specifies required documentation. Requires consistent application.

Reasons Supporting Proposal: While as a general rule interest should be charged on past due receivables, there are situations in which interest should be waived in the interest of equity and efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Jacobs, 4505 Woodview Drive, 4th Floor, Lacey, (206) 459-6957.

Name of Proponent: Office of Financial Management, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: By its own provisions, section 2 of chapter 85 does not apply to debts owed by local governments, debts that became due before July 28, 1991, or situations where charging of interest would violate contractual provisions or state or federal laws.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will define the conditions under which state agencies will be allowed to waive interest on past due receivables. This rule should help state agencies manage their receivables in a more equitable and efficient manner.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Health Care Authority Conference Room, 4505 Woodview Drive S.E., Third Floor, Lacey, WA 98503, on Tuesday, August 27, 1991, at 9:30 a.m.

Submit Written Comments to: Bob Jacobs, Office of Financial Management, Mailstop QF-41, Lacey, WA 98504, by August 27, 1991.

Date of Intended Adoption: August 27, 1991.

July 18, 1991
 Collum C. Liska
 for Dan Pensula
 Assistant Director

Chapter 82-06 WAC
 GENERAL PROVISIONS

NEW SECTION

WAC 82-06-010 WAIVER OF INTEREST ON PAST DUE RECEIVABLES. (1) Under RCW 43.17.— (section 2, chapter 85,

Laws of 1991), state agencies may waive the mandatory one percent per month interest charge on past due receivables if any of the following criteria apply:

(a) It would not be cost effective to charge interest on an individual debt or a class of debts. This includes, but is not limited to, the following:

(i) Situations where the cost of charging interest is expected to exceed the amount of interest received;

(ii) Situations where the cost of developing systems to charge interest is expected to exceed the amount of interest received. The word "systems" in this context refers to both computer systems and general systems of managing and processing receivables.

(b) Late payment was caused by the state, such as by providing incorrect information or instructions, or by providing necessary forms and instructions too late for timely payment when the forms or instructions had been ordered timely.

(c) The delinquency was caused by the death or serious illness of:

(i) The person responsible for paying the debt; or

(ii) A person whose assistance was vital to the payment, such as the accountant; or

(iii) A person in the immediate family of a person in (i) or (ii) of this subsection.

(d) Payment was made on time, but to the wrong governmental agency.

(e) The delinquency was caused by the destruction by fire or other casualty of the debtor's place of business, home, or records.

(f) Late payment was caused by natural disasters, disruptions in postal or delivery service, power failures, work stoppages due to labor disputes, or any other cause resulting from circumstances clearly beyond the control of the debtor.

(g) The account is subject to good faith dispute when, before the date of timely payment, notice of the dispute is:

(i) Sent by certified mail; or

(ii) Personally delivered; or

(iii) Sent in accordance with procedures in the contract.

(h) The debt is for public assistance or food stamp overpayments to individuals, where the overpayments were not in whole or in part caused by the recipients.

(i) Late payment on the debt is the result of late payment by another payor, such as when a person damages state property but does not know the amount of his or her personal obligation to the state until the portion covered by the person's liability insurance is known.

(j) The charging of interest would damage international relations.

(2) Requests for waivers of interest under criteria in subsection (1)(b), (c), (d), (e), and (f) of this section must be in letter form, must contain all pertinent facts, must be accompanied by such proof as is available, and must be received by the department within sixty days of the incident. The burden of proving the facts is on the debtor.

Waivers under the remaining criteria in subsection (1) of this section must be documented for the purpose of audits by the state auditor's office.

(3) Each agency must apply the criteria in subsection (1) of this section consistently.

WSR 91-15-054

NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION

[Memorandum—July 18, 1991]

The August Washington State Transportation Commission meeting will be held on Thursday, August 22, 1991, at 9:00 a.m. in the Transportation Commission Conference Room, 1D2, Transportation Building, Olympia, Washington. There will be subcommittee meetings in the afternoon on Wednesday, August 21.

WSR 91-15-055
RULES COORDINATOR
CONSERVATION COMMISSION
 [Filed July 19, 1991, 11:26 a.m.]

Pursuant to RCW 34.05.310(3), I hereby appoint the following named individual as rules coordinator for the Conservation Commission: Robert P. Bottman, Administrative Officer, phone (206) 459-6229.

Wayne Reid
 Executive Secretary

WSR 91-15-056
PERMANENT RULES
WILDLIFE COMMISSION
 [Order 505—Filed July 19, 1991, 11:28 a.m.]

Date of Adoption: April 13, 1991.

Purpose: This regulation is intended to carry out the legislative policy to enhance access to public recreational opportunities for persons of disability codified in RCW 77.12.010 and 77.32.237. This regulation is also intended to carry out the legislative policy to encourage and enable the blind and visually handicapped to participate fully in social life of the state codified in RCW 70.84-.010 and 74.18.010. This regulation will enhance the opportunity of the blind and visually handicapped to participate in hunting of game animals. Persons of disability are defined and assistance by nondisabled companions for holders of a disabled hunter permit is provided.

Statutory Authority for Adoption: RCW 77.12.010 and 77.32.237.

Pursuant to notice filed as WSR 91-06-083 on March 6, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 16, 1991
 Curt Smitch
 Director
 for John C. McGlenn
 Chair

NEW SECTION

WAC 232-12-831 ASSISTANCE TO THE VISUALLY HANDICAPPED. (1) This regulation is intended to carry out the legislative policy of this state to enhance participation in hunting opportunities by persons of disability.

(2) Definition of blind and visually handicapped. As used in this section, blind or visually handicapped means a person who is totally blind or whose central visual acuity does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than 20 degrees.

(3) Disabled hunter permit for the blind. A blind or visually handicapped person may receive a disabled hunter permit for the blind or visually handicapped upon application.

(4) A person who possesses a disabled hunter permit for the blind or visually handicapped, as well as all other required licenses, tags, and permits, is authorized to

designated a nondisabled licensed hunter who, while in the immediate company of the blind or visually handicapped hunter, may shoot, tag, and retrieve game for the blind or visually handicapped hunter.

WSR 91-15-057
RULES COORDINATOR
WENATCHEE VALLEY COLLEGE
 [Filed July 19, 1991, 1:32 p.m.]

Anna Pieratt is the official rules coordinator for Wenatchee Valley College.

Arnie H. Heuchert
 President

WSR 91-15-058
WITHDRAWAL OF PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
 [Filed July 19, 1991, 1:39 p.m.]

Bellevue Community College hereby withdraws the July 10, 1991, filing WSR 91-15-020.

Phyllis Hudson
 Rules Coordinator

WSR 91-15-059
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—July 16, 1991]

This is to inform you, in compliance with the open meeting law notice provisions, that the board of trustees of the Seattle Community College District will hold a special meeting, beginning at 4:00 p.m. on Thursday, July 18, 1991. This meeting will be held in the Siegal Education and Service Center, 1500 Harvard, Seattle, WA 98122.

WSR 91-15-060
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Filed July 19, 1991, 2:02 p.m.]

Original Notice.

Title of Rule: Chapter 332-130 WAC, Minimum standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions.

Purpose: To amend WAC 332-130-020 and 332-130-060.

Statutory Authority for Adoption: RCW 58.24.040(1).

Statute Being Implemented: RCW 58.24.040(1).

Summary: The purpose of these rules is to amend Order 561, filed on May 11, 1989, which rules set minimum performance levels for land boundary surveys and geodetic control surveys and provided guidelines for preparation of land descriptions.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Donnell Fitch, 1102 South Quince, EV-11, Olympia, 586-6034; **Implementation:** Mike Kinnaman, 1102 South Quince, EV-11, Olympia, 586-6047; and **Enforcement:** Department of Licensing, Board of Registration for Engineers and Land Surveyors.

Name of Proponent: Survey Advisory Board, private.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules amend Order 561, filed May 11, 1989, to identify the most current adjustment to the horizontal datum. It also requires that the datum be identified on all documents prepared. This will establish consistency in the use of datums throughout the state and reduce confusion regarding which datum was used.

Proposal Changes the Following Existing Rules: WAC 332-130-020, adds definition of NAD83 (1991); and WAC 332-130-060, establishes NAD83 (1991) as the horizontal datum in Washington and requires its use.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether these rule changes are subject to the Regulatory Fairness Act and has determined they are not because the changes have minor economic impact.

Hearing Location: Room 101, 1102 South Quince, EV-11, Olympia, WA 98504, on August 28, 1991, at 9:00 a.m.

Submit Written Comments to: Mike Kinnaman, Survey Manager, Department of Natural Resources, 1102 South Quince, EV-11, Olympia, WA 98504, by August 28, 1991.

Date of Intended Adoption: August 29, 1991.

July 19, 1991

James A. Stearns
Supervisor

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-020 **DEFINITIONS.** The following definitions shall apply to this chapter:

(1) **Geodetic control surveys:** Surveys for the specific purpose of establishing control points for extending the National Geodetic Survey horizontal and vertical control nets, establishing plane coordinate values on boundary monuments within the requirements of the Washington coordinate system, and determining the vertical elevations of boundary monuments.

(2) **GLO and BLM:** The General Land Office and its successor, the Bureau of Land Management.

(3) **Land boundary surveys:** All surveys, whether made by individuals, entities or public bodies of whatever nature, for the specific purpose of establishing, reestablishing, laying out, subdividing, defining, locating and/or monumenting the boundary of any easement, right of way, lot, tract, or parcel of real property or which reestablishes or restores General Land Office or Bureau of Land Management survey corners.

(4) **Land corner record:** The record of corner information form as prescribed by the department of natural resources pursuant to chapter 58.09 RCW.

(5) **Land description:** A description of real property or of rights associated with real property.

(6) **Land surveyor:** Any person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

(7) **NAD83 (1991):** North American Datum of 1983, adjusted in 1991.

(8) **Parcel:** A part or portion of real property including but not limited to GLO segregations, easements, rights of way, aliquot parts of sections or tracts.

((8)) (9) **Survey Recording Act:** The law as established and designated in chapter 58.09 RCW.

((9)) (10) **Washington coordinate system:** The system of plane coordinates as established and designated by chapter 58.20 RCW.

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-060 **GEODETIC CONTROL SURVEY STANDARDS.** The following standards shall apply to geodetic control surveys:

(1) The datum for the horizontal control network in Washington shall be NAD83 (1991) as officially adjusted and published by the National Geodetic Survey of the United States Department of Commerce or as established in accordance with chapter 58.20 RCW. The datum adjustment shall be identified on all documents prepared; i.e., NAD83 (1991).

(2) Horizontal and vertical control work must meet or exceed those accuracy and specification standards as published by the Federal Geodetic Control Committee, September 1984, in the bulletin titled, "Standards and Specifications for Geodetic Control Networks" or any subsequently published bulletins modifying such class standards. The class of control surveys shall be shown on documents prepared.

WSR 91-15-061

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health)

[Filed July 19, 1991, 3:27 p.m.]

Original Notice.

Title of Rule: New WAC 248-14-071 Nursing home fees; and repealing WAC 440-44-085 Nursing home fees.

Purpose: To establish nursing home license fees at a rate adequate to cover all costs of the department's nursing home licensing activities.

Statutory Authority for Adoption: Chapter 8, Laws of 1991.

Statute Being Implemented: Chapter 8, Laws of 1991.

Summary: Sets nursing home license fee at \$133 per bed per year for FY 1992 and at \$135 per bed per year for FY 1993.

Reasons Supporting Proposal: This rule amendment is necessary to permit the department to cover all costs of its nursing home licensing activities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Gaskell, Aging and Adult Services, 585-7938 [586-7938].

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on August 27, 1991, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 45805, Olympia, Washington 98504, by August 27, 1991.

Date of Intended Adoption: September 10, 1991.

July 19, 1991
Rosemary Carr
Acting Director
Administrative Services

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on August 27, 1991, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 45805, Olympia, Washington 98504, by August 27, 1991.

Date of Intended Adoption: September 10, 1991.

July 19, 1991
Rosemary Carr
Acting Director
Administrative Services

NEW SECTION

WAC 248-14-071 NURSING HOME FEES. The nursing home license fee shall be one hundred thirty-three dollars per bed per year from July 1, 1991, through June 30, 1992. The fee shall be one hundred thirty-five dollars per bed per year from July 1, 1992, through June 30, 1993.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 440-44-085 Nursing home fees.

**WSR 91-15-062
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed July 19, 1991, 3:29 p.m.]

Original Notice.

Title of Rule: WAC 388-77-240 FIP—Eligibility for qualifying a parent.

Purpose: To amend FIP WAC to agree with proposed changes in AFDC WAC 388-24-074.

Statutory Authority for Adoption: RCW 74.21.070.

Statute Being Implemented: RCW 74.21.070.

Summary: Clarifies the definition of "work quarter." To qualify for FIP-0, a person must receive earned income of \$50 or more per quarter or have participated in OPPORTUNITIES; education, training or employment related FIP services; or JOBS.

Reasons Supporting Proposal: Ensure consistency between FIP WAC and the Code of Federal Regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, Income Assistance, 753-4371.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 45 CFR Chapter 11, Section 233.100.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

AMENDATORY SECTION (Amending Order 2805, filed 6/1/89)

WAC 388-77-240 FIP—ELIGIBILITY FOR QUALIFYING A PARENT. (1) A child residing with two parents, when neither is incapacitated, shall be categorically eligible for FIP when the qualifying parent:

- (a) Is not employed more than one hundred hours a month except for intermittent temporary jobs; and
- (b) Has been unemployed as defined by subsection (1)(a) of this section for thirty days or more prior to the date FIP is authorized; and
- (c) Meets the work quarter or unemployment compensation requirement in subsection (3) of this section. The work quarter and unemployment requirements shall only apply to:
 - (i) Initial applications filed on or after July 1, 1989; or
 - (ii) Reapplications following a one-month break or more in assistance, filed on or after July 1, 1989; and
 - (d) Has not refused a bona fide offer of employment or employment training; or
 - (e) Has not voluntarily left a job without good cause during the thirty days prior to the date FIP is authorized; or
 - (f) Has not refused to apply for or accept unemployment compensation, if eligible.

(2) The qualifying parent is that parent earning the greater amount of income in the twenty-four-month period immediately preceding the month in which the application for FIP assistance is filed.

(a) The household shall designate the qualifying parent if both parents earned an identical amount of income, or had no earnings.

(b) The designated qualifying parent remains the qualifying parent for each consecutive month the family remains on assistance.

(3) The qualifying parent shall meet the work quarter or unemployment compensation requirement if:

- (a) Within one year prior to application, the qualifying parent:
 - (i) Received, or was eligible to receive, unemployment compensation had the parent applied; or
 - (ii) For noncovered employment, had a work history such that had the employment been covered the parent would have been eligible for unemployment compensation; or
- (b) The qualifying parent had six or more quarters of work within any thirteen calendar quarter period ending within one year prior to the request for benefits:

(i) A quarter of work means a calendar quarter in which the qualifying parent received earned income of not less than fifty dollars, or participated in ((the work incentive (WIN) program or community work experience program (CWEP))) Opportunities; education, training, or employment related FIP Services; or JOBS; and

(ii) A calendar quarter means a period of three consecutive calendar months ending March 31st, June 30th, September 30th, or December 31st.

(4) The department shall consider the following conditions good cause for refusal of an offer of employment or refusal to continue employment:

- (a) Physical, mental, or emotional inability of the qualifying parent to satisfactorily perform the work required;
- (b) Inability of the qualifying parent to get to and from the job without undue cost or hardships;
- (c) The nature of the work would be hazardous to the qualifying parent;
- (d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;
- (e) The job is available because of a labor dispute; or
- (f) Adequate child care is not available.

(5) The child shall be residing with both parents except that one parent may be temporarily absent for up to ninety days to search for employment with the expectation of continuing to reside with the family.

(6) FIP shall not be denied or terminated solely because the qualifying parent works over one hundred hours while participating in:

- (a) Institutional work experience training; or
- (b) A public service employment and training program.

WSR 91-15-063
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 19, 1991, 3:33 p.m.]

Original Notice.

Title of Rule: WAC 388-37-030, 388-37-038, and 388-37-115.

Purpose: The purpose of this rule amendment is to implement a law just passed by the Washington state legislature, which requires applicants for the general assistance unemployable (GAU) program to be unable to work due to a mental or physical impairment for at least ninety days.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Changes the durational requirements for GAU incapacity from sixty to ninety days.

Reasons Supporting Proposal: The reason this rule change is necessary is to implement SB 5959.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hargrave, Income Assistance, 753-3340.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on August 27, 1991, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 45805, Olympia, Washington 98504, by August 27, 1991.

Date of Intended Adoption: September 10, 1991.

July 19, 1991

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3045, filed 8/1/90, effective 9/1/90)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility is established, the department shall grant continuing general assistance to the following:

(1) Incapacitated persons. As used in this section, an incapacitated person shall mean a person physically, emotionally, or mentally unable to work as a result of a condition expected to continue for ((sixty)) ninety days or more from date of application, except as provided under WAC 388-37-038 (1) and (2). A person incapacitated by alcoholism or drug addiction is not included in this definition, but an alcoholic or drug addict incapacitated due to other mental or physical conditions may be eligible for general assistance. Incapacity refers to a person's capacity to earn income by employment. A person's incapacity does not refer to the availability or lack of job opportunities.

(a) Eligible persons are:

(i) An incapacitated single person eighteen years of age or older;

(ii) A married couple if both persons are incapacitated; or

(iii) The incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described under WAC 388-28-500 (1)(a) and (b).

(b) An incapacitated person shall accept and follow through on required available medical treatment, which is reasonably expected to render the person able to work, unless there is good cause for failure to do so.

The department shall make the "good cause" determination based on the criteria under WAC 388-37-037(5).

(c) An incapacitated person may also receive medical services provided under the state-financed medical care services program as defined under WAC 388-86-120.

(2) Pregnant women who are:

(a) Income and resource eligible for the aid to families with dependent children program; and

(b) In their first or second trimester of pregnancy; or

(c) Members of a two-parent household during a time when the aid to dependent children—employable (AFDC-E) program is in effect, but do not meet categorical eligibility for AFDC-E. These women may receive a continuing general assistance grant for the duration of their pregnancy.

(3) Effective June 7, 1990, women:

(a) Relinquishing a child for adoption; and

(b) Receiving general assistance under WAC 388-37-030(2); or

(c) Losing AFDC or FIP eligibility because an eligible child does not reside in the household; and

(d) Whose assistance granted under subsection (3) of this section is limited to six weeks beginning with the date of birth of the child.

AMENDATORY SECTION (Amending Order 2525, filed 8/21/87)

WAC 388-37-038 INCAPACITY—WAIVER OF MEDICAL DOCUMENTATION. (1) Incapacity will be considered to be established without medical documentation when the person:

(a) Has been determined to be eligible for any benefits based on Social Security Administration disability criteria;

(b) Is eligible for services from the division of developmental disabilities;

(c) Is sixty-five years of age or older.

(2) Incapacity will be considered established for a period of ((sixty)) ninety days without a psychiatric/psychological evaluation when the person is being released from inpatient psychiatric treatment and is participating in direct treatment services to meet his or her mental health needs as described in WAC 275-56-015(17), with the exception of:

(a) Clients admitted under the Involuntary Treatment Act (ITA), who are subsequently released without participating in direct treatment services;

(b) Clients voluntarily admitted to a psychiatric hospital or the psychiatric ward of a general hospital for evaluation and diagnosis only, who are released without participating in direct treatment services;

(c) Clients voluntarily admitted to a psychiatric hospital or the psychiatric ward of a general hospital for an acute, short-term episode, who are released without participating in direct treatment services; and

(d) Clients who leave ongoing inpatient psychiatric treatment against medical advice.

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-115 PROGRESSIVE EVALUATION PROCESS STEP I—REVIEW OF MEDICAL DOCUMENTATION. The department will review medical documentation prior to making a determination of incapacity in order to insure the following requirements have been met:

(1) The medical report must contain sufficient information on which to determine incapacity per WAC 388-37-035(2). If the information received is not sufficient to determine incapacity, the department can require complete information before any incapacity decision is made.

(2) The medical report must be a written report from an authorized medical professional.

(3) The impairment(s) must be expected to last at least ~~((sixty))~~ ninety days from the date of application.

(4) The medical report must document the existence of a potentially incapacitating condition.

**WSR 91-15-064
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)**

[Order 3204—Filed July 19, 1991, 3:35 p.m., effective July 20, 1991, 12:01 a.m.]

Date of Adoption: July 19, 1991.

Purpose: To establish nursing home license fees at a rate adequate to cover all costs of the department's nursing home licensing activities.

Citation of Existing Rules Affected by this Order: Repealing WAC 440-44-085 Nursing home fees.

Statutory Authority for Adoption: Chapter 8, Laws of 1991.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule amendment is necessary to permit the department to cover all costs of its nursing home licensing activities.

Effective Date of Rule: July 20, 1991, 12:01 a.m.

July 19, 1991
Rosemary Carr
Acting Director
Administrative Services

NEW SECTION

WAC 248-14-071 NURSING HOME FEES. The nursing home license fee shall be one hundred thirty-three dollars per bed per year from July 1, 1991, through June 30, 1992. The fee shall be one hundred thirty-five dollars per bed per year from July 1, 1992, through June 30, 1993.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 440-44-085 Nursing home fees.

**WSR 91-15-065
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed July 19, 1991, 4:03 p.m.]**

Original Notice.

Title of Rule: Rules and regulations relating to certified shorthand reporters. WAC 308-14-085 Examination, 308-14-090 Application, 308-14-120 Examination appeal procedures, 308-14-130 Standard of professional practice, and 308-14-135 Transcript guidelines.

Purpose: To provide clarification and procedures in applying for examination and appealing the examination as well as providing guidelines for transcript preparation.

Statutory Authority for Adoption: RCW 18.145.050.

Statute Being Implemented: Chapter 18.145 RCW.

Summary: Provides for implementation of chapter 18.145 RCW.

Reasons Supporting Proposal: Allows complete implementation of laws.

Name of Agency Personnel Responsible for Drafting: Judy Riker, Olympia, 586-4565; Implementation and Enforcement: Simon Tee, Olympia, 753-1061.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Clarification of examination and application procedures.

Proposal Changes the Following Existing Rules: Sets procedures for the state to conduct the examination or must be met by the recognized testing company.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Courtyard by Marriott, 400 Andover Park West, Tukwila, WA 98188, on September 6, 1991, at 10:00 a.m.

Submit Written Comments to: Simon Tee, P.O. Box 9649, Olympia, WA 98504, by September 5, 1991.

Date of Intended Adoption: September 6, 1991.

July 19, 1991
Simon Tee
Professional Licensing Manager

AMENDATORY SECTION (Amending WSR 90-20-008, filed 9/20/90, effective 10/21/90)

WAC 308-14-085 EXAMINATION. (1) The examination for "court reporter," "shorthand reporter," "certified court reporter," or "certified shorthand reporter" shall be ~~((the Washington state statutory examination beginning with the April 1990 examination))~~ an examination developed, administered, and graded by the department with the advice of the board or any examination prepared by a recognized person (institution, organization, corporation) approved by the department that meets the requirements stated in this regulation.

(2) Recognition of ~~((the Washington state statutory))~~ an examination as the Washington certification examination is conditioned upon the examination meeting the following requirements:

(a) Be a timed tape with content, speed, and quality approved by the department with the advise of the board, prior to use;

(b) The examination requires the applicant be able to report and transcribe at least two hundred words per minute of two-voice testimony for five consecutive minutes;

(c) At least ninety-five percent accuracy is needed to pass the examination;

~~((c))~~ (d) Be offered at least twice a year;

~~((d))~~ (c) The pass/fail scores of the state certification applicants are provided to the department within ~~((two))~~ four weeks of the date of the examination to include a complete list of all the applicants;

~~((e))~~ (f) Supply examinations statistics following each examination; the number scheduled, passed, failed, and failed to appear; ~~((and~~ ~~(f))~~ (g) The ~~((examination))~~ security and confidentiality of the examination and applicants must meet the requirements of the department of licensing ~~((are met))~~; and

(h) The department will be supplied with the examination tape and all the individual examination papers with grading marks and comments on them for review. The department reserves the final authority for examination results. The department may retain the examination papers for thirty days after final determination regarding scores to allow appeals and review of papers. Sixty days after the examination results are released all examination papers will be destroyed, except those under appeal, which will be held until final disposition.

(3) The Washington state statutory examinations which were held April 1990, October 1990, and April 1991, are recognized as the qualifying examinations for state certification as a shorthand or court reporter.

(4) State applicants who have previously passed the Washington state department of licensing recognized examination within three years ~~((prior to))~~ of application may be issued certification without additional examination if certified documentation of the passed examination is provided.

(5) Applicants who have failed the examination may apply by submission of a re-examination application and the required fee.

AMENDATORY SECTION (Amending WSR 90-10-009, filed 4/20/90, effective 5/21/90)

WAC 308-14-090 APPLICATION. (1) Applications for temporary and permanent certification must be complete in every detail and submitted with the required fee. The applications for examination must be received at least eight weeks prior to the examination. Complete applications will contain the following information:

- (a) Name and address
 - (b) Business name and address
 - (c) Birth place and date
 - (d) Social Security number
 - (e) Educational background
 - (f) Previous work experience in court reporting
 - (g) List of references (references must have personal knowledge that the applicant has at least two years of court reporting experience)
 - (h) Professional licensure/certification, including any action taken against the license or certificate
 - (i) Personal affidavit
 - (j) Copies of school transcripts and/or graduation certificate (if required).
- (2) An applicant holding a temporary certificate must submit a complete updated application and fee for permanent certification. The application must be received at least eight weeks prior to the examination date.

NEW SECTION

WAC 308-14-120 EXAMINATION APPEAL PROCEDURES.

(1) Any candidate who takes the state examination for licensure and does not pass the examination may request to review their papers.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenges to examination grading unless the total of the potentially revised score would result in issuance of certification.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date on the letter of notification of examination results sent to the candidate.

(b) The following procedures apply to an appeal of the results of the examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must appear personally in the department office in Olympia to review the examination. The candidate must contact the department to make an appointment for the exam review session with department staff.

(ii) Within fifteen days of the review the candidate, in writing, must specifically identify the challenged portions on the examination and must state the specific reason(s) why the candidate believes the results should be modified.

(iii) The candidate will be allowed one hour to review their examination.

(c) The department will review the examination and justification submitted by the candidate. The candidate will be notified in writing of the department's decision.

(d) Any candidate who is not satisfied with the results of the informal examination review may, within twenty days of the date on the notice of the department's informal review notification, request a formal hearing to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for a formal hearing must be received by the department within twenty days of the date on the notice of the results of the department's informal review.

(c) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(g) The candidate will be notified in writing of the director's final decision.

AMENDATORY SECTION (Amending WSR 90-20-008, filed 9/20/90, effective 10/21/90)

WAC 308-14-130 STANDARDS OF PROFESSIONAL PRACTICE. All certified shorthand reporters (CSR) shall comply with the following professional standards except where differing standards are established by court or agency. Failure to comply with the following standards is deemed unprofessional conduct. Certified shorthand reporters shall:

(1) Include on all transcripts, business cards, and advertisements their CSR reference number.

(2) Prepare transcripts in accordance with the transcript preparation guidelines established by WAC 308-14-135 or court.

(3) Preserve and file their shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years. Untranscribed notes shall be retained for no less than ten years or as required by statute, whichever is longer.

(4) Meet promised delivery dates.

(5) Prepare accurate transcripts.

(6) Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties.

(7) Be truthful and accurate in advertising qualifications and/or services provided.

(8) Preserve confidentiality of information in their possession and take all steps necessary to insure its security and privacy.

(9) Notify all involved parties when transcripts are ordered.

(10) Notify all involved parties, when a transcript is ordered by a person not involved in the case, before a copy of the transcript is furnished. If any party objects, the transcript is not provided without a court order.

~~((11))~~ ~~((Give witness/deponent fifteen days to read, correct and sign, before a notary, a correction sheet unless waived by witness or attorney representing the witness.~~

~~((+2))~~ Supply certified copies of transcripts to any involved party, upon appropriate request.

NEW SECTION

WAC 308-14-135 TRANSCRIPT PREPARATION FORMAT. The following transcript format will be followed by all certified shorthand reporters (CSR's), except where format are recommended or established by court or agency.

(1) No fewer than twenty-five typed lines on a standard 8 1/2 x 11 inch paper.

(2) No fewer than ten characters to the typed inch.

(3) No fewer than sixty characters per standard line.

WSR 91-15-066
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Health)

[Order 182B—Filed July 22, 1991, 2:41 p.m.]

Date of Adoption: July 10, 1991.

Purpose: To amend WAC 246-100-166 Immunization of day care and school children against certain vaccine-preventable diseases, to be consistent with national vaccine recommendations.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-166.

Statutory Authority for Adoption: RCW 28A.210.140 and 43.20.050.

Pursuant to notice filed as WSR 91-11-103 on May 22, 1991.

Changes Other than Editing from Proposed to Adopted Version: Changes in RCW references due to new codification of statutes resulting from 1991 legislative action.

Effective Date of Rule: Thirty-one days after filing.

July 16, 1991

Sylvia Beck

Executive Director

State Board of Health

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-100-166 IMMUNIZATION OF DAY CARE AND SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES.

(1) Definitions for purposes of this section:

(a) "Certificate of immunization status (CIS) form" means a form provided by the department labeled ~~((DSHS 13-263))~~ DOH 348-013, including data entry spaces for immunization information including:

- (i) Name of child or student,
- (ii) Birth date,
- (iii) Sex,
- (iv) Type of vaccine,
- (v) Date of each dose of vaccine received specifying day, month, and year,
- (vi) Signature of parent, legal guardian, or adult in loco parentis, and
- (vii) Documented exemptions, if applicable and as specified in subsection (5) of this section.

(b) "Chief administrator" means:

- (i) The person with the authority and responsibility for the immediate supervision of the operation of a school, day care center, or
- (ii) A designee of the chief administrator assigned in writing to carry out the requirements of RCW ~~((28A-31-118))~~ 28A.210.160 through the statutory or corporate board of directors of the school district or school, or
- (iii) Person or persons with the authority and responsibility for the general supervision of the operation of the school district or school.

(c) "Child" means any person regardless of age admitted to any day care center, preschool, kindergarten, or grades one through twelve program of education in:

- (i) Any public school district, or

(ii) Any private school or private institution subject to approval by the state board of education or described in RCW ~~((28A.04.120(4) and 28A.02.201 through 28A.02.260))~~ 28A.305.130 and 28A.195.010 through 28A.195.060, or

(iii) Any licensed day care facility which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours subject to licensure by the department of social and health services as described in chapter 74.15 RCW.

(d) "Full immunization" means vaccinated in accordance with schedules and immunizing agents approved by the state board of health in WAC ~~((248-100-166))~~ 246-100-166 against:

- (i) Diphtheria,
- (ii) Tetanus,
- (iii) Pertussis or whooping cough,
- (iv) Measles or rubeola,
- (v) Rubella,
- (vi) Mumps, ~~((and))~~
- (vii) Poliomyelitis, and
- (viii) Haemophilus influenzae type b disease.

(e) "Immunizing agents" means any vaccine or other biologic licensed and approved by the bureau of biologics, United States Food and Drug Administration (FDA), or meeting World Health Organization (WHO) requirements, for immunization of persons against:

- (i) Diphtheria, tetanus, pertussis (DTP, DT, Td);
- (ii) Measles;
- (iii) Mumps;
- (iv) Poliomyelitis, types I, II, and III (TOPV, IPV);
- ~~((and))~~
- (v) Rubella; and
- (vi) Haemophilus influenzae type b vaccine (Hib);

(f) "National immunization guidelines" means schedules for immunization described in:

- (i) ~~((1986))~~ 1991 American Academy of Pediatrics ((AAP)) Report of the Committee on Infectious Diseases (Red Book); or

(ii) Immunization Practices Advisory Committee ((on Immunization Practices)) (ACIP) on General Recommendations on Immunization, ((January 14, 1983)) April 7, 1989; and

(iii) ((New Recommended Schedule for Active Immunization of Normal Infants and Children, 9/19/86, Advisory Committee on Immunization Practices (ACIP), United States public health service)) Immunization Practices Advisory Committee (ACIP) on Haemophilus b Conjugate Vaccines for Prevention of Haemophilus Influenzae Type b Disease Among Infants and Children Two Months of Age and Older, January 11, 1991.

(g) "Parent" means a person who is:

- (i) The mother, father, legal guardian, or ~~((designated caretaker))~~ any adult in loco parentis of a child seven-teen years of age or younger; or
- (ii) A person eighteen years of age or older; or
- (iii) An emancipated minor.

(h) "Transfer student" means a student previously enrolled in grades kindergarten through twelve moving from one school district or system to another at any time during the school year, excluding students transferring

within a district or system when the school transfers records within the district.

(2) Full immunization schedule. Each day care, preschool, and school shall establish and maintain requirements for full immunization of children attending day care and preschool through grade twelve.

(3) For day care and preschool children, full immunization means a child received vaccines ~~((consistent with the National Immunization Guidelines defined in subsection (1) of this section and including))~~ as follows:

~~((i) DTP, DT, or Td;~~

~~(ii) Polio;~~

~~(iii) Measles;~~

~~(iv) Mumps, and~~

~~(v) Rubella.)~~

Age at Entry	Requirement(*)
between 2-3 months	1-DTP/DT,1-OPV/IPV,1-Hib
between 4-5 months	2-DTP/DT,2-OPV/IPV,2-Hib
between 6-14 months	3-DTP/DT,2-OPV/IPV,3-Hib(**)
between 15 months and kindergarten entry	4-DTP/DT,3-OPV/IPV,1-Hib(+), 1-MMR(††)

(*) Children who do not meet the requirements for their age group must initiate or continue a schedule of immunization prior to day care or preschool entry and must be notified by the day care/preschool administrator of additional doses of vaccine as those doses come due.

(**) Children immunized with Hib vaccine from Merck Sharp and Dohme (PedvaxHIB) should receive vaccine at 2 months, 4 months, and 12 months of age.

(†) Those children entering day care or preschool after 15 months of age must have received one dose of Hib vaccine at or after 15 months of age (not required of those receiving three doses of Merck Sharp and Dohme vaccine). Hib vaccine is not required of children 60 months (5 years) and older.

(††) Children who have had measles, rubella, or mumps disease, respectively, must show proof of past infection with the disease by providing an acceptable measles, rubella, or mumps antibody titer result and appropriate immunization against the remaining disease(s).

(4) For a child ~~((commencing school entry (i) entering kindergarten or first grade((i) attendance, on or after August 1, 1988))~~ (school entry level), full immunization means a child received vaccines as follows:

(a) A minimum of four doses of either DTP, DT, or Td (not tetanus toxoid alone) with last dose after four years of age ~~((and excluding tetanus toxoid only;))~~ consistent with national immunization guidelines defined in subsection (1) of this section, or

(b) Three doses of Td ~~((excluding))~~ (not tetanus toxoid ~~((only))~~ alone) if the series began at seven years of age or older, and

(c) A minimum of three doses of trivalent oral poliomyelitis vaccine (TOPV) or ~~((four doses of))~~ enhanced trivalent inactivated poliomyelitis vaccine (IPV) with last dose received after four years of age and consistent with national immunization guidelines defined in subsection (1) of this section, and

(d) One dose of live virus measles vaccine at or after one year of age unless a child provides proof of past infection with measles virus (an acceptable measles virus antibody titer result), and

(e) One dose of live virus rubella vaccine at or after one year of age unless a child provides proof of past infection with rubella virus (an acceptable rubella antibody titer result), and

(f) One dose of live virus mumps vaccine administered at or after one year of age ~~((for children in kindergarten or first grade, whichever is the entry level))~~ unless a child provides proof of past infection with mumps virus (an acceptable mumps virus antibody titer result).

(5) For ~~((a child who commenced))~~ transfer students and those above kindergarten or first grade ~~((school attendance before August 1, 1988, and for transfer students))~~, full immunization means a child received vaccines as follows:

(a) A minimum of three doses of either DTP, DT, or Td, (not tetanus toxoid alone) with the last dose after four years of age ~~((and excluding tetanus toxoid only;))~~ consistent with national immunization guidelines defined in subsection (1) of this section; or

(b) Three doses of Td, ~~((excluding))~~ (not tetanus toxoid ~~((only;))~~ alone) if the series began at seven years of age or older; and

(c) A minimum of three doses of trivalent oral poliomyelitis vaccine (TOPV), or ~~((four doses of))~~ enhanced trivalent inactivated poliomyelitis vaccine (IPV) with the last dose received after four years of age and consistent with national immunization guidelines defined in subsection (1) of this section (not required of persons eighteen years of age and older); and

(d) One dose of live virus measles vaccine at or after one year of age unless a child provides ~~((written))~~ proof ~~((from a physician))~~ of past infection with measles virus ~~((documenting month and year of disease occurrence))~~ (an acceptable measles virus antibody titer result); and

(e) One dose of live virus rubella vaccine at or after one year of age unless a child provides proof of past infection with rubella virus (an acceptable rubella antibody titer result); and

~~((f) One dose of live virus mumps vaccine administered at or after one year of age for children in kindergarten or first grade, whichever is entry level;))~~

(6) For transfer students in grades 1 or 2 through 12 enrolling on or after August 1, 1991, one dose of live virus mumps vaccine administered at or after one year of age unless a child provides proof of past infection with mumps virus (an acceptable mumps virus antibody titer result).

(7) For a child entering sixth grade or reaching age thirteen years, whichever occurs first, full immunization means a child received the following vaccines (in addition to those listed in subsection (5) of this section):

(a) A second dose of live virus measles vaccine administered at or after one year of age and separated by at least one month between first and second dose, unless a child provides proof of past infection with measles virus (an acceptable measles virus antibody titer result); and

(b) One dose of live virus mumps vaccine administered at or after one year of age unless a child provides proof of past infection with mumps virus (an acceptable mumps virus antibody titer result).

(8) A second dose of measles vaccine and one dose of mumps vaccine is recommended, but not required, of currently enrolled students above sixth grade.

(9) Conditions for day care, preschool, and school attendance when a child is not fully immunized:

(a) When a child lacks full immunization, the day care, preschool, or school shall require satisfactory progress toward full immunization (conditional status) as a condition of school attendance including:

(i) Documented proof of start or continuance of child's schedule of immunization;

(ii) Assurance the scheduled immunization is consistent with the national immunization guidelines defined in subsection (1) of this section;

(iii) ~~((Proof of completion of the required immunization or immunizations for admission the following year, no later than the child's first day of attendance))~~ notification of child's parent(s) of when the schedule must be completed; and

(iv) ~~((Issuance of an order of exclusion as described in subsection (10) of this section if:~~

~~(A) Sufficient time for completion of required immunizations elapses, and~~

~~(B) The child has not completed the required immunizations in time.~~

~~(b) When immunization schedules are incomplete due to insufficient time, the chief administrator shall:~~

~~(i) Notify the child's parents of when the schedule must be completed, and~~

~~(ii) Issue an order of exclusion if not completed by that date.~~

(7)) Exclusion of child from attendance as described in subsection (13) of this section if child has not received required immunizations on schedule and if sufficient time has elapsed (one month from date due) for completion of next dose.

(10) Schools, preschools, and day care centers shall require documented proof related to immunization including:

(a) Completion of a certificate of immunization status (CIS) form by a parent as documented proof of:

(i) Full immunization, or
(ii) Initiation or continuation of a schedule (conditional status), or
(iii) Exemption.

(b) Information from a written personal immunization record, ~~((given to the immunized person or to his or her parent by the physician or agency administering the immunization,))~~ as the source of the immunization data entered on the CIS form ~~((and prohibiting substitution of a personal immunization record for a CIS form))~~ (substitution of a personal immunization record for a CIS form is prohibited);

(c) Acceptance of only the ~~((revised))~~ CIS form (no other state or local immunization forms) from new enrollees registering in kindergarten through grade twelve;

(d) In addition to current CIS form, acceptance of previous CIS forms, ~~((DSHS-13-263,))~~ or locally developed forms approved by the department indicating the month and year of each immunization as the official immunization status for children enrolled prior to September 1, 1979~~(, and~~

~~(c) No additional proof of immunization as a condition to attend a particular day care, preschool, or school if the school keeps the CIS or other department-approved forms for children verifying:~~

~~(i) Proof of full immunization, or~~

~~(ii) Proof of exemption from immunization)).~~

~~((8))~~ (11) Schools, preschools, and day care centers shall accept medical exemptions and:

(a) Require a signature of a licensed ~~((physician))~~ medical doctor (M.D.), doctor of osteopathy (D.O.), physician assistant, or nurse practitioner practicing within the limits of the medical or nurse practice acts to certify medical reasons to defer one or more immunizations on the CIS form;

(b) Admit children and keep on file a CIS form for children with:

(i) Temporary exemption from immunization for medical reasons if the required immunizations are received upon expiration of the exemption, or

(ii) Permanent exemptions.

(c) Include a statement on the CIS form informing the parent that should an outbreak of vaccine preventable disease for which the child is exempted occur, the child may be excluded from school or day care for the duration of the outbreak by order of the local health department as described in subsection ~~((10))~~ (13) of this section; and

(d) Keep on file a list of children so exempted and transmit the list to the local health department if requested.

~~((9))~~ (12) Schools, preschools, and day care centers shall ~~((accept religious, philosophical or personal exemptions and))~~:

(a) Allow a parent to exempt ~~((their))~~ his/her child from the required immunizations for religious, philosophical, or personal objections when the CIS form indicates:

(i) Type or exemption, and

(ii) Signature of parent.

(b) ~~((Admit children and))~~ Keep on file a CIS form for each child so enrolled;

(c) Include a statement on the CIS form informing the parent that should an outbreak of vaccine preventable disease for which the child is exempted occur, the child may be excluded from school for the duration of the outbreak by order of the local health department as described in subsection ~~((10))~~ (13) of this section; and

(d) Keep on file a list of children so exempted and transmit the list to the local health department if requested.

~~((10))~~ (13) Schools, preschools, and day care centers shall exclude children from school as follows:

(a) Exclude any child from school for failure to provide a completed CIS form as defined in subsection (1) of this section before or on the child's first day of attendance consistent with procedures required by the state board of education, Title 180 WAC;

(b) Exclude from attendance any child in a day care center for failure to provide a completed CIS form as defined in subsection (1) of this section before or on the child's first day of attendance;

(c) The chief administrator shall retain records on excluded children for at least three years including:

- (i) Name,
- (ii) Address, and
- (iii) Date of exclusion.

(d) A health officer may exclude children from school, preschool, and day care attendance in the event of a child's exposure to a disease according to chapter ~~((248-101))~~ 246-110 WAC, including children presenting proof of:

- (i) Initiation of a schedule of immunization,
- (ii) Medical exemption,
- (iii) Religious exemption,
- (iv) Philosophical exemption, or
- (v) Personal exemption.

~~((11))~~ (14) Schools, preschools, and day care centers shall maintain records and require:

(a) A completed CIS form retained in the files for every child enrolled;

(b) Return of ~~((records))~~ original CIS form or a legible copy to the parent in the event of the child's withdrawal ((from school)) or transfer ((including:

- ~~(i) The original CIS form; or~~
- ~~(ii) A legible copy of the CIS form; and~~
- ~~(iii) Prohibiting withholding of a record for nonpayment of school, preschool, or day care fees or any other reason)) from school (withholding a record for any reason, including nonpayment of school, preschool, or day care fees is prohibited).~~

(c) Access to immunization records ~~((for each child enrolled))~~ by agents of the state or local health department for each child enrolled.

~~((12))~~ (15) Persons or organizations administering immunizations, either public or private, shall:

(a) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(b) Provide immunizations and records in accordance with chapter ~~((248-100))~~ 246-100 WAC.

~~((13))~~ (16) Chief administrators of schools, preschools, and day care centers shall ~~((report as follows:~~

~~(a) The chief administrator of each school shall forward a written annual report to the department and local health department on the immunization status of children in school:~~

~~(i) By October 15 of each year, except in the event of a late school opening when the report is due thirty days after the first day of school; and~~

~~(ii) On forms provided by the department.~~

~~(b) The chief administrator of each preschool and day care center shall forward a written annual report to the department and local health department on the immunization status of children in preschool or day care)) forward a written annual report to the department and local health department on the immunization status of children as follows:~~

(a) For schools: By November 1 of each year on forms provided by the department (except in the event of a late school opening when the report is due thirty days after the first day of school);

(b) For preschools and day care centers: By February 1 of each year on forms provided by the department.

WSR 91-15-067

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 23, 1991, 9:51 a.m.]

Original Notice.

Title of Rule: Organic crop production standards, chapter 16-154 WAC; and Registration of materials for organic food production, chapter 16-160 WAC.

Purpose: To repeal WAC 16-154-020 Principles of organic food production, from chapter 16-154 WAC, Organic crop production standards.

Statutory Authority for Adoption: RCW 15.86.060 and 15.86.070.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: WAC 16-154-020 is repealed. WAC 16-160-060 is amended to be consistent with changes made to chapter 16-154 WAC.

Reasons Supporting Proposal: To be consistent with the state's Organic Food Products Act, chapter 15.86 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, 2627B Parkmont Lane S.W., Olympia, WA 98502, 664-0351.

Name of Proponent: Washington State Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Organic food is defined under chapter 15.86 RCW, Organic food products. Rules adopted under chapter 15.86 RCW outline the standards under which crops must be grown in order to be labeled as organic or organically grown. These standards, chapter 16-154 WAC, Organic crop production standards, include record-keeping requirements, requirements for soil building, restrictions on the use of treated seeds and nonorganically grown transplants and lists of approved and prohibited materials. The department is proposing to repeal WAC 16-154-020 Principles of organic food production, and amend WAC 16-160-060.

Proposal Changes the Following Existing Rules: WAC 16-154-020 is repealed; and WAC 16-160-060 is amended to be consistent with changes made to chapter 16-154 WAC.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Food Safety and Animal Health Division, 2627B Parkmont Lane S.W., Olympia, WA 98502, on September 9, 1991, at 1:00 p.m.

Submit Written Comments to: Miles McEvoy, by September 9, 1991, 5:00 p.m.

Date of Intended Adoption: September 20, 1991.

July 20, 1991

John Daly

Assistant Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-154-020 PRINCIPLES OF ORGANIC FOOD PRODUCTION.

Peggy Larson
Confidential Secretary

AMENDATORY SECTION (Amending WSR 91-05-007, filed 2/7/91, effective 3/10/91)

WAC 16-160-060 CRITERION FOR REGISTERING. (1) The director shall review the information provided under WAC 16-160-040 and shall register the material as an "approved material" if he or she determines that:

(a) Its composition is such as to warrant the proposed claims for it;
(b) Its labeling and other material required to be submitted comply with state and federal laws;

(c) It is composed entirely of "approved" materials as stated in chapter 16-154 WAC or meets the provisions of subsection (2) of this section.

(2) Synthetic materials may be considered for registration by the director if he or she determines that:

(a) The material is judged to be essential to the production of the crop;

(b) The material is less toxic or environmentally hazardous than a naturally derived alternative; and

(c) The use of the material is consistent with the principles of organic farming as set forth in (~~WAC 16-154-020~~) chapter 16-154 WAC.

WSR 91-15-068
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—July 23, 1991]

BOARD OF TRUSTEES
July 26, 1991, 9:00 a.m.
Louise Anderson Hall, First Floor Lounge

Breakfast will be served to board members prior to the meeting at 8:00 a.m., Room 140, Second Floor.

WSR 91-15-069
RULES COORDINATOR
DEPARTMENT OF FISHERIES
[Filed July 23, 1991, 10:36 a.m.]

Evan S. Jacoby continues to be the rules coordinator for the Washington State Department of Fisheries. His office address is 115 General Administration Building, Mailstop AX-11, Olympia, Washington 98504, phone (206) 586-2429.

Joseph R. Blum
Director

WSR 91-15-070
RULES COORDINATOR
BOARD OF
PILOTAGE COMMISSIONERS
[Filed July 23, 1991, 10:37 a.m.]

The designated rules coordinator for the Washington State Board of Pilotage Commissioners is Peggy Larson, Confidential Secretary, Board of Pilotage Commissioners, 801 Alaskan Way, Pier 52, Seattle, WA 98104-1487.

WSR 91-15-071
PROPOSED RULES
CLARK COLLEGE
[Filed July 23, 1991, 10:39 a.m.]

Original Notice.

Title of Rule: Parking and traffic rules and regulations.

Purpose: To effect corrections/improvements to college's parking and traffic rules and regulations.

Other Identifying Information: Revision and update.

Statutory Authority for Adoption: Chapters 28B.50 and 28B.10 RCW.

Statute Being Implemented: RCW 28B.50.140(10).

Summary: Correct, modify, and improve college's parking and traffic rules and regulations.

Reasons Supporting Proposal: Necessary to effect clarification and improvement of rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tony Birch, Administrative Services, (206) 699-0123.

Name of Proponent: Clark College, Community College District No. 14, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Parking and traffic rules and regulations have been established to maintain the health and safety of Clark College students, employees, visitors, vendors and to provide a fair and uniform method of regulating campus vehicular and pedestrian traffic.

Proposal Changes the Following Existing Rules: To improve rules recommended by college committee; to incorporate previous omissions; to effect name change of administering office; to clarify extent of parking lot maintenance; to indicate intent to honor other states' handicapped licenses; to indicate that damage of college property is also a violation; and to clarify the appeals process.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Clark College Baird Administration, Building Board Room, on August 28, 1991, at 4:00 p.m.

Submit Written Comments to: Tony Birch, by August 28, 1991.

Date of Intended Adoption: August 28, 1991.

July 19, 1991
Earl P. Johnson
President

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-300 PURPOSE. The parking and traffic rules and regulations contained herein provide a fair and uniform method of regulating college vehicular, nonvehicular, and pedestrian traffic and are based on the following objectives:

● To protect and control (~~(pedestrian and)~~) vehicular, nonvehicular, and pedestrian traffic.

- To assure access at all times for emergency equipment.
- To minimize traffic disturbances during class hours.
- To facilitate the work of the college by assuring access for college vehicles and by assigning the limited parking spaces to the most efficient use.

Permission to park or operate a vehicle on college property is governed by these regulations ((σ)). The purchase of a permit for designated parking does not ensure the regular availability of a parking space.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-310 **AUTHORITY**. Pursuant to the authority granted by RCW 28B.50.140(10) the board of trustees of Clark College(;) is granted authority to establish rules and regulations for pedestrians and vehicular and nonvehicular traffic over property owned, operated, and maintained by the college.

The enforcement of these parking and traffic rules and regulations shall be the responsibility of the college safety/security department.

College safety/security officers are authorized to issue parking and traffic citations, impound and/or immobilize vehicles, and control and regulate traffic and parking as prescribed in these parking and traffic rules and regulations.

Any person interfering with a college safety/security officer in the discharge of the provisions of these parking and traffic rules and regulations shall be in violation of chapter 9A.76 RCW, Obstructing governmental operation, and may be subject to arrest by a peace officer under RCW 9A.76.020.

Failure to abide by these rules and regulations by students may be considered to be a violation of the code of student conduct (WAC 132N-20-050 (4), (5), (9), (10), (11), (14), and (17), as applicable).

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-320 **DEFINITIONS**. College - Clark College, Community College District No. 14.

College property - Campus property, parking lots, or land owned, leased or controlled by Clark College.

Impoundment - Removal of a vehicle to a storage facility or ((impoundment)) immobilization by use of a wheel-lock device ((to prevent removal of a vehicle)).

Pedestrian - Any person afoot, as defined in chapter 46.04 RCW.

Student - Individual currently registered for classes at the college.

Vehicular traffic or vehicles - Those devices defined as "vehicles" in chapter 46.04 RCW.

Nonvehicular modes of transportation - Nonvehicular modes of transportation shall mean nonpedestrian transportation devices other than vehicles and shall include, but not be limited to, bicycles ((and)), skateboards, and scooters.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-330 **LIABILITY OF CLARK COLLEGE**. The college assumes no liability for vehicles parking or traveling on college property, nor shall it be held liable for the loss of goods or property from vehicles parked on college property.

Clark College, the college safety/security department, college safety/security officers, members and employees shall not be held liable for any damages or losses occurring to or from vehicles or equipment when rendering motorist assistance, impounding vehicles, or performing any duties as described in these parking and traffic rules and regulations. This section also applies to nonvehicular modes of transportation.

The college provides only limited maintenance to college parking lots during periods of ice, snow, and rain. Persons using the college parking lots do so at their own risk. The college will not be responsible for any liability or damage claims arising from weather-related causes or conditions.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-400 **AUTHORIZED USE OF CAMPUS AVENUES AND PARKING FACILITIES**. Only those vehicles as defined and regulated in chapter 46.04 RCW and as defined herein, may be operated in parking lots or in traffic areas and only by licensed drivers as defined in chapter 46.20 RCW. No vehicle or nonvehicular

mode of transportation, with the exception of nonmotorized bicycles, handicapped transportation devices, and certain maintenance vehicles, may be operated on intracampus property, pathways, or sidewalks without the specific permission of the college safety/security department.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-420 **REGULATORY SIGNS AND DIRECTIONS**. Drivers of vehicles shall obey regulatory signs at all times and shall comply with directions given by college safety/security officers in the control and regulation of traffic and parking.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-430 **PEDESTRIAN RIGHT OF WAY**. The operator of a vehicle shall yield the right of way, slowing down or stopping if need be, to so yield to any pedestrian crossing any street, roadway, fire lane, or pathway with or without a marked crosswalk.

Whenever any vehicle is stopped at a marked crosswalk, unmarked crosswalk, intersection or any other place in order to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass the yielding vehicle.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-440 **TRAFFIC ACCIDENTS**. Persons involved in traffic accidents on college property are to report the accident to the college safety/security department. An officer will be dispatched to investigate and file a report on the accident. In addition, RCW 46.52-.030 requires that accidents on college property involving injury or property damage in excess of ((three)) five hundred dollars be reported to local law enforcement agencies.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-450 **TRAFFIC OFFENSES**. College safety/security officers may issue a citation for any of the following traffic offenses. Due to the severe risk to public safety, traffic offenses do not require a previous warning prior to the issuance of a fine.

Failure to yield right of way (posted)

Failure to yield right of way to pedestrian

Failure to yield right of way to vehicle

Failure to yield right of way to emergency vehicle

Driving with excessive speed

Failure to stop at traffic signal/sign

Failure to use due care and caution

Driving without lights after dark

Having a passenger or animal outside of vehicle while in motion

Driving with an obstructed view

Driving on shoulder, or sidewalk or intracampus sidewalk or lane without authorization

Disobeying ((flagman)) flagger, peace officer, college safety/security officer, or fire fighter.

Damaging college property including landscape and plant material, curbs, sidewalks, utilities, etc.

All traffic ((citations)) offenses carry a twenty-dollar fine.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-460 **BICYCLES AND NONVEHICULAR TRANSPORTATION USAGE**. Bicycles may be ridden any place where vehicles are permitted. They may also be ridden on campus sidewalks or pathways though pedestrians always have the right of way. An audible signal shall be used by bicyclists to warn pedestrians of oncoming bicycles. Bicyclists shall not ride in a reckless manner nor engage in stunts or dangerous acts nor operate at speeds greater than ten miles per hour or such lower speed as is reasonable and prudent under the circumstances. With the exception of handicap transportation devices, no other nonvehicular modes of transportation will be allowed on college property, including, but not limited to, skateboards, roller skates, snowmobiles, and snow sleds.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-500 ALLOCATION OF PARKING SPACE. The parking spaces available on college properties shall be assigned by the college safety/security department in such a manner as will best obtain the objectives of these regulations. The safety/security department is authorized to mark various parking areas on college property with numbers or titles or by posting signs, curb or pavement markings.

Open parking - Open parking is limited to those parking areas not otherwise marked as faculty/staff, handicapped, special use, or visitor. Student vehicles are not required to display a parking permit. (~~Open parking areas may be utilized by vehicles displaying a faculty/staff parking permit.~~)

Faculty/staff parking - Only college employee vehicles displaying a valid parking permit may park in faculty/staff parking zones. Faculty/staff parking zones shall be considered open parking zones after 5:00 p.m. each day that the college is in regular session. Faculty/staff/administrators using college parking facilities up to 5:00 p.m. during the academic year are to purchase parking permits.

Vehicles with an approved faculty/staff parking permit are permitted to park in open parking areas when the designated parking areas are full.

Visitor parking - All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public may park on college property in open parking, in designated special use visitor zones, or as directed by the college safety/security office.

Handicapped parking - Handicapped parking zones may only be occupied by vehicles displaying a valid ~~((handicap))~~ temporary handicapped parking permit issued by the college or a valid permanent or temporary handicapped permit issued by the state of Washington in compliance with RCW 46.16.381 and 46.16.390. ~~((Handicap))~~ Temporary handicapped parking permits are available in the college's wellness resource center. Valid handicapped parking permits issued by other states will be honored.

Motorcycle parking - Motorcycle parking zones ~~((shall be))~~ are reserved for motorcycles and motor-driven cycles. These vehicles are not to occupy regular automobile parking spaces.

Service vehicle parking - Service vehicle parking zones are limited to use by authorized college service vehicles.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-530 IMPOUNDING OF DISABLED/ABANDONED VEHICLES. No disabled or inoperative vehicle shall be parked on college property for a period in excess of twenty-four hours unless permission is arranged with the college safety/security department. Vehicles which have been parked for periods in excess of twenty-four hours may be impounded and stored at the expense of either or both the owner or operator thereof. Notice of intent to impound will be posted on the vehicle at least twenty-four hours prior to impound. Neither the college nor college employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

Vehicles under repair in the college's instructional program must be in a designated area and must have an approved "vehicle in repair" notice posted within the vehicle.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-550 ILLEGAL PARKING. No person shall stop, stand, or park a vehicle at any place where official signs, curb, or pavement markings prohibit parking, nor within fifteen feet of a fire hydrant or ten feet of any building, nor at any place for which the vehicle does not have a valid parking permit. Any vehicle not parked in a marked parking stall shall be considered illegally parked.

The driver of any vehicle who is instructed by a college safety/security officer to either move an illegally parked vehicle or not to park in violation of this section, and refuses, will have their vehicle immediately impounded or immobilized.

~~((College security officers may issue a warning citation for any of the following parking violations if a registration check shows that the vehicle has not previously been cited for any violation of these parking and traffic rules and regulations:~~

● ~~Parking permit not displayed while parking in a designated parking area.~~

● ~~Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours.))~~

College safety/security officers may issue a citation resulting in a fine even if the vehicle has not received a previous warning citation for any violation of the parking and traffic rules and regulations or is found in the commission of any of the following parking violations:

- Parking in a faculty/staff parking zone without a valid permit.
- Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours.
- Occupying more than one space.
- Parking in a space not designated for parking.
- Parking in an area not authorized.
- Blocking traffic.
- Parking within fifteen feet of a fire hydrant.
- Parking in a fire lane, sidewalk, or intracampus avenue.
- Parking in a "No Parking" zone.
- Parking on the grass.
- Overnight parking without permission and/or permit.
- Illegal parking of a bicycle.
- Parking in ((♣))handicapped((♣)) parking zone without ((♣)) an authorized handicapped parking permit.

All parking citations carry a ten-dollar fine with the exception of ((♣))handicapped((♣)) parking violations which carry a twenty-dollar fine.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-560 HAZARDOUS ILLEGAL PARKING. No person shall stop, stand, or park a vehicle so as to obstruct traffic along or upon any street, firelane, or sidewalk nor at any location as described in RCW 46.61.570. Due to the severe risk to public safety created by any vehicle parking in violation of this section, college safety/security officers are authorized to cite and immediately impound said vehicle. College safety/security officers will complete a vehicle impound report including the reason for the ~~((impound))~~ impoundment.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-570 BICYCLE PARKING. Bicycles shall be parked in bicycle racks or other facilities provided for the purpose. Where such facilities are provided, at no time shall a bicycle be parked in a building, against a building, near a building exit, on a path or sidewalk, nor chained or otherwise secured to trees, lamp standards, or sign posts. Any bicycle found in violation of this section may be cited for illegal parking and impounded by the college safety/security department without warning.

NEW SECTION

WAC 132N-156-580 DAMAGE TO STATE PROPERTY. The cost of repair/replacement of college property damaged by negligent operations or as the result of indiscriminate acts must be paid in addition to assessed fines.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-610 PERMIT PARKING ON CAMPUS. A valid parking permit is:

- A current vehicle permit properly displayed in accordance with permit instructions.
- A temporary parking permit authorized by the college safety/security department and displayed in accordance with the instructions shown on the permit.

Parking permits are not transferable and shall not be utilized by any person except the employee purchasing said permit. The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions of these parking policies or other written rules or regulations of the college. All outstanding college parking fines must be paid before a parking permit will be issued or renewed.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-620 FEES FOR PARKING PERMITS. The fees charged by the college for the issuance of permits shall be those established under the authority of the board of trustees of the college. Parking permits are issued as a license to park on college property.

Fees collected will be utilized for parking operations only, including parking enforcement and parking lot maintenance.

Current faculty/staff parking permit fees are five dollars per school quarter for one vehicle and six dollars per school quarter for two or more vehicles. Permits may be purchased on either ~~((am))~~ a permanent, annual, or quarterly basis. Permits are required for fall, winter, and spring quarters only and will not be required summer quarter.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-630 PARKING FEE PAYMENT. Faculty and staff can purchase annual permits by cash or check directly to the college or by payroll deduction. Annual contracted faculty and staff members may select the payroll deduction plan for payment of the permanent or annual permit only. Those selecting this payment plan must complete a payroll deduction authorization form before issuance of a permit. The form is available in the safety/security office.

Annual or quarterly parking permits may be purchased at either the college bookstore or at the cashier's office in the Baird Administration Building.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-640 TEMPORARY PARKING PERMITS. Any permit holder may obtain a temporary parking permit from the college safety/security department for an unregistered vehicle when the registered vehicle is unavailable due to repairs or for another valid reason. These permits are good for a period of two weeks.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-650 REVOCATIONS. Parking permits are licenses and the property of the college and may be recalled for any of the following reasons:

- When the purpose for which the permit was issued changes or no longer exists.
- When a permit is used on an unregistered vehicle or by an unauthorized individual.
- Falsification on a parking permit application form.
- Continued violations of these parking regulations.
- Counterfeiting or altering of parking permits.
- Failure to comply with a decision of the safety/security supervisor.

Appeals of parking permit revocations may be made to the dean of administrative services. Appeals must be filed within seven days of the date of notice of revocation. The decision of the dean is final.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-700 POLICY ENFORCEMENT. The board of trustees of the college, or designee, shall set and approve fair and uniform fines for violations of these rules and shall provide adequate means for the enforcement and/or collection of such a fine policy. If a violation of the parking and traffic rules and regulations is committed, the college safety/security department is authorized to issue a citation (~~(, either warning or monetary;))~~) as prescribed by WAC 132N-156-450, 132N-156-550, and 132N-156-560. ~~((Any second violation of any parking and traffic rules and regulations will result in a citation:))~~

Any violation occurring after the second citation may result in the violator's vehicle being impounded or immobilized and held until all outstanding citations have been paid and/or the loss of parking privileges on college property.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-730 APPEALS. ~~((Persons))~~ Visitors, students, faculty, and staff who receive citations for violations of the parking and traffic rules and regulations may appeal to the safety/security supervisor. Upon showing good cause or mitigating circumstances, the safety/security supervisor is authorized to dismiss, suspend, impose any lesser fine, and/or grant an extension of time within which to comply with the determination of the fine.

If the situation is not resolved satisfactorily, ~~((am))~~ visitors, students, faculty, and staff may appeal in writing (~~((may be made))~~) to the dean of administrative services. Appeals must be submitted and received without posting of fine within fifteen days after the date of the citation. The safety/parking advisory committee shall consider each appeal on its merits and shall make written notification of each decision of the committee through the dean of administrative services to the appellant and the college safety/security department.

The final decision on an appeal of a citation for violations of these parking and traffic rules and regulations is by the safety/parking advisory committee.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-740 SECURITY/PARKING ADVISORY COMMITTEE. The safety/parking advisory committee is responsible for advising the college safety/security department on security and parking operations. Examples of committee activity include:

- Reviewing parking regulations and fees and recommending their adoption.
- Considering appeals of citations for violations of these parking and traffic rules and regulations, and making written notification of each decision of the committee to the appellant and the safety/security department.
- Reviewing and recommending suggested changes to parking lot configuration and use to improve quality and quantity of parking on campus.
- Reviewing provisions for security on campus and recommending practices and procedures for the enhancement of security.

The safety/parking advisory committee meets as needed when the college is in session. The safety/parking advisory committee consists of the dean of administrative services (chair), the safety/security supervisor, two faculty, two classified employees, and one student member.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-750 UNPAID FINES. If any fine remains unpaid after fifteen days, any of the following actions may be taken by the college safety/security department.

- A hold may be placed on transcripts.
- A delay of registration for the following quarter.
- Revocation of parking privileges.
- Fines due and payable will be withheld from paychecks of all college employees including faculty, staff, and students.
- All fines outstanding may be turned over to a collection agency.

If a violator has two or more unpaid fines, his/her vehicle will be impounded or immobilized and held until all outstanding fines are paid.

These procedures will be applicable to all students, faculty, and staff or other persons utilizing college facilities receiving fines for violations of these parking and traffic rules and regulations.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-760 SPECIAL CIRCUMSTANCES. During special occasions causing additional heavy traffic and during emergencies, the college safety/security department is authorized to impose additional traffic and parking regulations and instructions in order to lessen the chance of personal injury or property damage. Whenever possible, prior notice of these regulations or restriction changes shall be made known and posted. This authorization is of a temporary nature and should last only as long as the situation continues.

**WSR 91-15-072
PROPOSED RULES
CLARK COLLEGE**

[Filed July 23, 1991, 10:44 a.m.]

Original Notice.

Title of Rule: Suspended operations.

Purpose: Repeal.

Statutory Authority for Adoption: Chapters 28B.50 and 28B.10 RCW.

Summary: Conditions under which civil service employees would be treated, etc., if college must close due to weather, etc.

Reasons Supporting Proposal: Covered by existing Higher Education Personnel Board WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tony Birch, Administrative Services, (206) 699-0123.

Name of Proponent: Clark College, Community College District No. 14, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Rules not necessary, rules at a higher authority Higher Education Personnel Board govern.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Clark College Baird Administration, Building Board Room, on August 28, 1991, at 4:00 p.m.

Submit Written Comments to: Tony Birch, by August 28, 1991.

Date of Intended Adoption: August 28, 1991.

July 19, 1991
Earl P. Johnson
President

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132N-168-010 BOARD POLICY STATEMENT—SUSPENDED OPERATIONS—CIVIL SERVICE EMPLOYEES.

WAC 132N-168-020 ADMINISTRATIVE PROCEDURES—SUSPENDED OPERATIONS—CIVIL SERVICE EMPLOYEES.

**WSR 91-15-073
EMERGENCY RULES
HIGHER EDUCATION
COORDINATING BOARD**

[Filed July 23, 1991, 11:20 a.m.]

Date of Adoption: July 16, 1991.

Purpose: To establish administrative procedures for disbursing the academic grants awarded through the Washington excellence in education (Christa McAuliffe) academic grant program.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Other Authority: 2SSB 5022 (chapter 225, Laws of 1991).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: As directed in 2SSB 5022 (section 13, chapter 255, Laws of 1991): "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Effective Date of Rule: Immediately.

July 23, 1991
Ann Daley
Executive Director

STATE OF WASHINGTON
WASHINGTON AWARD FOR EXCELLENCE IN EDUCATION
ACADEMIC GRANT
(also known as the Washington State Christa McAuliffe Academic Grant Award)

Chapter 255, Laws of 1991

RULES AND REGULATIONS

WAC 250-78

- WAC 250-78-010 Purpose
- WAC 250-78-020 Authority to Administer
- WAC 250-78-030 Definitions
- WAC 250-78-040 Eligibility to Participate
- WAC 250-78-050 Award Amount
- WAC 250-78-060 Management of Funds

NEW SECTION

WAC 250-78-010 PURPOSE. The Washington award for excellence in education program, also known as the Washington state Christa McAuliffe award program, was established to recognize teachers, principals, administrators, classified staff, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The purpose of this chapter is to establish administrative procedures for disbursing academic grants awarded through this program to teachers, principals, and administrators.

NEW SECTION

WAC 250-78-020 AUTHORITY TO ADMINISTER. The authority for this chapter is 28B.80 RCW which authorizes the higher education coordinating board to adopt rules relating to the administration of programs assigned to the board, and chapter 255, laws of 1991, which assigns to the board the administration of the academic grants awarded through the Washington award for excellence in education (Christa McAuliffe) academic grant award program. The 1991 legislation corrects inequities inherent in the related preceding tuition waiver program by creating an academic cash grant in lieu of a tuition and fee waiver. Not all institutions awarded the waiver, thus some recipients received

a benefit while others did not. These regulations are intended not only to implement the new legislative changes but also to provide continued benefits to those previously granted the award.

NEW SECTION

WAC 250-78-030 DEFINITIONS. (1) "Institution of higher education" or "institution" shall mean:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof, or any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the northwest association of schools and colleges; and providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the northwest association of schools and colleges or another regional accrediting association.

(b) Any other university, college, school, or institute located in another state offering instruction beyond the high school level which is a member institution of a regional accrediting association or otherwise approved by the board in accordance with WAC 250-78-050 (d)(i); or

(c) Any other university, college, school, or institute located in another country outside of the United States of America offering instruction beyond the high school level which in the judgment of the board meets academic standards comparable to those established by a regional accrediting association.

(2) "Academic grant" shall mean the monetary award which shall be used to take courses at an institution of higher education. The academic grant may be used to pay for reasonable educational expenses including, but not limited to, tuition/fees, room and board, and books and supplies.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Recipient" means a teacher, principal, or administrator who has been designated to receive the Washington award for excellence in education by the superintendent of public instruction, and who has elected to receive his or her award in the form of the academic grant.

NEW SECTION

WAC 250-78-040 ELIGIBILITY TO PARTICIPATE. (1) Each year, the higher education coordinating board shall receive from the superintendent of public instruction, or his or her designee, an official list of the names of the current-year Washington award for excellence in education (Christa McAuliffe) recipients who have elected to receive the academic grant.

(2) The superintendent of public instruction, or his or her designee, shall provide the higher education coordinating board with an official list of the names of Washington award for excellence in education (Christa McAuliffe) recipients who were awarded the waiver of forty-five quarter or thirty semester credits of tuition and fees under RCW 28B.15.547 prior to May, 1991 and who are eligible to receive the remaining value of their award in the form of the academic grant.

(3) Recipients may not use the academic grant for any courses that include any religious worship or exercise, or for any degree in religious, seminarian, or theological academic studies.

(4) Benefits under this program must be fully utilized and courses completed within four years of the board's official written notification to the recipient of the academic grant award, or will be forfeited.

(5) Recipients must agree to provide documentation of credit and course completion or other expenses paid by the academic grant as required by the board.

(6) Recipients must agree to comply with all conditions of the award and provide documentation to the board as necessary for proper grant administration.

NEW SECTION

WAC 250-78-050 AWARD AMOUNT. (1) The current academic year full-time resident graduate tuition rate in effect at the state's public universities in the year a recipient receives official notification of grant award by the board shall be the maximum academic grant available to any recipient granted an award in that year.

(2) The recipient's initial institution of attendance following receipt of official notice of the grant award by the board shall be used to determine the total dollar value of individual grant awards as follows:

(a) Award recipients who elect to use the grant for courses at one of the state's research universities shall receive a grant which shall not exceed the current academic year full-time resident graduate tuition in effect at the time the recipient receives official written notification of grant award by the board.

(b) Award recipients who elect to use the grant for courses at one of the state's regional universities or The Evergreen State College shall receive a grant which shall not exceed the current academic year full-time resident resident graduate tuition in effect at the time the recipient receives official written notification of grant award by the board.

(c) Award recipients who elect to use the grant for courses at one of the state's private institutions shall receive a grant which shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities at the time the recipient receives official written notification of grant award by the board, provided the following additional criterion is met:

(i) The private institution shall match on at least a dollar-for-dollar basis, either with actual money or by waiver of fees, the amount of the academic grant received by the recipient from the state.

(d) Award recipients who elect to use the grant for courses at a public or private higher education institution in another state or country shall receive a grant which shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities at the time the recipient receives official written notification of grant award by the board, provided the following additional criteria are met:

(i) The institution has an exchange program with a public or private higher education institution in Washington and the exchange program is approved or recognized by the higher education coordinating board; or

(ii) The institution is approved or recognized by the higher education coordinating board; and

(iii) The recipient of the Washington award for excellence in education (Christa McAuliffe) academic grant has submitted in writing to the higher education coordinating board an explanation of why the preferred course or courses are not available at a public or private institution in Washington.

(e) The remaining value of the tuition/fee waiver for recipients who were awarded the tuition/fee waiver for forty-five quarter or thirty semester credits prior to May 1991 shall be calculated as a ratio of available (unused) credits to the total credits originally awarded. That ratio shall be converted to a dollar value which is proportional to the academic year full-time resident graduate tuition in effect at one of the state's public universities at the time the recipient receives official written notification of grant award by the board.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 250-78-060 MANAGEMENT OF FUNDS.
(1) Disbursements of all grant funds are contingent upon appropriations and, in the event that funds are insufficient, disbursements will be issued term by term.

(2) At the option of the board, the academic grant may be disbursed as a lump sum award or in incremental amounts related to the recipient's plan of study and under a schedule of payments as developed by the board.

(3) Recipients who have not fully utilized their award benefit within the four year eligibility period shall forfeit the remaining value of their academic grant award.

WSR 91-15-074
PROPOSED RULES
PERSONNEL BOARD
[Filed July 23, 1991, 1:18 p.m.]

Continuance of WSR 91-13-040.
Title of Rule: New WAC 356-06-110 Compliance with Fair Labor Standards Act.

Purpose: This rule allows deviation from the merit system rules should they be found in conflict with the Fair Labor Standards Act.

Statutory Authority for Adoption: RCW 41.06.040.
Statute Being Implemented: RCW 41.06.150.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA 98504, on September 12, 1991, at 10:00 a.m.

Submit Written Comments to: Dorothy Gerard, P.O. Box 1789, Mailstop FE-11, Olympia, WA 98504, by September 10, 1991.

Date of Intended Adoption: September 12, 1991.

July 16, 1991
Dee W. Henderson
Secretary

WSR 91-15-075
PROPOSED RULES
PERSONNEL BOARD
[Filed July 23, 1991, 1:20 p.m.]

Original Notice.

Title of Rule: WAC 356-15-080 Standby compensation.

Purpose: This rule explains how to compute the standby rate of pay.

Statutory Authority for Adoption: RCW 41.06.040.
Statute Being Implemented: RCW 41.06.150.

Summary: This amendment returns the rule to its former state. The rate will continue to be calculated based on a two-range difference rather than the four-range difference adopted in January.

Reasons Supporting Proposal: The Office of Financial Management has not approved the change that was adopted in January 1991 due to lack of funding. This renders the rule ineffective. The change is necessary to provide rules consistent with the compensation practice in effect.

Name of Agency Personnel Responsible for Drafting: Dorothy Gerard, 521 Capitol Way South, 753-2708;
Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to describe how to compute the standby rate of pay. Historically, this rule has used a two-range spread on which to base the calculation. In January the State Personnel Board adopted a higher rate of standby based on a four-range spread. This rule would have become effective July 1, 1991. However, the Office of Financial Management issued a letter of nonapproval based on lack of funds prior to the effective date. This rendered the rule ineffective. This change is proposed to make the rule consistent with the pay practice. In other words, we are returning the rule to its former state.

Proposal Changes the Following Existing Rules: This amendment will change the standby rate of pay. In January 1991 the State Personnel Board adopted a four-range spread on which to base the calculation of standby

pay. This proposal will change the calculation back to the original two-range spread.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 12, 1991, at 10:00 a.m.

Submit Written Comments to: Dorothy Gerard, Department of Personnel, P.O. Box 1789, Mailstop FE-11, Olympia, WA 98507, by September 10, 1991.

Date of Intended Adoption: September 12, 1991.

July 18, 1991

Dee W. Henderson

Secretary

AMENDATORY SECTION (Amending Order 367, filed 1/16/91, effective 7/1/91)

WAC 356-15-080 STANDBY COMPENSATION. (1) Requirements:

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) Payment: Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.

(3) Rate: The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly ~~((four))~~ two whole numbers higher. That is: ~~((30))~~ 28 - 26, or ~~((30.3))~~ 28.3 - 26.3) divided by 128 hours.

WSR 91-15-076
PROPOSED RULES
PERSONNEL BOARD
[Filed July 23, 1991, 1:24 p.m.]

Original Notice.

Title of Rule: WAC 356-30-067, 356-30-260, 356-30-290, and 356-30-305.

Purpose: These rules provide guidelines for temporary appointments, probationary and trial service periods.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This amendment would allow probationary or trial service employees to accept a temporary appointment to a higher class in the same series in the

same unit and continue a probationary or trial service period for the lower class.

Reasons Supporting Proposal: This proposal would provide agencies with more flexibility in filling temporary positions.

Name of Agency Personnel Responsible for Drafting: Bonni Parker, Department of Social and Health Services, Mailstop 45836, 753-5184; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide guidelines for temporary appointments, probationary and trial service periods. This proposal will provide agencies with more flexibility in filling temporary positions. The proposed change is not inconsistent with rules providing for concurrent probationary and trial service periods when the higher and lower classes are in the same or closely related field.

Proposal Changes the Following Existing Rules: This amendment allows probationary or trial services employees to accept a temporary appointment to a higher class in the same series in the same unit and continue the probationary or trial service period for the lower class.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 12, 1991, at 10:00 a.m.

Submit Written Comments to: Dorothy Gerard, Department of Personnel, P.O. Box 1789, Mailstop FE-11, Olympia, WA 98507, by September 10, 1991.

Date of Intended Adoption: September 12, 1991.

July 18, 1991

Dee W. Henderson

Secretary

AMENDATORY SECTION (Amending Order 320, filed 6/26/89, effective 8/1/89)

WAC 356-30-067 TEMPORARY APPOINTMENTS FROM WITHIN CLASSIFIED SERVICE. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination

of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

~~((6))~~ (7) Temporary appointments made from within classified service will normally last no more than nine months or 1560 nonovertime hours for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty days after the date the permanent employee returns or the position is filled permanently. Time spent in emergency appointments will be counted in the 1560 hours.

~~((7))~~ (8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

~~((8))~~ (9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

AMENDATORY SECTION (Amending Order 371, filed 3/19/91, effective 5/1/91)

WAC 356-30-260 PROBATIONARY PERIOD—PROVISIONS—STATUS OF EMPLOYEE. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the personnel board. The personnel board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The personnel board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

OR

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

OR

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay shall have their probationary period extended by the number of calendar days they are on leave without pay including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of 30 in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, shared leave or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that

occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds 30 calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

~~((7))~~ (8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

~~((8))~~ (9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending Order 165, filed 1/18/82)

WAC 356-30-290 REASSIGNMENT. A probationary employee may be assigned to another position in the same class or may accept a temporary appointment to a higher class in the same class series if both positions are in the same work unit and the agency shall notify the director of personnel of the change.

AMENDATORY SECTION (Amending Order 371, filed 3/19/91, effective 5/1/91)

WAC 356-30-305 TRIAL SERVICE PERIOD—PROVISION.

(1) Employees appointed from a voluntary demotion register to a class not previously held, a promotional register, or from the inter-system employment register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) Employees who during their trial service period go on leave without pay shall have their trial service period extended by the number of calendar days they are on leave without pay, including any intervening nonworking days.

(3) Employees shall have their trial service period extended by the number of calendar days in excess of 30 in which the employee is not at work, including any intervening nonwork days, if:

(a) Work is missed due to sick leave, vacation leave, military training leave, shared leave or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (3)(a) and (b) of this section which when added together exceed 30 calendar days.

(4) Work missed during the trial service period due to holidays shall be counted as part of the required trial service period.

(5) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a trial service period, the trial service period shall continue for the lower class.

~~((5))~~ (6) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

WSR 91-15-077
PROPOSED RULES
PERSONNEL BOARD
 [Filed July 23, 1991, 1:28 p.m.]

Original Notice.

Title of Rule: WAC 356-06-055 Exempt—Classified service—Movement between.

Purpose: This rule determines the rights of exempt employees.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: The proposal provides that seniority shall not be a factor when an agency initially determines the position to be filled by a returning exempt employee.

Reasons Supporting Proposal: Considering seniority severely limits the ability to decide what the appropriate class will be, particularly when the employee's former class (position) has been abolished.

Name of Agency Personnel Responsible for Drafting: Bonni Parker, Department of Social and Health Services, Mailstop 45836, 753-5184; **Implementation and Enforcement:** Department of Personnel.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule allows an exempt employee who previously held status in a classified position, the right to return to the highest class of position in which the employee held permanent status, or to a position of similar nature and salary. Until recently seniority has not been considered until after the agency has selected the highest class of position, or a position of similar nature and salary, to return an exempt employee. A recent Superior Court ruling in *Thomas vs. DSHS* requires agencies to take seniority into account at the time a position is selected for the returning exempt employee. This severely limits the ability to decide what the appropriate class will be, particularly when the employee's former class (position) has been abolished.

Proposal Changes the Following Existing Rules: The change of this proposal is in subsection (5). The proposal provides that seniority shall not be a factor when an agency initially determines the position to be filled by a returning exempt employee.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 12, 1991, at 10:00 a.m.

Submit Written Comments to: Dorothy Gerard, Department of Personnel, P.O. Box 1789, Mailstop FE-11, Olympia, WA 98507, by September 10, 1991.

Date of Intended Adoption: September 12, 1991.

July 18, 1991

Dee W. Henderson
 Secretary

AMENDATORY SECTION (Amending Order 353, filed 5/30/90, effective 6/30/90)

WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, provided the employee was not terminated from an exempt position for gross misconduct or malfeasance. Such employee must apply to return to classified service within 30 calendar days of:

(i) Termination of employment in such exempt position, or
 (ii) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(2) When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1) of this section.

(b) If the employee is not appointed to the exempted position or to another exempt position but has previously held permanent status in another classified position, the employee shall have the right to return to the highest class of position previously held, or to a position of similar nature and salary.

(3) Employees exercising return rights within the time specified, as provided in subsection (1) of this section, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.

(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

(4) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-330.

(5) Employees may replace incumbents currently in the positions to which they are returning. Seniority shall not be a factor in initially determining the position chosen for the returning employee. However, ((F))the replaced incumbents are entitled to the rights and options of the reduction in force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (24), (25), or (28) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or certifications from the reduction in force register.

WSR 91-15-078
PERMANENT RULES
PERSONNEL BOARD

[Order 379—Filed July 23, 1991, 1:31 p.m., effective September 1, 1991]

Date of Adoption: July 11, 1991.

Purpose: To outline parameters and requirements for promotional exams.

Citation of Existing Rules Affected by this Order: Amending WAC 356-22-120 Examinations—Promotional—Evaluations—Regulations.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 91-12-034 on June 3, 1991.

Effective Date of Rule: September 1, 1991.

July 16, 1991
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 364, filed 12/24/90, effective 2/1/91)

WAC 356-22-120 EXAMINATIONS—PROMOTIONAL—EVALUATIONS—REGULATIONS.

(1) Inter-agency and intra-agency promotional examinations shall be announced as the director of personnel determines the need and shall be open to persons who meet the minimum requirement of the position and who are either current employees or employees who have been separated by reduction in force within the last year. Promotional examinations shall consist of ~~((any))~~ one or a combination of the following: written, performance, or oral test, or rating of training and experience, or other valid test that measures the skills, knowledge and abilities needed for the job class.

(2) The announcement of the promotional examination shall specify the desirable or minimum requirements, the expected ~~((parts))~~ type of the examination and the ~~((method of rating))~~ relative weights to be assigned if a combination of tests is used. Announcements shall be prominently posted by all appropriate agencies to ensure that the information is reasonably available to all.

(3) For a class used by only one agency, a promotional evaluation may be used in promotional scores if the class is in workweek group E and all competing employees are employed by the same agency at the time of the examination.

(4) When any of the conditions in subsection (3) of this section are not met, a promotional evaluation may be used in promotional scores provided that the director of personnel determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination.

**WSR 91-15-079
EMERGENCY RULES
PERSONNEL BOARD**

[Order 380—Filed July 23, 1991, 1:32 p.m.]

Date of Adoption: July 22, 1991.

Purpose: These rules describe the shift premium schedule and also the supplemental shift premium for registered nurses.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-061 and 356-15-063.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These changes are necessary to implement the new biennial budget passed by the legislature which became effective July 1, 1991. This emergency adoption will implement the new shift differential increases for registered nurses.

Effective Date of Rule: Immediately.

July 23, 1991
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 259, filed 10/10/86, effective 12/1/86)

WAC 356-15-061 SHIFT PREMIUM SCHEDULE. (1) The shift premium is 50¢ an hour for evening and night shifts, and is payable only under conditions described in WAC 356-15-060.

(2) Registered nurses 1, 2, 3, and 4 and related job classes requiring licensure as a registered nurse, receive a ~~(($\$1.00$)) $\$1.50$ an hour shift differential (~~((classes 5630-5636))~~).~~

AMENDATORY SECTION (Amending Order 305 and 305A, filed 8/16/88 and 9/12/88)

WAC 356-15-063 SUPPLEMENTAL SHIFT PREMIUM FOR REGISTERED NURSES. (1) For the classes of registered nurse 1, 2, 3, and 4 ~~((only))~~, there shall be the following supplemental shift premium rates payable only in the amounts and under the conditions described in this section.

(a) ~~(($\$0.50$)) $\$1.00$ an hour for registered nurses and related job classes requiring licensure as a registered nurse, payable alone or in any combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 (1)(b) during any hours worked from 11:00 p.m. until 7:00 a.m. and for no other hours.~~

(b) \$3.00 an hour, payable alone or in combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 (1)(a) during any hours worked from any Saturday morning midnight to Monday morning midnight, and for no other hours.

Example: A registered nurse 2 is scheduled to work from 10:00 p.m. to 6:00 a.m. Friday through Tuesday. On Friday from 10:00 p.m. to 11:00 p.m. the shift premium would be ~~(($\$1.00$)) $\$1.50$ an hour as provided in WAC 356-15-060 and 356-15-061. From 11:00 p.m. until 12:00 midnight the supplemental ~~(($\$0.50$)) $\$1.00$ an hour would be added, raising the premium rate to ~~(($\$1.50$)) $\$2.50$ an hour. At midnight, the supplemental \$3.00 an hour for work on Saturday would be added, raising the premium to ~~(($\$4.50$)) $\$5.50$ an hour until the end of the shift at 6:00 a.m.~~~~~~~~

If the employee is directed to work overtime until noon, the basic ~~(($\$1.00$)) $\$2.50$ an hour night shift premium continues to be payable to this night shift employee. And the \$3.00 Saturday-Sunday premium continues. But the 11:00 p.m. to 7:00 a.m. ~~(($\$0.50$)) $\$1.50$ stops at 7:00 a.m., reducing the premium to ~~(($\$4.00$)) $\$5.00$ an hour until noon.~~~~~~

(2) These supplemental shift premiums are payable regardless of whether the work was previously scheduled,

and regardless of whether the employee is full time or part time.

(3) These supplemental shift premiums are not payable during hours other than those specified, even though additional continuous hours may be worked by the employee.

WSR 91-15-080
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed July 23, 1991, 2:15 p.m.]

Due to significant changes in our department's proposed WAC amendments, we will need to give public notice and have a public hearing. Unfortunately, these changes cannot be accomplished prior to the 180 day time period.

I am requesting that your office withdraw our proposed amendments to WAC 236-12-290 and 236-12-300, filed February 6, 1991 in WSR 91-04-081. We plan to recommence the rule-making process in the near future.

Gary C. Alexander
 Assistant Director
 Division of Transportation Services

WSR 91-15-081
RULES COORDINATOR
OLYMPIC COLLEGE
 [Filed July 23, 1991, 2:58 p.m.]

The rules coordinator for Olympic College is Donna M. Allen, Ed.D., Dean of Administrative Services, 1600 Chester Avenue, Bremerton, WA 98310-1699, (206) 478-4544, 356-4544 scan.

Donna M. Allen, Ed.D.
 Dean of Administrative Services

WSR 91-15-082
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed July 23, 1991, 3:00 p.m.]

Original Notice.

Title of Rule: WAC 246-806-990 Chiropractic fees.

Purpose: The renewal fee of a chiropractor's license must be increased in order to support newly adopted legislation for peer review. Chiropractic assistant fees need to be adopted for new legislation which requires that chiropractic assistants be regulated.

Statutory Authority for Adoption: RCW 43.70.250.

Summary: During the 1991 legislative session chiropractic peer review and chiropractic assistant legislation was passed. It is necessary to increase the chiropractic renewal fee to support peer review. It is necessary to adopt fees in order to establish chiropractic assistants.

Reasons Supporting Proposal: Each profession must be self-supporting and the fees will enable us to support the new legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 S.E. Quince Street, Olympia, WA, 586-1931.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To increase the renewal fee for chiropractor's from \$200.00 per year to \$300.00 per year. The increase will help fund the recently adopted peer review legislation. To adopt fees to regulate chiropractic assistants. This will correspond with the new legislation adopted in 1991.

Proposal Changes the Following Existing Rules: Sets fees for chiropractic assistants. Increases renewal fees for chiropractors.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Natural Resources, 1st Floor Conference Room, 1102 South Quince, Olympia, WA 98504, on August 27, 1991, at 9:00 a.m.

Submit Written Comments to: Connie Glasgow, 1300 S.E. Quince, Mailstop EY-21, Olympia, WA 98504, by August 23, 1991.

Date of Intended Adoption: August 27, 1991.

July 23, 1991
 Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 136, filed 2/12/91, effective 3/15/91)

WAC 246-806-990 CHIROPRACTIC FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application/full examination or reexamination	\$300.00
Original license	200.00
License renewal	((200.00)) 300.00
Late renewal penalty	150.00
Inactive license renewal	100.00
Duplicate	15.00
Certification	25.00
Chiropractic assistant application	15.00
Chiropractic assistant original license	15.00
Renewal	40.00
Late renewal penalty	25.00
Duplicate	15.00
Certification	25.00

WSR 91-15-082A
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed July 23, 1991, 3:02 p.m.]

Original Notice.

Title of Rule: WAC 246-380-001 Purpose and 246-380-990 Fees.

Purpose: The purpose of chapter 246-380 WAC is to establish fees for health and sanitation surveys in state institutions such as schools for the Blind, Reformatory at Monroe, etc.

Statutory Authority for Adoption: RCW 43.20B.020.

Summary: The proposed revisions increase the fees to make the program self-supporting, to make housekeeping changes and to redefine rated bed capacity to more adequately reflect the population of an institution.

Reasons Supporting Proposal: The program needs additional money because of increase in salary and benefits for inspector and any increase in cost of doing business since the last fee increase in 1987.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ellen Haars, Accommodations Licensing, 586-4415.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 246-380 WAC outlines the charges for conducting health and sanitation surveys at state institutions. The proposed changes increase the amount of the assessment to state institutions.

Proposal Changes the Following Existing Rules: Three major categories of changes are proposed: Increase cost of food service and living quarters surveys; housekeeping changes, Department of Social and Health Services changes to Department of Health, and change the food service regulations to reflect current numbering system; and change definition of rated bed capacity to reflect more accurately the institution's population.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Auditorium, Large Conference Room, 11th and Columbia, Olympia, Washington, on August 29, 1991, at 10:00 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 S.E. Quince Street, Mailstop EY-16, Olympia, WA 98504, by August 28, 1991.

Date of Intended Adoption: September 5, 1991.

July 22, 1991
Pam Campbell Mead
for Kristine M. Gebbie
Secretary

NEW SECTION

WAC 246-380-001 PURPOSE. The purpose of this chapter is to specify the fees required to conduct the health and sanitation inspections in state institutions as mandated in RCW 43.70.130(8).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-380-990 (~~HEALTH AND SANITATION SURVEY FEE FOR COMMUNITY COLLEGES, FERRIES, AND OTHER STATE OF WASHINGTON INSTITUTIONS AND FACILITIES~~) FEES. (~~Starting July 1, 1987;~~) An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

Annual Fee
Per Facility

- (1) Food service.
 - (a) As defined in WAC (~~246-84-002(11)~~) 246-215-002(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system. \$ ~~(200)~~
355
 - (b) Food service establishments or concessions that do not prepare potentially hazardous foods. \$ ~~(100)~~
178
 - (c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of (~~social and~~) health (~~services~~) and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.
- (2) State institutions or facilities.
 - (a) Institutions or facilities operating a food service: The annual fee shall be (~~three~~) five dollars and fifty cents times the rated capacity plus (~~two~~) three hundred fifty-five dollars. Rated bed capacity shall mean the (~~recommended maximum number of beds in an institution or facility~~) average daily population for the past twelve months (~~December through December~~).
 - (b) Institutions or facilities that do not operate a food service: The annual fee shall be (~~three~~) five dollars and fifty cents times the rated bed capacity.

WSR 91-15-083
PERMANENT RULES
DEPARTMENT OF HEALTH
[Order 183—Filed July 23, 1991, 3:06 p.m.]

Date of Adoption: July 22, 1991.

Purpose: To reduce public exposure to X-radiation by amending regulations in chapters 246-224, 246-225, 246-228, and 246-229 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 246-224-001 Purpose and scope, 246-224-020 Application for registration of radiation machine facilities, 246-224-030 Issuance of certificate of registration, 246-224-040 Expiration of certificate of registration, 246-224-050 Renewal of certificate of registration, 246-224-060 Separate locations, 246-224-070 Report of changes, 246-224-080 Approval not implied, 246-224-090 Repair person, assembler, or installer obligation, 246-224-100 Out-of-state radiation machines,

246-225-010 Definitions, 246-225-020 General requirements—Administrative controls, 246-225-030 General requirements—Plan review, 246-225-040 General requirements for diagnostic x-ray systems, 246-225-050 Fluoroscopic x-ray systems, 246-225-060 Radiographic systems other than fluoroscopic, dental intraoral, or veterinary systems—Beam limitation, 246-225-070 Radiographic systems other than fluoroscopic, dental intraoral, or veterinary systems—Radiation exposure control devices, 246-225-090 Radiographic systems other than fluoroscopic and dental intraoral—Exposure reproducibility, 246-225-110 Intraoral dental radiographic systems, 246-225-120 Therapeutic x-ray installations less than 1 MEV, 246-225-130 X-ray and electron therapy systems with energies of one MEV and above, 246-225-150 X-ray film developing requirements, 246-225-99910 Appendix I—Good practices, 246-225-99920 Appendix II—Determination of competency, 246-225-99930 Appendix III—Information to be submitted by persons proposing to conduct healing arts screening using ionizing radiation, 246-225-140 Veterinary medicine radiographic installations, 246-228-030 Facility requirements, 246-228-040 Operating requirements, 246-228-050 Personnel requirements, 246-229-001, Purpose and scope, 246-229-010 Registration requirements, 246-229-020 General requirements for the issuance of a registration for particle accelerators, 246-229-030 Human use of particle accelerators, 246-229-050 Limitations, 246-229-060 Shielding and safety design requirements, 246-229-080 Warning devices, 246-229-090 Operating procedures, and 246-229-110 Ventilation systems.

Statutory Authority for Adoption: RCW 70.98.050 and 70.98.080.

Pursuant to notice filed as WSR 91-11-082 on May 21, 1991.

Changes Other than Editing from Proposed to Adopted Version: Add the phrase "except for exposures required under Medicare provisions" to WAC 246-225-020 (2)(g)(iii).

Effective Date of Rule: Thirty-one days after filing.

July 22, 1991

Pam Campbell Mead
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-001 PURPOSE AND SCOPE. (1) This chapter provides for the registration of radiation machine facilities.

(2) For purposes of chapter ~~((402-16-230))~~ 246-224 WAC of these regulations, "facility" means the location at which one or more radiation machines are installed, manufactured, tested, and/or located within one building, vehicle, or ~~((under one roof and are under the same administrative control))~~ in one physical complex.

(3) In addition to the requirements of this chapter, all registrants are subject to the applicable provisions of other parts of these regulations.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-020 APPLICATION FOR REGISTRATION OF RADIATION MACHINE FACILITIES. Each person having a radiation machine facility shall apply for registration of such facility with the department within fifteen calendar days after the initial operations of a radiation machine facility. Application for registration shall be completed on forms furnished by the department or on similar forms and containing all the information required by the department form and accompanying instructions. Each application shall be accompanied by fees in accordance with WAC 246-254-053.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-030 ISSUANCE OF CERTIFICATE OF REGISTRATION. Upon a determination that an application meets WAC ~~((402-16-230))~~ 246-224-020 of the registration regulations, and requirements of WAC ~~((440-44-050))~~ 246-254-053, "Radiation machine facility registration fees," the department shall issue a notice of registration.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-040 EXPIRATION OF CERTIFICATE OF REGISTRATION. Except as provided by WAC ~~((402-16-238))~~ 246-224-050(2) each certificate of registration shall expire at the end of the day on the date stated therein.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-050 RENEWAL OF CERTIFICATE OF REGISTRATION. (1) Application for renewal of registration shall be filed in accordance with WAC ~~((402-16-230))~~ 246-224-020 and 246-254-053 at least thirty days prior to the expiration date.

(2) In any case in which a registrant not less than thirty days prior to the expiration of his existing certificate of registration has filed an application in proper form for renewal, such existing certificate of registration shall not expire until the application status has been determined by the department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-060 SEPARATE LOCATIONS. ~~((A single registration form may be used to include several facilities provided such facilities are under the ownership or administrative control of the registrant and are within one single complex.))~~ Geographically separate facilities must be registered separately and pay full fees as described under WAC 246-254-053, even if these geographically separate facilities are under one administrative control. Where, as a routine part of the normal conduct of business, registrable items are moved between or among such locations, the registrant will so indicate at

the time of registration. Each registrant shall name one or more designated persons, preferably one for each location where the registrant is not normally present, who may be contacted by the department with respect to the requirements for registration.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-070 REPORT OF CHANGES. The registrant shall notify the department in writing when making any change which would render the information contained in the application for registration and/or certificate of registration no longer accurate. Notifications shall be sent to ~~((Radiation)) X-Ray Control Section, ((MS B 17-9, 1409 Smith Tower, Seattle, WA 98104))~~ Department of Health, Mailstop LE-13, Olympia, WA 98504. Notification shall be sent no later than thirty days after such change in the registration information.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-080 APPROVAL NOT IMPLIED. ~~((No))~~ A person shall neither refer, in any advertisement, to the fact that a facility is registered with the department pursuant to the provisions of WAC ~~((402-16-230 and so as to))~~ 246-224-020, nor imply that any activity under such registration has been approved by the department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-090 REPAIR PERSON, ASSEMBLER, OR INSTALLER OBLIGATION. (1) Any person who sells, leases, transfers, lends, disposes, assembles, or installs radiation machines in this state shall notify the department within fifteen calendar days of:

(a) The name and address of persons who have received these machines;

(b) The manufacturer, model, and serial number of the master control of each radiation machine transferred; and

(c) The date of transfer of each radiation machine.

(2) No person shall make or install radiation machines, accessories used in connection with such machines or any components of such machines unless:

(a) Such machines, accessories, or components meet the requirements of these regulations.

(b) The registrant or transferee using such machines, accessories, or components has met the requirements of WAC ~~((402-28-032))~~ 246-225-030, when applicable, prior to the date of transfer.

(c) Shielding and/or construction requirements, as determined pursuant to WAC ~~((402-28-032))~~ 246-225-030 when applicable, have been completed prior to the date of transfer of such machines, accessories, or components.

(3) When requested by the registrant to make repair on an x-ray system that has malfunctioned in such a

manner to have caused, or possibly caused an unintentional radiation exposure to patients, operator or member of the public, the assembler, transferor or installer, is required to notify the department of such work within twenty-four hours, or before repair is effected, whichever comes first. See WAC ~~((402-28-020))~~ 246-225-010 for definition of accidental radiation exposure and electronic product defect.

(4) Certified x-ray systems (21 CFR ~~((1000)),~~ subchapter J) shall be assembled in such a manner that manufacturer's specifications and intended performance designs are met.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-224-100 OUT-OF-STATE RADIATION MACHINES. (1) Whenever any radiation machine is to be brought into the state, for any temporary use, the person proposing to bring such machine into the state shall give written notice to the department at least three working days before such machine is to be used in the state. The notice shall include the type of radiation machine; the nature, duration, and scope of use; and the exact location(s) where the radiation machine is to be used. If for a specific case the three working-day period would impose an undue hardship, the person may, upon application to the department, obtain permission to proceed sooner.

(2) In addition the out-of-state person shall:

(a) Comply with all applicable regulations of the department.

(b) Supply the department such other information as the department may reasonably request.

~~((c) Not operate within the state on a temporary basis in excess of one hundred eighty calendar days per year.))~~ (3) X-ray machines not intended for patient diagnosis and treatment may operate within the state without registration and fee payment if such operation is less than or equal to sixty days per calendar year. If operation in excess of ~~((one hundred eighty))~~ sixty calendar days is desired, standard registration and fee procedures are required (see WAC ~~((402-16-230))~~ 246-224-020 and 246-254-053).

(4) Standard registration and fee payment are required for all medical and dental x-ray machine operation within the state regardless of number of days of such operation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-010 DEFINITIONS. As used in this chapter, the following definitions apply:

(1) "Accessible surface" means the external surface of the enclosure or housing provided by the manufacturer.

(2) "Accidental radiation exposure incident" means an exposure to a patient, an operator, or a member of the public that was unintentional.

(3) "Added filter" means the filter added to the inherent filtration.

(4) "Aluminum equivalent" means the thickness of aluminum (type 1100 alloy) affording the same attenuation, under specified conditions, as the material in question. (The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper.)

(5) "Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an x-ray system or subsystem. An assembler may be the practitioner, his/her employee, an outside contractor, or an employee of an outside firm.

(6) "Attenuation block" means a block or stack, having dimensions 20 cm by 20 cm by 3.8 cm, of type 1100 aluminum alloy or other aluminum alloys having equivalent attenuation.

(7) "Automatic exposure control" means a device which automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation (see also "phototimer").

(8) "Barrier" (see "protective barrier").

(9) "Beam axis" means a line from the source through the centers of the x-ray fields.

(10) "Beam-limiting device" means a device which provides a means to restrict the dimensions of the x-ray field.

(11) "Beam monitoring system" means a system designed to detect and measure the radiation present in the useful beam.

(12) "C-arm x-ray system" means an x-ray system in which the image receptor and x-ray tube housing assembly are connected by a common mechanical support system in order to maintain a desired spatial relationship. This system is designed to allow a change in the projection of the beam through the patient without a change in the position of the patient.

(13) "Cephalometric device" means a device intended for the radiographic visualization and measurement of the dimensions of the human head.

((13)) (14) "Certified components" means components of x-ray systems which have been certified by the manufacturer as meeting the requirements of the federal performance standard for x-ray equipment.

((14)) (15) "Certified system" means any x-ray system which has one or more certified component(s).

((15)) (16) "Changeable filters" means any filter, exclusive of inherent filtration, which can be removed from the useful beam through any electronic, mechanical or physical process.

((16)) (17) "Coefficient of variation (C)" means the ratio of the standard deviation to the mean value of a population of observations. It is estimated using the following equation:

$$C = \frac{s}{\bar{X}} = \frac{1}{\bar{X}} \left[\sum_{i=1}^n \frac{(X_i - \bar{X})^2}{n-1} \right]^{1/2}$$

where

s = Estimated standard deviation of the population.

\bar{X} = Mean value of observations in sample.

$X(i)$ = i^{th} observation sampled.

n = Number of observations in sample.

((17)) (18) "Contact therapy system" means an x-ray system wherein the x-ray tube port is put in contact with or within 5 centimeters of, the surface being treated.

((18)) (19) "Control panel" means that part of the x-ray control upon which are mounted the switches, knobs, pushbuttons, and other hardware necessary for manually setting the technique factors.

((19)) (20) "Cooling curve" means the graphical relationship between heat units stored and cooling time.

((20)) (21) "Date of transfer." See installation date.

((21)) (22) "Dead-man switch" means a switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

((22)) (23) "Department" means the department of ((social and)) health ((services)) which has been designated as the state radiation control agency.

((23)) (24) "Detector" (see "radiation detector").

((24)) (25) "Diagnostic source assembly" means the tube housing assembly with a beam-limiting device attached.

((25)) (26) "Diagnostic x-ray system" means an x-ray system designed for irradiation of any part of the human or animal body for the purpose of recording or visualization for diagnostic purposes.

((26)) (27) "Direct scattered radiation" means that scattered radiation which has been deviated in direction only by materials irradiated by the useful beam (see also "scattered radiation").

((27)) (28) "Electronic product defect" means an error in design, manufacture, or performance of an x-ray system such that unintentional radiation exposure to a patient, an operator, or a member of the public has occurred.

((28)) (29) "Entrance exposure rate" means the ((roentgens)) exposure measured free-in-air per unit time where the useful beam enters the patient.

((29)) (30) "Equipment" (see "x-ray equipment").

((30)) (31) * "Exposure" means the quotient of dQ divided by dm where dQ is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass dm are completely stopped in air. (The special unit of exposure is the roentgen.)

Note: *When the word, exposure, is used in this part to mean one or more irradiations of a person for a healing arts purpose, or in a more general sense, it will not be underlined [italicized].

((31)) (32) "Field emission equipment" means equipment which uses an x-ray tube in which electron emission from the cathode is due solely to the action of an electric field.

((32)) (33) "Filter" means material placed in the useful beam to absorb preferentially selected radiations.

((33)) (34) "Fluoroscopic imaging assembly" means a component which comprises a reception system in which x-ray photons produce a fluoroscopic image. It includes equipment housings, electrical interlocks if any, the primary protective barrier, and structural material providing linkage between the image receptor and the diagnostic source assembly.

((34)) (35) "Focal spot" means the area on the anode of the x-ray tube bombarded by the electrons accelerated from the cathode, and from which the useful beam originates.

(36) "Full beam detector" means a radiation detector of such size that the total cross section of the maximum size useful beam is intercepted.

((35)) (37) "General purpose radiographic x-ray system" means any radiographic x-ray system which, by design, is not limited to radiographic examination of specific anatomical regions.

((36)) (38) "Gonad shield" means a protective barrier for the testes or ovaries.

((37)) (39) "Half-value layer (HVL)" means the thickness of specified material which attenuates the beam of radiation to an extent such that the exposure rate is reduced to one-half of its original value. In this definition the contribution of all scattered radiation, other than any which might be present initially in the beam concerned, is deemed to be excluded.

((38)) (40) "Healing arts screening" means the testing of an asymptomatic population using x-ray machines for the detection or evaluation of health indications when such tests are not specifically and individually ordered by a licensed practitioner of the healing arts legally authorized to prescribe such x-ray tests for the purpose of diagnosis or treatment.

((39)) (41) "Heat unit" means a unit of energy equal to the product of the peak kilovoltage, milliamperes, and seconds, i.e., kVp x mA x second.

((40)) (42) "Image intensifier" means a device consisting of an image intensifier tube installed in its housing which instantaneously converts an x-ray pattern into a light image of higher energy density.

((41)) (43) "Image receptor" means any device, such as a fluorescent screen or radiographic film, which transforms incident x-ray photons either into a visible image or into another form which can be made into a visible image by further transformations.

((42)) (44) "Image receptor support" means that part of a mammographic system designed to support the image receptor in a plane perpendicular to the x-ray beam during ~~((a mammographic examination))~~ mammography.

((43)) (45) "Inherent filtration" means the filtration of the useful beam provided by the permanently installed components of the tube housing assembly.

((44)) (46) "Installation date" means the earliest date that a machine, accessory, or component is able to be used by a registrant or transferee but no later than the date of the first human exposure made using the machine, accessory, or component that has been installed.

((45)) (47) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

((46)) (48) "Irradiation" means the exposure of matter to ionizing radiation.

((47)) (49) "Kilovolts peak (kVp)" (see "peak tube potential").

((48)) (50) "kV" means kilovolts.

((49)) (51) "kWs" means kilowatt second which is equal to the product of peak kilovolts, amperes, and seconds or $10^{-3} \text{ X kV}(\text{:}) \text{ X mA}(\text{:}) \text{ X sec}$.

((50)) (52) "Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

((51)) (53) "Leakage radiation" means radiation emanating from the diagnostic or therapeutic source assembly except for:

(a) The useful beam and

(b) Radiation produced when the exposure switch or timer is not activated.

((52)) (54) "Leakage technique factors" means the technique factors associated with the tube housing assembly which are used in measuring leakage radiation. They are defined as follows:

(a) For capacitor energy storage equipment, the maximum rated peak tube potential and the maximum rated number of exposures in an hour for operation at the maximum rated peak tube potential with the quantity of charge per exposure being 10 milliamperes seconds, or the minimum obtainable from the unit, whichever is larger.

(b) For field emission equipment rated for pulsed operation, the maximum rated peak tube potential and the maximum rated number of x-ray pulses in an hour for operation at the maximum rated peak tube potential.

(c) For all other equipment, the maximum rated peak tube potential and the maximum rated continuous tube current for the maximum rated peak tube potential.

((53)) (55) "Light field" means that area of the intersection of the light beam from the beam-limiting device and one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the illumination is one-fourth of the maximum in the intersection.

((54)) (56) "Line-voltage regulation" means the difference between the no-load and the load line potentials expressed as a percent of the load line potential; that is,

$$\text{Percent line-voltage regulation} = 100 (V_n - V_l) / V_l$$

where:

$$V_{(n)} = \text{No-load line potential}$$

$$V_{(l)} = \text{Load line potential}$$

~~((55))~~ (57) "mA" means tube current in milliamperes.

~~((56))~~ (58) "mAs" means milliamperere second or the product of the tube current in milliamperes and the time of exposure in seconds.

~~((57))~~ (59) "Maximum line current" means the root mean squared current in the supply line of an x-ray machine operating at its maximum rating.

~~((58))~~ (60) "Mobile equipment" (see "x-ray equipment").

~~((59))~~ (61) "Modified installation" means a room, building, office, or facility in which structural parameters which affect radiation safety are being changed; these parameters include such things as reconstruction or moving of walls, replacement of the x-ray machine with one of higher kVp or mA, a change in the direction of the beam, replacement of the control panel so that operator protection is adversely affected, a change in occupancy of adjacent areas, workload changes, etc.

~~((60))~~ (62) "New installation" means a room, building, office, or facility newly built, or in which previously there has been no radiation machine.

~~((61))~~ (63) "Peak tube potential" means the maximum value of the potential difference across the x-ray tube during an exposure.

~~((62))~~ (64) "Phantom" means a volume of material similar to tissue with respect to attenuation and scattering of x-ray photons. This requires that the atomic number (Z) and the density of the material be similar to those of tissue.

(65) "Phototimer" - means a device which controls radiation exposure to the image receptor by detecting the total amount of radiation reaching the device. The radiation monitoring device(s) is part of an electronic circuit which controls the time the tube is activated (see also "automatic exposure control").

~~((63))~~ (66) "Portable equipment" (see "x-ray equipment").

~~((64))~~ (67) "Position indicating device (PID)" means a device, on dental x-ray equipment which indicate the beam position and establishes a definite source-surface (skin) distance. The device may or may not incorporate or serve as a beam-limiting device.

~~((65))~~ (68) "Positive beam limitation" means the automatic or semi-automatic adjustment of an x-ray beam to the selected image receptor size, whereby exposures cannot be made without such adjustment.

(69) "Primary protective barrier" (see "protective barrier").

~~((66))~~ (70) "Protected area" means a shielded area in which attenuation of x-radiation is sufficient to meet the exposure limits of WAC ~~((402-24-020))~~ 246-221-010 and the principles of WAC ~~((402-10-010))~~ 246-220-007 and "ALARA" for individuals in that area.

~~((67))~~ (71) "Protective apron" means an apron made of radiation absorbing materials, used to reduce radiation exposure.

~~((68))~~ (72) "Protective barrier" means a barrier of radiation absorbing material(s) used to reduce radiation exposure.

(a) "Primary protective barrier" means the material, excluding filters, placed in the useful beam, ~~((for protection purposes, to reduce the))~~ to protect anyone other than the patient from radiation exposure.

(b) "Secondary protective barrier" means a barrier sufficient to attenuate the stray radiation to the required degree.

~~((69))~~ (73) "Protective glove" means a glove made of radiation absorbing materials used to reduce radiation exposure.

~~((70))~~ (74) "Quality assurance" is a program designed to produce high quality radiographs at minimal cost and minimal patient exposure.

(75) "Quality control" is the routine measurement of the performance of the diagnostic x-ray imaging system, from x-ray beam output to the viewing of radiographs, and the continual adjustment of that performance to an optimal and consistent level.

(76) "Radiation detector" means a device which in the presence of radiation provides by either direct or indirect means, a signal or other information suitable for use in measuring one or more quantities of incident radiation.

~~((71))~~ (77) "Radiation safety" means efforts directed at occupational exposure reduction, patient exposure reduction, image quality improvement, diagnostic imaging system quality assurance, radiation measurements, dose evaluations, compliance with state and federal regulations, and related issues.

(78) "Radiation therapy simulation system" means a fluoroscopic or radiographic x-ray system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

~~((72))~~ (79) "Radiograph" means an image receptor on which the image is created directly or indirectly by an x-ray pattern and results in a permanent record.

~~((73))~~ (80) "Radiographic imaging system" means any system whereby a permanent or ~~((semi-permanent))~~ temporary image is recorded on an image receptor by the action of ionizing radiation.

~~((74))~~ (81) "Rating" means the operating limits of an x-ray system or subsystem as specified by the component manufacturer.

~~((75))~~ (82) "Recording" means producing a permanent form of an image resulting from x-ray photons (e.g., film, video tape).

~~((76))~~ (83) "Response time" means the time required for an instrument system to reach 90 percent of its final reading when the radiation-sensitive volume of the instrument system is exposed to a step change in radiation flux from zero sufficient to provide a steady state midscale reading.

~~((77))~~ (84) "Scattered radiation" means radiation that, during passage through matter, has been deviated in direction (see also "direct scattered radiation").

~~((78))~~ (85) "Secondary protective barrier" (see "protective barrier").

~~((79))~~ (86) "Shutter" means a device attached to the tube housing assembly which can totally intercept the entire cross sectional area of the useful beam and which has a lead equivalency at least that of the tube housing assembly.

~~((80))~~ (87) "SID" (see "source-image receptor distance").

~~((81))~~ (88) "Source" means the focal spot of the x-ray tube.

~~((82))~~ (89) "Source-image receptor distance (SID)" means the distance from the source to the center of the input surface of the image receptor.

~~((83))~~ (90) "Source-to-skin-distance (SSD)" means the distance between the source and the skin entrance plane of the patient.

(91) "Special purpose x-ray equipment" means that which is designed for radiographic examination of one specific area of the body.

~~((84))~~ (92) "Spot check" means an abbreviated calibration procedure which is performed to assure that a previous calibration continues to be valid.

~~((85))~~ (93) "Spot film device" means a device intended to transport and/or position a radiographic image receptor between the x-ray source and fluoroscopic image receptor, including a device intended to hold a cassette over the input end of an image intensifier for the purpose of making a radiograph.

~~((86))~~ (94) "Spot film" means a radiograph which is made during a fluoroscopic examination to record permanently conditions which exist during that fluoroscopic procedure.

~~((87))~~ (95) "Stationary equipment" (see "x-ray equipment").

~~((88))~~ (96) "Stray radiation" means the sum of leakage and scattered radiation.

~~((89))~~ (97) "Technique factors" means the conditions of operation. They are specified as follows:

(a) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs.

(b) For field emission equipment rated for pulsed operation, peak tube potential in kV and number of x-ray pulses.

(c) For all other equipment, peak tube potential in kV and:

(i) Either tube current in mA and exposure time in seconds,

(ii) Or the product of tube current and exposure time in mAs.

~~((90))~~ (98) "Transmission detector" means a radiation detector through which the useful beam or part of the useful beam passes.

~~((91))~~ (99) "Treatment volume" means the region, in the patient, to which a specified dose is to be delivered.

~~((92))~~ (100) "Tube" means an x-ray tube, unless otherwise specified.

~~((93))~~ (101) "Tube housing assembly" means the tube housing with tube installed. It includes high-voltage and/or filament transformers and other appropriate

elements when they are contained within the tube housing.

~~((94))~~ (102) "Tube rating chart" means the set of curves which specify the rated limits of operation of the tube in terms of the technique factors.

~~((95))~~ (103) "Useful beam" means the radiation which passes through the tube housing port and the aperture of the beam-limiting device when the exposure switch or timer is activated.

~~((96))~~ (104) "Variable-aperture beam-limiting device" means a beam-limiting device which has capacity for stepless adjustment of the x-ray field size.

~~((97))~~ (105) "Visible area" means that portion of the input surface of the image receptor over which incident x-ray photons produce a visible image.

~~((98))~~ (106) "Wedge filter" means an added filter with changing radio-opacities used to achieve more uniform optical densities on the image receptor when a body part of varying absorption characteristics is radiographed.

~~((99))~~ (107) "X-ray control" means a device which controls input power to the x-ray high-voltage generator and/or the x-ray tube. It includes equipment which controls the technique factors of an x-ray exposure.

~~((100))~~ (108) "X-ray equipment" means an x-ray system, subsystem, or component thereof. Types of x-ray equipment are as follows:

(a) 'Mobile' means x-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

(b) 'Portable' means x-ray equipment designed to be hand-carried.

(c) 'Stationary' means x-ray equipment which is installed in a fixed location.

~~((101))~~ (109) "X-ray field" means that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the exposure rate is one-fourth of the maximum in the intersection.

~~((102))~~ (110) "X-ray high-voltage generator" means a device which transforms electrical energy from the potential supplied by the x-ray control to the tube operating potential. The device may also include means for transforming alternating current to direct current, filament transformers for the x-ray tube(s), high-voltage switches, electrical protective devices, and other appropriate elements.

~~((103))~~ (111) "X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

~~((104))~~ (112) "X-ray subsystem" means any combination of two or more components of an x-ray system for which there are requirements specified in this part.

~~((105))~~ (113) "X-ray tube" means any electron tube which is designed to be used primarily for the production of x-rays.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-020 GENERAL REQUIREMENTS—ADMINISTRATIVE CONTROLS. (1) No person shall make, sell, lease, transfer, lend, or install x-ray equipment or the accessories used in connection with such equipment unless such accessories and equipment, when properly placed in operation and properly used, ~~((will))~~ shall meet the requirements of ~~((these regulations))~~ this chapter.

(2) The registrant in control of the x-ray machines shall be responsible for directing the operation of the x-ray machines ~~((which are in his/her control))~~. The registrant or registrant's agent shall assure ~~((that))~~ the following provisions are met in the operation of the x-ray ~~((machine(s)))~~ machine or machines:

(a) ~~((An))~~ The registrant shall not operate an x-ray machine for diagnostic or therapeutic purposes when the x-ray machine ~~((which))~~:

(i) Does not meet the provisions of ~~((these regulations;))~~ this chapter; or ~~((which))~~

(ii) Is malfunctioning ~~((in a manner that))~~ and threatens the health or safety of the patient, operator, or general public ~~((shall not be operated for diagnostic or therapeutic purposes))~~.

(b) Individuals ~~((who will be))~~ operating the x-ray equipment shall be adequately instructed in safe operating procedures and shall be able to demonstrate competence, upon request from the department, in the correct use of the equipment. Required areas of ~~((competency))~~ competence are listed in Appendix II. The department may determine compliance with subsection (2)(b) of this section by observation, interview, or testing;

(c) ~~((In the vicinity of))~~ At each x-ray system's control panel, a chart shall be provided ~~((;))~~ which specifies for ~~((most))~~ the examinations ~~((which are))~~ performed by that system ~~((a listing of))~~ the following information ~~((; including but not limited to the following, for each projection within that examination))~~:

(i) Patient's anatomical size versus technique factors ~~((to be))~~ utilized;

(ii) Source to image receptor distance ~~((to be))~~ used;

(iii) Type and placement of ~~((gonad))~~ patient shielding ~~((to be))~~ used, for example, gonad, thyroid, lap apron; ~~((and))~~

(iv) If applicable, settings for automatic exposure devices; and

(v) Type and size of film or screen-film combination to be used.

(d) When required by the department, a registrant shall create and provide to operators of the x-ray system, radiation safety procedures which address patient and occupationally-exposed personnel safety. These procedures shall ~~((instruct, or))~~ define ~~((any))~~ restrictions of the operating technique required for safe operation of the particular x-ray system ~~((;))~~;

(e) Except for patients who cannot be moved out of the room and the patient being examined, only the staff and ancillary personnel required for the medical procedure or training shall be present in the room during the

radiographic exposure. Other than the patient being examined:

(i) All individuals shall be positioned such that no part of the body including the extremities not protected by 0.5 mm lead equivalent will be struck by the useful beam ~~((;))~~;

(ii) The x-ray operator, other staff and ancillary personnel shall be protected from the direct scatter radiation by protective aprons or whole body protective barriers of not less than 0.25 mm lead equivalent ~~((;))~~;

(iii) Patients who cannot be removed from the room shall be:

(A) Protected from the direct scatter radiation by whole body protective barriers of not less than 0.25 mm lead equivalent; or ~~((shall be so))~~

(B) Positioned ~~((that))~~ so the nearest portion of the body is at least 2 meters from both the tube head and the nearest edge of the image receptor.

(iv) The department may require additional protective devices when a portion of the body of ~~((any))~~ staff or ancillary personnel is potentially subjected to stray radiation which ~~((could))~~ may result in that individual receiving one quarter of the maximum permissible dose ~~((as))~~ defined ~~((in))~~ under WAC ~~((402-24-020 of these regulations, additional protective devices may be required by the department))~~ 246-221-010.

(f) Gonad shielding of not less than 0.5 mm lead equivalent shall be used for patients ~~((who are))~~ of reproductive age during radiographic procedures in which the gonads are in the direct (useful) beam, except for cases ~~((in which this would))~~ when gonad shielding may interfere with the diagnostic procedure ~~((;))~~;

(g) Persons shall not be exposed to the useful beam except for healing arts purposes ~~((; each exposure of which has been authorized by))~~. Only a licensed practitioner of the healing arts ~~((; This provision specifically))~~ shall authorize an exposure to the useful beam. This requirement prohibits deliberate exposure for the following purposes:

(i) Exposure of an individual for training, demonstration, or other purposes unless there are also healing arts requirements and proper prescription ~~((has been))~~ is provided ~~((;))~~;

(ii) Except for mammography performed by registered facilities on self-referred patients, the exposure of an individual for the purpose of healing arts screening without prior written approval of the state health officer; and

(iii) Exposure of an individual for the sole purpose of satisfying a third party's prerequisite for reimbursement under any health care plan, except for exposure required under Medicare provisions.

(h) When a patient or film must be provided with auxiliary support during a radiation exposure:

(i) Mechanical holding devices shall be used when the technique permits. The safety rules, when required under subdivision (d) of this subsection, shall list individual projections where holding devices cannot be utilized;

(ii) Written safety procedures, ~~((as))~~ when required ~~((by))~~ under subdivision (d) of this subsection, shall indicate the requirements for selecting a holder and the procedure the holder shall follow;

(iii) The human holder shall be protected as required ~~((by))~~ under subdivision (e)(i) of this subsection~~(:)~~. The holder ~~((who is))~~ occupationally exposed to radiation shall be provided with a personnel monitoring device, worn at the collar outside the lead apron, and records of exposures shall be maintained;

(iv) No person shall be used routinely to hold film or patients;

(v) ~~((In those cases where))~~ When the patient must hold the film ~~((any))~~, the portion of the body other than the area of clinical interest struck by the useful beam shall be protected by not less than 0.5 mm lead equivalent material;

(vi) ~~((Such))~~ Holding the film or the patient shall be permitted only in very unusual and rare situations; and

(vii) ~~((For the))~~ When a holder ~~((who))~~ is occupationally exposed to radiation, a record shall be made of the examination and shall include:

(A) Patient identification~~((, the))~~;

(B) Name of the human holder~~(:)~~;

(C) Date of the examination~~(:)~~;

(D) Number of exposures; and

(E) Technique factors utilized for the ~~((exposure(s) whenever the primary beam has knowingly intersected any portion of the holder's body))~~ exposures.

(i) Personnel dosimetry. All persons ~~((who are))~~ associated with the operation of an x-ray system are subject to both the occupational exposure limits and the requirements for the determination of the doses ~~((which are))~~ stated ~~((in))~~ under WAC ~~((402-24-024))~~ 246-221-020. In addition~~(:)~~, when protective clothing or devices are worn on portions of the body and a dosimeter is required, at least one such dosimeter shall be utilized as follows:

(i) When an apron is worn, the monitoring device shall be worn at the collar outside of the apron~~(:)~~; and

(ii) The dose to the whole body based on the maximum dose attributed to the most critical organ shall be recorded on the reports required ~~((by))~~ under WAC ~~((402-24-170 of these regulations))~~ 246-221-230. If more than one device is used or a record is made of the data, each dose shall be identified with the area where the device was worn on the body.

~~((†))~~ (iii) Personnel monitoring of an operator ~~((is))~~ shall be required where:

(A) Exposure switch cords are utilized that allow the operator to stand in an unprotected area during exposures~~(:)~~; and

(B) Worst-case measurements by the department show ~~((that))~~ twenty-five percent of the exposure limits as specified ~~((in))~~ under WAC ~~((402-24-020))~~ 246-221-010 may be exceeded.

~~((†))~~ (iv) All persons involved in the operation of a fluoroscope and working within the fluoroscopy room during its operation ~~((must))~~ shall wear a personnel dosimeter ~~((in accordance with))~~ required under WAC ~~((402-24-076))~~ 246-221-090 and subsection (2)(i)(i) of this ~~((subsection))~~ section. If extremities are in or near the primary beam, extremity dosimeters are also required~~(:)~~;

~~((†))~~ (j) Healing arts screening utilizing radiation. Any person proposing to conduct a healing arts screening program, with the exception of a mammography program, shall not initiate such a program without prior approval of the state health officer. When requesting such approval, that person shall submit the information outlined ~~((in))~~ under Appendix III of this part. If ~~((any))~~ information submitted becomes invalid or outdated, the state health officer shall be notified immediately;

(k) When using scatter suppressing grids, the grids shall be:

(i) Clearly labelled with the focal distance for which they are designed to be used; and

(ii) Of the proper focal distance for the source-to-image distances used.

(l) Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information shall be utilized.

(i) Film cassettes without intensifying screens shall not be used for any routine diagnostic radiological imaging.

(ii) Portable or mobile x-ray equipment shall be used only for examinations where it is impractical to transfer the patient(s) to a stationary x-ray installation.

(m) Patient log. Each facility shall keep a patient log and indicate the following information as a minimum:

(i) Identification of the patient, including name, age, and sex;

(ii) Date of x-ray examination;

(iii) Examination or treatment given, technique factors used, and number of exposures. Where fluoroscopy is involved, the total fluoroscopic on-time shall also be recorded;

(iv) Any deviation from the standard procedure or technique (including repeat exposures) as denoted in the technique chart required under subdivision (c) of this subsection;

(v) When applicable, the x-ray system used; and

(vi) Name or cross index of individuals who performed the exam.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-030 GENERAL REQUIREMENTS—PLAN REVIEW. (1) ~~((Prior to))~~ Before construction, the floor plans and equipment arrangement of ~~((an))~~ medical installations (new or modifications of existing installations) utilizing x-rays for diagnostic or therapeutic purposes shall be submitted to:

(a) A qualified expert for determination of shielding requirements using National Council on Radiation Protection and Measurements Report No. 49, or equivalent; and ~~((submitted to))~~

(b) The department for subsequent review.

Review shall not imply approval.

(2) The review of such plans shall not preclude the requirement of additional modifications should a subsequent analysis of operating conditions indicate the possibility of an individual receiving a dose in excess of the limits ~~((prescribed in))~~ required under WAC ~~((402-24-~~

~~020, 402-24-035, and 402-24-040~~) 246-221-010, 246-221-050, and 246-221-060.

(3) Diagnostic veterinary, podiatric, and dental ~~((intraoral and panoramic))~~ facilities ~~((may))~~ shall be ~~((exempted))~~ exempt from submitting shielding calculations ~~((if a))~~ and floor ~~((plan showing those items indicated in subsection (4) of this section is submitted to the department. The department may require additional information if necessary))~~ plans.

(4) In order for the department to provide an evaluation, technical advice, and official review of the shielding requirements for a medical radiation installation, a floor plan drawn to scale and the following data ~~((is))~~ are required:

(a) The normal location of the x-ray tube, along with an indication of anode-cathode orientation to the cassette holders;

(b) The limits of the tube travel;

(c) The directions in which the tube ~~((will be))~~ is pointed;

(d) ~~((The location of any))~~ Window(s) locations;

(e) The location of the control booth or operator's position;

(f) ~~((The location of))~~ The exposure switch location;

(g) The position of the viewing window, if any;

(h) The composition and thickness of the walls;

(i) If more than one story, the height floor-to-floor;

(j) If more than one story, the composition and thickness of materials in the ceiling or floor;

(k) The make and model of the x-ray machine;

(l) The maximum kVp and mA;

(m) The types of examinations or treatments ~~((e.g.))~~ for example, chest, cephalometric, general x-ray, or therapy;

(n) The identification and occupancy of areas adjacent to the x-ray room;

(o) The anticipated x-ray workload ~~((, which may be))~~ expressed in number of patients and exposures per week including:

(i) Technique factors ~~((to be))~~ used, or milliampereseconds or milliampereminutes per week ~~((;))~~; and

(ii) Estimates of the percentage of ~~((exposures that are))~~ the workload expected to occur for a particular beam direction ~~((e.g., twenty percent of exposures will be chest radiographs))~~.

(5) For new and modified installations only, the following are minimum design requirements for medical x-ray machine operator ~~((s'))~~ booths ~~((=new installations only))~~. ~~((f))~~ These requirements do not apply to dental ~~((intraoral)), podiatry, and veterinary installations~~ ~~((; but))~~. See subsection ~~((s (6) and))~~ (7) of this section for dental panoramic and cephalometric. ~~((f))~~

(a) The operator shall be allotted ~~((not less than))~~ 7.5 square feet or more of unobstructed floor space in the x-ray booths.

(i) The 7.5 square feet of minimum space ~~((as indicated above must))~~ specified under subsection (5)(a) of this section shall be a geometric configuration where no dimension is less than two feet.

(ii) The allotted space shall ~~((be allotted excluding any))~~ exclude an encumbrance by the console, such as an overhang, cables, or other similar encroachment.

(iii) An extension of a straight line drawn between any point on the edge of the booth shielding and ~~((a point one foot horizontally beyond))~~ the nearest vertical edge of a chest cassette holder or ~~((any))~~ corner of the examination table shall not impinge on the unobstructed space.

(iv) The booth walls shall be ~~((at least))~~ seven feet high or more and shall be permanently fixed to the floor or other structure as may be necessary.

(v) When a door or moveable panel is used as the integral part of the booth structure, it must have a permissive device which will prevent an exposure when the door or panel is not closed.

(b) Switch placement ~~((:))~~. The operator's switch for the radiographic machine shall be fixed within the booth ~~((and))~~. The switch shall:

(i) ~~((Shift))~~ Be at least 102 centimeters ~~((40))~~ forty inches inside the protected area; and

(ii) ~~((Shift))~~ Allow the operator to use the available viewing windows.

(c) Viewing system requirements ~~((:))~~.

(i) Each booth shall have at least one viewing device which ~~((with))~~ shall:

(A) Be ~~((so))~~ placed ~~((that))~~ so the operator can view the patient during ~~((any))~~ exposure; and

(B) ~~((The device shall))~~ Be ~~((so))~~ placed ~~((that))~~ so the operator can have full view of ~~((any occupant of the room and any entry))~~ the entries into the room.

(ii) When the viewing system is a window, the following requirements also apply:

(A) ~~((ft))~~ The window shall have a visible area of ~~((at least))~~ one square foot ~~((:))~~ or more; and

(B) The glass shall have ~~((at least))~~ the same lead equivalence or more as that required in the booth's wall ~~((in which it))~~ where the glass is ~~((to be))~~ mounted.

(iii) When the viewing system is by mirrors, the mirrors shall be ~~((so))~~ located ~~((as))~~ to accomplish the general requirements ~~((as in))~~ under subdivision (i) of this subsection.

(iv) When the viewing system is by electronic means ~~((e.g.))~~ for example, TV ~~((, etc.))~~:

(A) The camera shall be ~~((so))~~ located ~~((as))~~ to accomplish the general requirements ~~((in))~~ under subdivision (i) of this subsection; and

(B) There shall be an alternate viewing system as a backup for electronic failure.

(d) New or modified facilities shall maintain a copy of the floor plan and shielding calculations required under subsection (1) of this section.

(6) Dimensions of primary beam shielding (chest, cephalometer ~~((, etc.))~~) shall exceed the largest possible beam size by ~~((at least))~~ 30.5 centimeters (one foot) or more in every direction. Cephalometric primary beam shielding shall be deemed adequate if, for a maximum workload of twenty films a week, two-pound lead is installed (for ~~((occupiable))~~ occupied areas).

(7) A viewing device shall be ~~((installed))~~ present in dental panoramic and cephalometric x-ray installations, so ~~((that))~~ the requirements of subsection (5)(c) of this section are met.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-040 GENERAL REQUIREMENTS FOR ~~((ALL))~~ DIAGNOSTIC X-RAY SYSTEMS. In addition to other requirements of this chapter, ~~((all))~~ diagnostic x-ray systems shall meet the following requirements:

(1) Warning label. The control panel containing the main power switch shall bear the warning statement, legible and accessible to view: "WARNING: This x-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."

(2) Battery charge indicator. On battery-powered generators, visual means shall be provided on the control panel to indicate ~~((whether))~~ the battery is in a state of charge adequate for proper operation.

(3) Leakage radiation from the diagnostic source assembly. The leakage radiation from the diagnostic source assembly, measured at a distance of 1 meter in any direction from the source, shall not exceed 100 milliroentgens in ~~((+))~~ one hour when the x-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of one hundred square centimeters with no linear dimension greater than twenty centimeters.

(4) Radiation from components other than the diagnostic source assembly. The radiation emitted by a component other than the diagnostic source assembly shall not exceed 2 milliroentgens in ~~((+))~~ one hour at 5 centimeters from ~~((any))~~ an accessible surface of the component when it is operated in an assembled x-ray system under ~~((any))~~ conditions for which it was designed. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(5) Beam quality.

(a) The half-value layer (HVL) of the useful beam for a given x-ray tube potential shall not be less than the values shown in this section, Table I. If it is necessary to determine such half-value layer at an x-ray tube potential which is not listed in Table I, linear interpolation or extrapolation ~~((may))~~ shall be made.

WAC ~~((402-28-035))~~ 246-225-040 TABLE I

Design operating range (kilovolts peak)	Measured potential layer (kilovolts peak)	Half-value layer (milli-meters of aluminum equivalent)	Half-value layer (milli-meter of aluminum equivalent for dental units)
Below ((50)) <u>51</u>	30	0.3	((+5)) <u>N/A</u>
	40	0.4	((+5)) <u>N/A</u>
	((49)) <u>50</u>	0.5	1.5
	((50)) <u>51</u>	1.2	1.5
	60	1.3	1.5
((50)) <u>51</u> to 70	70	1.5	1.5

WAC ~~((402-28-035))~~ 246-225-040 TABLE I

Design operating range (kilovolts peak)	Measured potential layer (kilovolts peak)	Half-value layer (milli-meters of aluminum equivalent)	Half-value layer (milli-meter of aluminum equivalent for dental units)
Above 70 —	71	2.1	2.1
	80	2.3	2.3
	90	2.5	2.5
	100	2.7	2.7
	110	3.0	3.0
	120	3.2	3.2
	130	3.5	3.5
	140	3.8	3.8
	150	4.1	4.1

(b) ~~((Beryllium window tubes have a minimum of 0.5 mm aluminum equivalent filtration permanently mounted in the useful beam.~~

~~((c))~~ For capacitor energy storage equipment, compliance shall be determined with neither the minimum nor the maximum quantity of charge per exposure.

~~((d))~~ ~~((c))~~ The required minimal ~~((aluminum equivalent filtration))~~ half-value layer shall include the filtration contributed by ~~((all))~~ materials ~~((which are always present))~~ permanently in position between the focal spot of the tube and the patient. ~~((e.g.))~~ for example, a ~~((tabletop))~~ table top when the tube is mounted "under the table" and inherent filtration of the tube

~~((e))~~ ~~((d))~~ Filtration control. For x-ray systems ~~((which have))~~ with variable kVp and variable filtration for the useful beam, a device shall link the kVp selector with the ~~((filter(s))~~ filters and shall prevent an exposure unless the minimum amount of filtration required by subdivision (a) of this subsection is in the useful beam for the ~~((given))~~ selected kVp ~~((which has been selected))~~.

(6) Multiple tubes. Where two or more radiographic tubes are controlled by one exposure switch, the tube or tubes ~~((which have been))~~ selected shall be clearly indicated prior to initiation of the exposure. Such indication shall be both on the x-ray control panel and near or on the selected tube housing assembly ~~((which has been selected))~~.

(7) Mechanical support of tube head. The tube housing assembly supports shall be adjusted such that the tube housing assembly ~~((with))~~ remains stable during an exposure unless the tube housing movement during exposure is a designed function of the x-ray system.

(8) Technique indicators.

(a) The technique factors ~~((to be))~~ used during an exposure shall be indicated before the exposure begins, except when automatic exposure controls are used, in which case the technique factors ~~((which are))~~ set prior to the exposure shall be indicated.

(b) On equipment having fixed technique factors, the requirement, ~~((in))~~ under subdivision (a) of this subsection may be met by permanent markings. Indication of

technique factors shall be visible from the operator's position except in the case of spot films made by the fluoroscopist.

(9) Certified units. All diagnostic x-ray systems certified to comply with 21 CFR 1020 shall meet the requirements of that certification.

(10) Linearity(~~(:)~~). The difference between the ratio of exposure to mAs at one mA or mAs setting and the ratio at another mA or mAs setting shall not exceed 0.10 times the sum of the ratios. This is written as:

$$X_1 - X_2 \leq 0.10 (X_1 + X_2)$$

Where X_1 and X_2 are the ratios(~~(:)~~) (mR/mAs) for each mA or mAs station.

The test (~~(with)~~) shall be performed at any (~~(two adjacent)~~) selections of mA (~~(stations with the same indicated focal spot size. For continuous mA selection, the test will be performed at two indicated mA stations differing by not more than a factor of two))~~ or mAs without regard to focal spot size, provided neither focal spot size is less than 0.45 millimeter.

(11) kVp accuracy(~~(:)~~). The difference between the indicated and actual kVp of an x-ray machine shall not be greater than (~~(+10%)~~) ten percent of the indicated kVp, or, alternatively, if available, the accuracy specifications of the control panel manufacturer must be met.

~~((12) Requirements of subsections (10) and (11) of this section apply only to all certified machines and to those uncertified machines where transfer, sale, or reassembly for use after January 1, 1984, is involved. See WAC 402-28-031(1).))~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-050 FLUOROSCOPIC X-RAY SYSTEMS. (~~(A)~~) Fluoroscopic x-ray systems shall meet the following requirements:

(1) Limitation of useful beam.

(a) The fluoroscopic tube shall not produce x-rays unless the primary barrier is in position to intercept the entire useful beam at all times.

(b) The entire cross section of the useful beam shall be intercepted by the primary protective barrier of the fluoroscopic image assembly at any source-to-image-distance (SID).

(c) Nonimage-intensified fluoroscopic equipment shall not be used.

(d) For image-intensified fluoroscopic equipment without a spot film device, neither the length nor the width of the fluoroscopic x-ray field in the plane of the image receptor shall exceed that of the visible area of the image receptor by more than (~~(3)~~) three percent of the SID. The sum of the excess length and the excess width shall be no greater than (~~(4)~~) four percent of the SID. Measurements shall be made at the minimum SID available but at no less than (~~(8)~~) eight inches table top to image receptor distance.

(e) For uncertified image-intensified fluoroscopic equipment with a spot film device, the fluoroscopic x-ray

beam with the shutters wide open (during either fluoroscopy itself or spot films) shall be no larger than the dimensions of the largest spot film size for which the device is designed. Measurements shall be made at the minimum SID available, but at no less than (~~(8)~~) eight inches table top to the film plane distance.

(f) For certified (21 CFR 1020) image-intensified fluoroscopic equipment with a spot film device, neither the length nor the width of the fluoroscopic x-ray field in the plane of the image receptor shall exceed that of the visible area of the image receptor by more than (~~(3)~~) three percent of the SID. The sum of the excess width shall be no greater than (~~(4)~~) four percent of the SID. Measurements shall be made at the minimum SID available, but at no less than (~~(8)~~) eight inches table top to film plane distance.

(g) (~~(For all image-intensified)~~) Fluoroscopic equipment beam limitation:

(i) Means shall be provided to (~~(permit further limitation of the x-ray field)~~) reduce the beam size at the plane of the image receptor to 125 square centimeters or less; and

(ii) The minimum field size at the greatest SID shall be equal to or less than 5 centimeters by 5 centimeters(~~(;~~

~~(iii) Compliance with (d) and (e) of this subsection shall be determined with the beam axis indicated to be perpendicular to the plane of the image receptor. For rectangular x-ray fields used with circular image reception, the error in alignment shall be determined along the length and width dimensions of the x-ray field which pass through the center of the visible area of the image receptor).))~~

(2) Activation of the fluoroscopic tube. X-ray production in the fluoroscopic mode shall be controlled by a deadman switch.

(3) Entrance exposure rate allowable limits.

(a) For equipment with or without automatic brightness control, the exposure rate measured at the point where the center of the useful beam enters the patient (~~(should be as low as practicable and)~~) shall not exceed ten roentgens per minute, except during film recording of fluoroscopic images or when (~~(provided with)~~) an optional high level control (HLC) is activated. (~~(When so provided, an audible signal shall indicate use of the high level control, special means of activating, via a deadman switch, shall be necessary for activation of high level control.))~~

(b) For equipment (~~(which is)~~) provided with (~~(optional high level control)~~) HLC, the equipment shall not be operable at (~~(any)~~) a combination of tube potential and current which will result in an exposure rate in excess of 5 roentgens per minute at the point where the center of the useful beam enters the patient, unless the (~~(high level control)~~) HLC is activated.

(i) Special means of activation of high level controls, such as additional pressure applied continuously by the operator, shall be required to avoid accidental use.

(ii) A continuous signal audible to the fluoroscopist shall indicate (~~(that)~~) the high level control is (~~(being)~~) employed.

(c) Measuring compliance of entrance exposure rate limits. Compliance with ~~((this))~~ subsection (3) of this section shall be determined as follows:

(i) Movable grids and compression devices shall be removed from the useful beam during the measurement~~((:));~~

(ii) If the source is below the table, exposure rate shall be measured 1 centimeter above the ~~((tabletop))~~ table top or cradle~~((:));~~

(iii) If the source is above the table, the exposure rate shall be measured at 30 centimeters above the ~~((tabletop))~~ table top with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement~~((:));~~

(iv) In a C-arm type of fluoroscope, the exposure rate shall be measured 30 centimeters from the input surface of the fluoroscopic imaging assembly, with the source positioned at any available SID, provided the end of the beam-limiting device or spacer is no closer than 30 centimeters from the input surface of fluoroscopic imaging assembly; and

(v) In a lateral-type fluoroscope, the exposure rate shall be measured at a point 15 centimeters from the center line of the x-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the table top is movable, the table top shall be positioned as closely as possible to the lateral x-ray source, with the end of the beam-limiting device or spacer no closer than 15 centimeters to the center line of the x-ray table.

(d) Periodic measurement of entrance exposure rate limits.

(i) Periodic measurements of the exposure rate shall be made. An adequate period for such measurements shall be annually or after ~~((any))~~ maintenance of the system ~~((which might affect))~~ affecting the exposure rate.

(ii) Results of ~~((these))~~ exposure rate measurements shall be available where ~~((any))~~ the fluoroscopist ~~((may have))~~ has ready access to ~~((them))~~ the measurements while using that fluoroscope. Results of the measurements shall include:

(A) The maximum possible R/minute, as well as the physical factors used to determine ~~((a#))~~ data~~((:));~~

(B) The name of the person performing the measurements~~((:));~~

(C) The last two dates the measurements were performed~~((:));~~ and

(D) The type of device used in making the measurements.

(iii) Conditions of measurement~~((:));~~

(A) The kVp shall be adjusted to that which will produce the maximum entrance exposure rate;

(B) The high level control, if present, shall not be activated;

(C) The x-ray ~~((system(s)))~~ systems that incorporate~~((s))~~ automatic exposure rate control (automatic brightness control~~((,-etc.))~~) shall have sufficient material ~~((e.g.)),~~ for example, lead or lead equivalence~~((t))~~, placed in the useful beam to produce the maximum output of the x-ray system; and

(D) X-ray ~~((system(s) that do))~~ systems not ~~((incorporate))~~ incorporating automatic exposure rate control shall utilize the maximum milliamperage of the x-ray system. Materials ~~((e.g.)),~~ for example, an attenuation block~~((t))~~, may be placed in the useful beam to protect the imaging system, as long as the material does not affect the measurement of the exposure rate.

(4) Barrier transmitted radiation rate limits.

(a) The exposure rate due to transmission through the primary protective barrier with the attenuation block in the useful beam, combined with radiation from the image intensifier, if provided, shall not exceed 2 milliroentgens per hour for each roentgen per minute of entrance exposure rate. The barrier transmission measurement shall be made at 10 centimeters from ~~((any))~~ an accessible surface of the fluoroscopic imaging assembly beyond the plane of the image receptor ~~((for each roentgen per minute of entrance exposure rate)).~~

(b) Measuring compliance of barrier transmission.

(i) The exposure rate due to transmission through the primary protective barrier combined with radiation from the image intensifier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(ii) If the source is below the ~~((tabletop))~~ table top, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the ~~((tabletop))~~ table top.

(iii) If the source is above the ~~((tabletop))~~ table top and the SID is variable, the measurement shall be made with the end of the beam-limiting device or spacer as close to the ~~((tabletop))~~ table top as it can be placed, provided ~~((that it))~~ the beam-limiting device or spacer shall not be closer than 30 centimeters.

(iv) Movable grids and compression devices shall be removed from the useful beam during the measurement.

~~((v))~~ The attenuation block shall be positioned in the useful beam 10 centimeters from the point of measurement of entrance exposure rate and between this point and the input surface of the fluoroscopic imaging assembly~~((:));~~

(5) Indication of potential and current. During fluoroscopy and cinefluorography, x-ray tube potential and current shall be continuously indicated.

(6) Source-skin distance (SSD). The source to skin distance shall not be less than:

(a) 38 centimeters on stationary fluoroscopes ~~((manufactured after the effective date of this regulation));~~

(b) ~~((35.5 centimeters on stationary fluoroscopes which are in operation prior to the effective date of these regulations;~~

~~((c))~~ 30 centimeters on ~~((a#))~~ mobile fluoroscopes~~((:));~~ and

~~((d))~~ (c) 20 centimeters for image intensified fluoroscopes used for specific surgical application. The user~~((s operating manual))~~ must provide precautionary measures ~~((to be adhered to during))~~ for the use of ~~((device))~~ the fluoroscope due to its short SSD.

(7) Fluoroscopic timer.

(a) Means shall be provided to preset the cumulative on-time of the fluoroscopic tube. The maximum cumulative time of the timing device shall not exceed ~~((5))~~ five minutes without resetting.

(b) A signal audible to the fluoroscopist shall indicate the completion of ~~((any))~~ a preset cumulative on-time. Such signal shall continue to sound while x-rays are produced until the timing device is reset. Alternatively, the timing device may terminate exposures at the end of the preset time.

~~(8) ((Mobile fluoroscopes. In addition to the other requirements of this section:~~

~~(a) In the absence of a table top, a cone or spacer frame shall limit the target-to-skin distance to not less than twelve inches.~~

~~(b) A machine shall not be operated when the collimating cone or diaphragm is not in place.~~

~~(9)) Control of scattered radiation.~~

(a) Fluoroscopic table designs when combined with normal operating procedures shall be such that no unprotected part of ~~((any))~~ staff or ancillary person's body shall be exposed to unattenuated scattered radiation which originates from under the table. The attenuation required shall be not less than 0.25 mm lead equivalent.

(b) Equipment configuration when combined with procedures shall be such that no portion of ~~((any))~~ staff or ancillary person's body, except the extremities, shall be exposed to the unattenuated scattered radiation emanating from above the table top unless:

(i) The radiation has passed through not less than 0.25 mm lead equivalent material ~~((e.g.)), for example,~~ drapes, Bucky-slot cover-sliding or folding panel, or self-supporting curtains~~((?))~~, in addition to ~~((any))~~ lead equivalency provided by the protective apron referred to ~~((in))~~ under WAC ~~((402-28-031))~~ 246-225-020 ~~(2)(e)((-)); and~~

(ii) Exceptions to subdivision (b) of this subsection may be made in some special procedures where a sterile field will not permit the use of the normal protective barriers. Where the use of prefitted sterilized covers for the barriers is practical, the department shall not permit such exception.

~~((10)) (9) Radiation therapy simulation systems. Radiation therapy simulation systems shall be exempt from ~~((all))~~ the requirements of subsections ~~((1))~~ (3), (4), and (7) of this section: PROVIDED, That:~~

(a) Such systems are designed and used in such a manner that no individual other than the patient is in the x-ray room ~~((during periods of time))~~ when the system is producing x-rays; and

(b) ~~((Such))~~ The systems ~~((as do))~~ not ~~((meet))~~ meeting the requirements of subsection (7) of this section ~~((and))~~ are provided with a means of indicating the cumulative time during which an individual patient has been exposed to x-rays. ~~((Procedures shall require that))~~ The timer shall be reset between examinations in such cases.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-060 RADIOGRAPHIC SYSTEMS OTHER THAN FLUOROSCOPIC, DENTAL

INTRAORAL, OR ~~((VETERINARIAN))~~ VETERINARY SYSTEMS—BEAM LIMITATION. The useful beam shall be limited to the area of clinical interest and show evidence of collimation. This shall be deemed to have been met if a positive beam limiting device has been properly used or if evidence of collimation is shown on at least three sides or three corners of the film, (for example, projections ~~((on))~~ from the shutters of the collimator, cone cutting at the corners or a border at the film's edge).

(1) General purpose stationary and mobile x-ray systems.

(a) There shall be provided a means for stepless adjustment of the size of the x-ray field such that ~~((each))~~ at least two dimensions of the x-ray field ~~((is))~~ are independently variable. The minimum field size at a SID of 100 centimeters shall be equal to or less than ~~((5))~~ ten by ~~((5))~~ ten centimeters.

(b) Adequate means shall be provided for visually defining the perimeter of the x-ray field. The total misalignment of the edges of the visually defined field with the respective edges of the x-ray field along either the length or width of the visually defined field shall not exceed 2 percent of the distance from the source to the center of the visually defined field when the surface upon which it appears is perpendicular to the central axis of the x-ray beam.

(2) In addition to the requirements of WAC ~~((402-28-051))~~ 246-225-060(1) above all stationary x-ray systems shall meet the following requirements:

(a) Means shall be provided to indicate when the axis of the x-ray beam is perpendicular to the plane of the image receptor and to align the center of the x-ray field with respect to the center of the image receptor to within 2 percent (5 percent for equipment manufactured prior to August 1974) of the SID. Dental lateral jaw examinations shall be excluded from this requirement;

(b) The beam-limiting device shall numerically indicate the field size in the plane of the image receptor to which it is adjusted;

(c) Indication of field size dimensions and SID's shall be specified in inches and/or centimeters;

(d) Indication of field size dimensions shall be such that aperture adjustments result in x-ray field dimensions in the plane of the image receptor to within 2 percent of the SID when the beam axis is perpendicular to the plane of the image receptor.

(3) Radiographic equipment designed for only one image receptor size at a fixed SID shall be provided with means to limit the field at the plane of the image receptor to dimensions no greater than those of the image receptor, and to align the center of the x-ray field with the center of the image receptor to within 2 percent of the SID.

(4) Special purpose x-ray systems.

(a) These systems shall be provided with means to limit the x-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than 2 percent of the SID when the axis of the x-ray beam is perpendicular to the plane of the image receptor.

(b) These systems shall be provided with means to align the center of the x-ray field with the center of the image receptor to within 2 percent (5 percent for equipment manufactured prior to August 1974) of the SID.

(c) The above WAC ~~((402-28-051))~~ 246-225-060 (4)(a) and ~~((402-28-051))~~ 246-225-060 (4)(b) may be met with a system that meets the requirements for a general purpose x-ray system as specified in WAC ~~((402-28-051))~~ 246-225-060(1) or, when alignment means are also provided, may be met with either:

(i) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed (each such device shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed); or

(ii) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Permanent, clearly legible markings shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

~~((5) Systems designed for or provided with special attachments for mammography. Radiographic systems designed for mammography only and general purpose radiographic systems, when special attachments for mammography are in service, shall be provided with means to limit the useful beam such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor at any designed SID except the edge of the image receptor designed to be adjacent to the chest wall where the x-ray field may not extend beyond such edge by more than 2 percent of the SID. The requirement can be met with a system which performs as prescribed in WAC 402-28-051 (4)(c). When the beam-limiting device and image receptor support device are designed to be used to immobilize the breast during a mammographic procedure and the SID may vary, the SID indication specified in WAC 402-28-051 (4)(c)(i) and (ii) shall be the maximum SID for which the beam-limiting device or aperture is designed. In addition, each image receptor support intended for installation on a system designed only for mammography shall have clear and permanent markings to indicate the maximum image receptor size for which it is designed.))~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-070 RADIOGRAPHIC SYSTEMS OTHER THAN FLUOROSCOPIC, DENTAL INTRAORAL, OR VETERINARY SYSTEMS—RADIATION EXPOSURE CONTROL DEVICES.

(1) Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, a preset number of pulses, or a preset radiation exposure to the image receptor. In addition, it shall be impossible to make an exposure when the timer is set to a zero or off position if either position is provided.

(2) X-ray control (exposure switch):

(a) A control which shall be the equivalent of a dead-man switch, shall be incorporated into each x-ray system such that an exposure can be terminated at any time except for:

(i) Exposure of one-half second or less, or

(ii) During serial radiography when means shall be provided to permit completion of any single exposure of the series in process.

(b) Each x-ray control shall be located in such a way as to meet the following requirements:

(i) Stationary x-ray systems shall be required to have the x-ray exposure switch permanently mounted in a protected area so that the operator has no choice but to remain in that protected area during the entire exposure;

(ii) Mobile and portable x-ray systems shall have:

(A) An exposure cord which can extend for a minimum of 12 feet from the patient; or

(B) A protective barrier of 0.25 millimeter lead equivalent between the patient and the operator.

(c) Each x-ray control shall provide visual evidence to the operator that x-rays are being produced and an audible signal that the exposure has terminated.

(3) Automatic exposure controls (phototimers). When an automatic exposure control is provided:

(a) Indication shall be made on the control panel when this mode of operation is selected;

(b) When the x-ray tube potential is equal to or greater than 50 kVp, the minimum exposure time for field emission equipment rated for pulsed operation shall be equal to or less than the interval equivalent to two pulses;

(c) The minimum exposure time for all equipment other than that specified in WAC ~~((402-28-052))~~ 246-225-070 (3)(b) shall be equal to or less than 1/60 second or a time interval required to deliver 5 mAs, whichever is greater.

(4) Timer reproducibility. ~~((When four timer tests are performed, at identical timer settings the average time period (T) shall be greater than or equal to five times the maximum period $T_{(max)}$ less the minimum period $T_{(min)}$. T shall be equal to or less than 0.5 seconds:~~

~~$$\bar{T} \text{ greater than or equal to } 5 - [T_{(max)} - T_{(min)}]$$
)~~ With a timer setting of 0.5 seconds or less, the difference between the maximum exposure time (T_{max}) and the minimum exposure time (T_{min}) shall be less than or equal to 10% of the average exposure time (T), when four timer tests are performed:

$$(T_{max} - T_{min}) \leq 0.1T$$

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-090 RADIOGRAPHIC SYSTEMS OTHER THAN FLUOROSCOPIC AND DENTAL INTRAORAL—EXPOSURE REPRODUCIBILITY. The exposure produced shall be reproducible to within the following ~~((criteria))~~ criterion: When all technique factors are held constant, the coefficient of variation shall not exceed ~~((0.10))~~ 0.05.

(1) For manual exposure control mode, this shall be deemed to have been met if when four exposures at

identical technique factors are made, the ~~((value of the average exposure E (with bar over it) is greater than five times the maximum exposure, $E_{(max)}$, minus the minimum exposure, $E_{(min)}$))~~

~~$\bar{E} > 5 [E_{(max)} - E_{(min)}]$) difference between the maximum exposure value (E_{max}) and the minimum exposure value (E_{min}) shall be less than or equal to 10% of the average exposure (E):~~

$$(E_{max} - E_{min}) \leq 0.10E$$

(2) For phototimed exposure control mode, this shall be deemed to have been met if when four exposures at identical technique factors are made, the ~~((value of the average exposure E (with bar over it) is greater than five times the maximum exposure, $E_{(max)}$, minus the minimum exposure, $E_{(min)}$))~~ difference between the maximum exposure value (E_{max}) and the minimum exposure value (E_{min}) shall be less than or equal to 10% of the average exposure (E):

$$(E_{max} - E_{min}) \leq 0.1E$$

The four exposures are to be made under the following conditions in phototimed mode:

- (a) The kV is held constant.
- (b) The mA, if selectable, is held constant.
- (c) The selected density, if selectable, is held constant.
- (d) Selection of phototimer radiation detectors (single or multiple detectors selected), if available, is varied for each of the four exposures ~~((, if selectable))~~.
- (e) The same attenuator is placed in the x-ray field between the selected phototimer radiation detectors (photocells) and the radiation detector used to determine the four exposure values.
- (f) The selected ~~((phototime))~~ phototimer radiation detectors (photocells) are within the x-ray field during each exposure measurement and are covered completely by the attenuator.

(3) Systems employing deliberately mismatched phototimed cells are permitted, providing written specifications for the mismatch are available for inspection.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-110 INTRAORAL DENTAL RADIOGRAPHIC SYSTEMS. In addition to the provisions of WAC ~~((402-28-031, 402-28-032, and 402-28-035))~~ 246-225-020, 246-225-030, and 246-225-040 the requirements of this section apply to x-ray equipment and associated facilities used for dental radiography. Criteria for extraoral dental radiographic systems are covered in WAC ~~((402-28-051, 402-28-052, and 402-28-053))~~ 246-225-060, 246-225-070, and 246-225-080.

(1) Source-to-skin distance (SSD). X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit source-to-skin distance to not less than:

- (a) 18 centimeters if operable above 50 kilovolts peak, or
- (b) 10 centimeters if ~~((not))~~ operable ~~((above))~~ only at 50 kilovolts peak.
- (2) Field limitation.

(a) Radiographic systems designed for use with an intraoral image receptor shall be provided with means to limit the x-ray beam such that:

(i) If the minimum source-to-skin distance (SSD) is 18 centimeters or more, the x-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than 7 centimeters; and

(ii) If the minimum SSD is less than 18 centimeters, the x-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than 6 centimeters.

(b) An open ended position indicating device shall be used. The shielding shall be equivalent to that required for the diagnostic source assembly (WAC ~~((402-28-035))~~ 246-225-040(3)).

(3) Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, a preset number of pulses, or a preset radiation exposure to the image receptor. In addition,

(a) Termination of exposure shall cause automatic re-setting of the timer to its initial setting or to zero.

(b) It shall not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.

(4) X-ray control exposure switch:

(a) A control, which shall be the equivalent of a dead-man switch, shall be incorporated into each x-ray system.

(b) Each x-ray control shall be located in such a way as to meet the following criterion:

(i) For stationary x-ray systems it shall be required that the control switch be permanently mounted in a protected area (e.g., corridor outside the room) so that the operator has no choice but to remain in that protected area during the entire exposure. ~~((This requirement pertains only to new or modified installations assembled after May 1, 1980.))~~

(ii) Permanently mounted in a protected area shall be interpreted as meaning that the exposure switch is fixed in position no less than 36 inches from access to the direct scatter radiation field.

(c) The x-ray control shall provide a visual or audible indication of x-ray production ~~((observable at or from))~~ or termination at the operator's protected position ~~((or a signal audible to the operator shall indicate that the exposure has terminated, or both))~~.

(5) Exposure reproducibility. The ~~((exposure produced shall be reproducible to within the following criteria:~~

~~When all technique factors are held constant, the))~~ co-efficient of variation shall not exceed (± 0.05) when all technique factors are held constant. This requirement shall be deemed to have been met if, when four exposures are made at identical technique factors ~~((are made that the value of the average exposure (E (with bar over it)) is greater than or equal to five times the maximum exposure ($E_{(max)}$) minus the minimum exposure $E_{(min)}$))~~.

~~\bar{E} greater than or equal to $5 [E_{(max)} - E_{(min)}]$), the difference between the maximum exposure (E_{max}) and the~~

minimum exposure (E_{min}) shall be less than or equal to 10% of the average exposure (E):

$$(E_{max} - E_{min}) < 0.1E$$

(6) No diagnostic dental x-ray machine with a fixed, nominal kVp of less than 50 shall be permitted.

(7) Operating controls.

(a) Patient and film holding devices shall be used when the techniques permit.

(b) Neither the tube housing nor the position indicating device shall be hand held during an exposure. The tube housing shall remain stable during exposure.

(c) The x-ray system shall be arranged and operated in such a manner that the useful beam at the patient's skin does not exceed the dimensions specified in WAC ~~((402-28-080))~~ 246-225-110 (2)(a).

(d) Dental fluoroscopy without image intensification shall be prohibited.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-120 THERAPEUTIC X-RAY INSTALLATIONS LESS THAN 1 MEV. (1) Equipment requirements.

(a) Leakage radiation. When the tube is operated at its leakage technique factors, the leakage radiation shall not exceed the value specified at the distance specified for the classification of that x-ray system:

(i) Contact therapy systems. Leakage radiation shall not exceed 100 milliroentgens per hour at five centimeters from the surface of the tube housing assembly;

(ii) ~~((0-150))~~ Zero to one hundred fifty kVp systems. Systems ~~((which are manufactured or installed prior to the effective date of this section))~~ shall have a leakage radiation which does not exceed one roentgen in one hour at one meter from the source;

(iii) ~~((0-150 kVp systems. Systems which are manufactured on or after the effective date of this section shall have a leakage radiation which does not exceed 100 milliroentgens in one hour at one meter from the source;~~

~~((iv) 151))~~ One hundred fifty-one to ((999)) nine hundred ninety-nine kVp systems. The leakage radiation shall not exceed one roentgen in one hour at one meter from the source except systems that operate in excess of 500 kVp may have a leakage radiation at one meter from the source equivalent to the exposure within one hour of the useful beam at one meter from the source multiplied by a factor of 0.001.

(b) Permanent beam limiting devices. Permanent fixed diaphragms or cones used for limiting the useful beam shall provide the same or higher degree of protection as that required by the tube housing assembly.

(c) Removable and adjustable beam limiting devices.

(i) Removable beam limiting devices shall, for the portion of the useful beam to be blocked by these devices, transmit not more than one percent of the original x-ray beam at the maximum kilovoltage and maximum treatment filter;

(ii) Adjustable beam limiting devices installed after the effective date of this section shall meet the requirements of (c)(i) of this subsection;

(iii) Adjustable beam limiting devices installed before the effective date of this section shall, for the portion of the x-ray beam to be blocked by these devices, transmit not more than five percent of the original x-ray beam at the maximum kilovoltage and maximum treatment filter.

(d) Filter and wedge systems. ~~((The))~~ Filter systems shall ~~((be so designed that))~~ meet the following requirements:

(i) Filters cannot be accidentally displaced from the useful beam at any possible tube orientation;

(ii) Each filter is marked as to its material of construction and its thickness or wedge angle for wedge filters;

(iii) It shall be possible for the operator to determine the presence or absence of each filter ~~((and the orientation of each wedge filter))~~ in the useful beam when the operator is at the control panel, either by display at the control panel or by direct observation; and

(iv) ~~((The radiation at five centimeters from))~~ The filter insertion slot opening ~~((does not exceed 30 roentgens per hour))~~ shall be covered with an attenuator equivalent to four-pound lead under ~~((any))~~ operating conditions.

(e) Tube immobilization. The tube housing assembly shall be capable of being immobilized during stationary treatments.

(f) Focal spot marking. The tube housing assembly shall be so marked that it is possible to determine the location of the focal spot to within five millimeters, and such marking shall be readily accessible for use during calibration procedures.

(g) Timer.

(i) A timer shall be provided which has a display at the treatment control panel. The timer shall be graduated in minutes and fractions of minutes. The timer shall have a preset time selector and ~~((an))~~ a means of determining elapsed time ~~((indicator))~~;

(ii) The timer shall be a cumulative timer which activates with radiation and retains its reading after irradiation is interrupted or terminated ~~((After irradiation is terminated and before irradiation can be reinitiated, it shall be necessary to cycle the preset time selector through zero time))~~;

(iii) The timer shall terminate irradiation when a pre-selected time has elapsed;

(iv) The timer shall permit accurate presetting and determination of exposure times as short as 1 second;

(v) The ~~((time))~~ timer shall ~~((not permit an exposure if))~~ terminate irradiation when set ~~((at))~~ to zero;

(vi) The timer shall not activate until the shutter is opened, when patient irradiation is controlled by a shutter mechanism.

(h) Control panel functions. The control panel, in addition to the displays required in other provisions of this chapter, shall have:

(i) ~~((An indication of whether electrical power is available at the control panel and if activation of the x-ray tube is possible;~~

~~((ii)))~~ An indication of whether x-rays are being produced;

~~((iii)))~~ (ii) Means for indicating kV and x-ray tube current;

~~((iv))~~ (iii) The means for terminating an exposure at any time;

~~((v))~~ (iv) A locking device which will prevent unauthorized use of the x-ray system; and

~~((vi))~~ (v) For x-ray equipment manufactured after the effective date of this section, a positive display of specific filter(s) in the beam.

(i) ~~((Multiple tubes. When a control panel may energize more than one x-ray tube:~~

~~(i) It shall be possible to activate only one x-ray tube at any time;~~

~~(ii) There shall be an indication at the control panel identifying which x-ray tube is energized; and~~

~~(iii) There shall be an indication at the tube housing assembly when that tube is energized;~~

~~(j))~~ Source-to-patient distance. There shall be means of determining the source-to-patient distance to within ~~((one centimeter))~~ five millimeters.

~~((k))~~ (j) Shutters. Unless it is possible to bring the x-ray output to the prescribed exposure parameters within five seconds, the entire useful beam shall be automatically attenuated by a shutter having a lead equivalency not less than that of the tube housing assembly. In addition:

(i) After the unit is at operating parameters, the shutter shall be controlled electrically by the operator from the control panel;

(ii) An indication of shutter position shall appear at the control panel.

~~((l))~~ (k) Low filtration x-ray tubes. Each x-ray system equipped with a beryllium or other low-filtration window shall be clearly labeled as such upon the tube housing assembly and at the control panel;

(l) Alignment. When the therapy x-ray system is equipped with a light field indicating the x-ray field, the misalignment of one field edge to the other shall not exceed one percent of any source-to-treatment distance.

(2) Facility design requirements for systems capable of operating above 50 kVp.

In addition to shielding adequate to meet requirements of chapters ~~((402-22 and 402-24))~~ 246-235 and 246-221 WAC and the shielding plan review provisions of WAC ~~((402-28-032))~~ 246-225-030, the treatment room shall meet the following design requirements:

(a) Warning lights. Treatment rooms to which access is possible ~~((though))~~ through more than one entrance shall be provided with warning lights, in a readily observable position near the outside of all access doors, which will indicate when the ~~((the))~~ useful beam is "on." ~~((Also, it is required that))~~ Or, as an alternative, entrances other than the main one shall be equipped with interior locks, activated for the period of exposure, and ((that)) the main entrance shall be under control of the operator.

(b) Voice communication. Provision shall be made for two-way aural communication between the patient and the operator at the control panel; however, where excessive noise levels make aural communication impractical, other methods of communication shall be used.

(c) Viewing systems. Windows, mirrors, closed-circuit television, or an equivalent system shall be provided to

permit continuous observation of the patient during irradiation and shall be so located that the operator can observe the patient from the control panel. When the primary viewing system is by electronic means (e.g., television), an alternate viewing system shall be available for use in the event of electronic failure or treatment must be discontinued until repair is made. If treatment is to be discontinued, this policy shall be included in the written safety procedures. A copy of the safety procedures shall be provided to the operator.

(d) Additional requirements. Treatment rooms which contain an x-ray system capable of operating above 150 kVp shall meet the following additional requirements:

(i) All necessary shielding, except for any beam interceptor, shall be provided by fixed barriers;

(ii) The control panel shall be outside the treatment room;

(iii) All doors of the treatment room shall be electronically connected to the control panel such that x-ray production cannot occur unless all doors are closed;

(iv) When the doors referred to in (d)(iii) of this subsection are opened while the x-ray tube is activated:

(A) X-ray production shall terminate within one second; or

(B) The radiation at a distance of one meter from the source shall be reduced to less than 100 milliroentgens per hour within one second.

(v) After the radiation output of the x-ray tube has been affected by the opening of any door referred to in (d)(iii) of this subsection, it shall be possible to restore the x-ray system to full operation only upon:

(A) Closing the door; and subsequently

(B) Reinitiating the exposure at the control panel.

(e) Calibrations.

(i) The calibration of an x-ray system shall be performed at intervals not to exceed one year and after any change or replacement of components which could cause a change in the radiation output.

(ii) The calibration of the radiation output of the x-ray system shall be performed by ~~((or under the direction of))~~ a qualified expert who is physically present at the facility during such calibration.

(iii) Calibration of the radiation output of an x-ray system shall be performed with a calibrated instrument. The calibration of such instrument shall be ~~((directly))~~ traceable ~~((on))~~ to a national standard. The instrument shall have been calibrated within the preceding two years.

(iv) The calibrations made pursuant to (e)(i) of this subsection shall be such that the dose at a reference point in soft tissue can be calculated to within \pm five percent.

(v) The calibration of the x-ray system shall include, but not be limited to, the following determinations:

(A) ~~((Verification that the x-ray system is operating in compliance with the design specifications;~~

~~((B))~~ The exposure rates for each combination of field size, technique factors, filter, and treatment distance used;

~~((C))~~ (B) The degree of ~~((congruence))~~ alignment between the radiation field and the field indicated by the localizing device if such device is present; and

~~((D))~~ (C) An evaluation of the uniformity of the radiation field symmetry for the field sizes used and any dependence upon tube housing assembly orientation.

(vi) Records of calibration performed pursuant to (e) of this subsection shall be maintained by the registrant for two years after completion of the calibration.

(vii) A copy of the most recent x-ray system calibration shall be available for use by the operator at the control panel.

(f) Operating procedures.

(i) When a patient must be held in position for radiation therapy, mechanical supporting or restraining devices shall be used;

(ii) The tube housing assembly shall not be held by an individual during exposures;

(iii) No individual other than the patient shall be in the treatment room unless such individual is protected by a barrier sufficient to meet the requirements of chapter ~~((402-24))~~ 246-221 WAC. No individual other than the patient shall be in the treatment room during exposures when the kVp exceeds 150;

(iv) The x-ray system shall not be used in the administration of radiation therapy unless the requirements of (e) of this subsection have been met.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-130 X-RAY AND ELECTRON THERAPY SYSTEMS WITH ENERGIES OF ONE MEV AND ABOVE. Chapter ~~((402-44))~~ 246-229 WAC except WAC ~~((402-44-110))~~ 246-229-100 (3) and (4) shall apply to medical facilities using therapy systems with energies 1 MeV and above.

(1) Definitions. In addition to the definitions provided in WAC ~~((402-28-020))~~ 246-225-010, the following definitions shall be applicable to this section.

(a) "Applicator" means a structure which indicates the extent of the treatment field at a given distance from the ~~((virtual))~~ nominal source and which may or may not incorporate ~~((the))~~ an additional beam-limiting device.

(b) "Beam scattering ~~((filter))~~ foil" means a ~~((filter used in order to))~~ device which scatters and flattens a beam of electrons.

(c) "Central axis of the beam" means a line passing through the ~~((virtual))~~ origin of the source and the center of the plane figure formed by the edge of the ~~((flat beam limiting device))~~ secondary collimating jaws when in a symmetric mode.

(d) "Dose monitoring system" means a system of devices for the detection and display of quantities of radiation.

(e) "Dose monitor unit" means a unit from which the absorbed dose can be calculated.

(f) "Existing equipment" means therapy systems subject to this section which were manufactured on or before the effective date of these regulations.

(g) "Field flattening ~~((filter))~~ device" means ~~((a filter))~~ an absorber used to homogenize the dose rate over the area of a useful beam of x-rays.

(h) "Field size" means the dimensions of an area in a plane perpendicular to the specified direction of the

beam of incident radiation at a ~~((specified))~~ maximum dose depth ((in a phantom and defined by specified iso-dose lines)). Determine dimensions by fifty percent decrement lines.

(i) "Gantry" means that part of the system supporting and allowing possible movements of the radiation head.

(j) "Interruption of irradiation" means the stopping of irradiation with the possibility of continuing irradiation without resetting of the operating conditions at the control panel.

(k) "Isocenter" means a fixed point in space located at the intersection of the rotation axes of the principal movements of the therapy system.

(l) "Moving beam therapy" means radiation therapy with relative displacement of the useful beam and the patient during irradiation.

(m) "New equipment" means systems subject to this section which were manufactured after effective date of these regulations.

(n) "Nominal source" means a point from which radiation originates.

(o) "Normal treatment distance" means the distance between the virtual source and a reference point on the central axis of the beam. The reference is located at a position ~~((where the patient will be placed during radiation therapy))~~ on the central axis at a specified distance from the nominal source.

~~((t))~~ (p) "Patient" means an individual subjected to examination and treatment.

~~((p))~~ (q) "Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation.

~~((q))~~ (r) "Primary dose monitoring system" means a system which will monitor the quantity of radiation produced during irradiation and which will terminate irradiation when a preselected number of dose monitor units have been acquired.

~~((r))~~ (s) "Radiation treatment prescription" means the absorbed dose which is intended to be delivered to the treatment volume.

~~((s))~~ (t) "Radiation head" means the structure from which the useful beam emerges.

~~((t))~~ (u) "Redundant dose monitoring combination" means a combination of two dose monitoring systems in which both systems are arranged to terminate irradiation in accordance with a preselected number of dose monitor units.

~~((u))~~ (v) "Secondary dose monitoring system" means a system which will terminate irradiation in the event of failure of the primary system.

~~((v))~~ (w) "Shadow tray" means a device attached to the radiation head to support auxiliary beam limiting material.

~~((w))~~ (x) "Stationary beam therapy" means radiation therapy without relative displacement of the useful beam and the patient during irradiation.

~~((x))~~ (y) "Target" means that part of a radiation source which intercepts a beam of accelerated particles with subsequent emission of other radiation.

~~((y))~~ (z) "Termination of irradiation" means the stopping of irradiation in a fashion which will not permit

continuance of irradiation without the resetting of operating conditions at the control panel.

~~((z))~~ (aa) "Treatment field" means the cross-sectional area of the patient's ~~((skin))~~ tissue which is to be irradiated.

~~((aa))~~ (bb) "Treatment volume" means that portion of the patient's body which is to be irradiated.

~~((bb))~~ "Virtual source" means a point from which radiation appears to originate:)

(2) Requirements for equipment.

(a) Leakage radiation to the patient area.

(i) New equipment ~~((should))~~ shall meet the following requirements:

(A) For all operating conditions, the dose equivalent in rem due to leakage radiation, including x-ray~~(:)~~ and electrons, ~~((and))~~ but excluding neutrons, at any point in a circular plane of two meters radius centered on and perpendicular to the central axis of the beam at the normal treatment distance and outside the maximum useful beam, ~~((should))~~ shall not exceed 0.1 percent of the maximum dose equivalent in rem of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the plane surface. Measurements shall be averaged over an area up to but not exceeding one hundred square centimeters at the positions specified~~(:)~~; and

(B) For each system the registrant shall determine, or obtain from the manufacturer, the leakage radiation existing at the positions specified in (a)(i)(A) of this subsection for specified operating conditions. Records for leakage radiation shall be maintained at the installation for inspection by the department.

(ii) Existing equipment (that installed prior to the effective date of the regulations) ~~((should))~~ shall meet the following requirements:

(A) The leakage radiation, excluding neutrons, at any point in the area specified by (a)(i)(A) of this subsection, where such area intercepts the central axis of the beam one meter from the ~~((virtual))~~ nominal source, ~~((should))~~ shall not exceed 0.1 percent of the maximum dose equivalent in rems of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the surface of the reference circular plane. Measurements ~~((should))~~ shall be averaged over an area up to but not exceeding one hundred square centimeters at the positions specified.

(B) For each system, the registrant ~~((should))~~ shall determine, or obtain from the manufacturer, the leakage radiation existing at the positions specified in (a)(ii)(A) of this subsection for specified operating conditions. Records for radiation leakage shall be maintained at the installation for inspection by the department.

(b) Leakage radiation outside the patient area.

(i) The dose equivalent in rem due to leakage radiation, except in the area specified in (a) of this subsection, when measured at any point one meter from the path of the charged particle, before the charged particle strikes the target or window, ~~((should))~~ shall not exceed 0.1 percent for x-ray leakage ~~((nor 0.5 percent for neutron leakage))~~ of the maximum dose equivalent in rems of the unattenuated useful beam measured at the point of

intersection of the central axis of the beam and the circular plane specified in (a) of this subsection.

(ii) The registrant ~~((should))~~ shall determine, or obtain from the manufacturer, the actual leakage radiation existing at the positions specified in (a) of this subsection for specified operating conditions. Measurements ~~((should))~~ shall be averaged over an area up to but not exceeding one hundred square centimeters at the positions specified.

(c) Beam-limiting devices. ~~((Adjustable or interchangeable))~~ Secondary beam-limiting devices shall be provided and such devices shall transmit no more than two percent of the useful beam for the portion of the useful beam ~~((which is to be))~~ attenuated by the beam-limiting device. The neutron component of the useful beam shall not be included in this requirement. ~~((Measurements shall be averaged over an area up to but not exceeding one hundred square centimeters at the normal treatment distance:))~~

(d) ~~((Filters))~~ Beam-modifying devices.

(i) ~~((f))~~ When the absorbed dose rate information required by ~~((p))~~ subsection (2)(q) of this ~~((subsection))~~ section is dependent on operation with a ~~((field))~~ beam-flattening or beam-scattering ~~((filter))~~ device in place, ~~((such filter))~~ the device shall be removable from the machine only by the use of tools.

(ii) In systems ~~((which utilize a system of wedge filters:))~~ using interchangeable ~~((field))~~ beam-flattening ~~((filters:))~~ devices or ~~((interchangeable))~~ beam-scattering ~~((filters))~~ foils:

(A) Irradiation shall not be possible until a selection of ~~((a filter has been))~~ beam-modifying device is made and verified at the treatment control panel;

(B) An interlock system shall be provided to prevent irradiation ~~((f))~~ when the ~~((filter))~~ beam-modifying device selected is not in the correct position; and

(C) ~~((An indication of the wedge filter orientation with respect to the treatment field shall be provided))~~ A display at the control panel~~(, by direct observation or by electronic means, when wedge filters are used;~~

~~((D))~~ A display shall ~~((be provided at the treatment control panel showing the filter(s) in use;))~~ indicate what beam-modifying device is selected.

(e) Wedges.

(i) Presence of wedges in the beam shall be indicated at the control panel, by direct observation or by electronic means.

~~((E))~~ (ii) Each ~~((filter which is))~~ wedge removable from the system shall be clearly identified as to that ~~((filter's))~~ wedge's material of construction, thickness, and ~~((the))~~ wedge angle ~~((for wedge filters, and))~~.

~~((F))~~ (iii) An interlock shall be provided to prevent irradiation ~~((if any filter))~~ when a wedge selection ~~((operation))~~ carried out in the treatment room does not agree with the ~~((filter))~~ wedge selection ~~((operation carried out))~~ indicated at the ~~((treatment))~~ control panel.

~~((G))~~ (f) Beam quality. The registrant shall ~~((determine, or))~~ obtain from the therapy x-ray system manufacturer, ~~((data sufficient to assure that))~~ and have available, the following ~~((beam quality requirements are met))~~ information:

(i) ~~At various beam energies, the x-ray absorbed dose ((resulting from x-rays in a useful electron beam at a point on the central axis of the beam ten centimeters greater than the practical range of the electrons shall not exceed the values stated in Table III. Linear interpolation shall be used for values not stated:~~

TABLE III

Maximum Energy of Beam in Electron MeV	X-ray Absorbed Dose a Fraction of Maximum Absorbed Dose
1	0.03
15	0.05
35	0.10
50	0.20

~~(ii) Compliance with (c)(i) of this subsection shall be determined using:~~

~~(A) A measurement within a phantom with the incident surface of the phantom at the normal treatment distance and normal to the central axis of the beam;~~

~~(B) The largest field size available which does not exceed fifteen centimeters by fifteen centimeters; and~~

~~(C) A phantom whose cross-sectional dimensions exceed the measurement radiation field by at least five centimeters and whose depth is sufficient to perform the required measurement.~~

~~(iii) The absorbed dose at a surface located at the normal treatment distance, at the point of intersection of that surface with the central axis of the useful beam during x-ray irradiation, shall not exceed the limits stated in Table IV. Linear interpolation shall be used for values not stated.~~

TABLE IV

Maximum Photon Energy in MeV	Absorbed Dose at the Surface as a Fraction of the Maximum Absorbed Dose
1	0.80
2	0.70
5	0.60
15	0.50
35	0.40
50	0.20

~~(iv) Compliance with (c)(iii) of this subsection shall be determined by:~~

~~(A) Measurements made within a phantom using an instrument which will allow extrapolation to the surface absorbed dose;~~

~~(B) Use of a phantom whose size and placement meet the requirements of (c)(iii) of this subsection;~~

~~(C) Removal of all beam modifying devices which can be removed without the use of tools, except for beam scattering or beam flattening filters; and~~

~~(D) The largest field size available which does not exceed fifteen centimeters by fifteen centimeters.~~

~~(v) The registrant shall determine, or obtain from the manufacturer;) expressed as a fraction of maximum absorbed dose;~~

~~(ii) At various beam energies, the absorbed dose at the surface of the skin as a fraction of the maximum absorbed dose; and~~

~~(iii) The maximum percentage absorbed dose due to stray neutrons in the useful beam ((for)) at specified operating conditions.~~

~~((ff)) (g) Beam monitors. ((Ah)) Therapy systems shall be provided with radiation detectors in the radiation head.~~

~~(i) New equipment shall be provided with ((at least)) two or more radiation detectors. The detectors shall be incorporated into two monitoring systems arranged either as a primary/primary combination or as a primary/secondary combination.~~

~~(ii) Existing equipment shall be provided with ((at least)) one or more radiation detectors. ((This)) The detector shall be incorporated into a primary system.~~

~~(iii) The detectors and system ((into which)) where the detector is incorporated shall meet the following requirements:~~

~~(A) Each primary system shall have a detector which is a transmission full-beam detector ((and which is)) placed on the patient side of ((any fixed added filters other than a wedge filter.)) beam-modifying devices;~~

~~(B) The detectors shall be removable only with tools and shall be interlocked to prevent incorrect positioning((-);~~

~~(C) Each detector shall be capable of independently monitoring and controlling the useful beam((-);~~

~~(D) Each detector shall form part of a dose-monitoring system from whose readings in dose monitor units the absorbed dose, at a reference point in the treatment volume can be calculated((-);~~

~~(E) For new equipment, the design of the dose-monitoring systems of ((th)) subsection (2)(i) of this ((sub-section)) section shall assure ((that)) the malfunctioning of one system shall not affect the correct functioning of the second system. In addition((-;~~

~~(F) The failure of any element common to both systems shall terminate the useful beam.~~

~~(H) The failure of any element common to both systems which could affect the correct operation of)) the failure of an element common to both systems shall terminate irradiation.~~

~~(F) Each dose monitoring system shall have a legible display at the treatment control panel. Each display shall:~~

~~(I) Maintain a reading until intentionally reset to zero;~~

~~(II) Have only one scale and no scale multiplying factors in new equipment; and~~

~~(III) Utilize a design ((such that)) so increasing dose is displayed by increasing numbers and shall be ((so)) designed ((that)) so, in the event of an overdosage of radiation, the absorbed dose may be accurately determined under ((ah)) normal conditions of use or foreseeable failures.~~

(G) In the event of power failure, the dose-monitoring information required in ~~((the))~~ subsection (2)(i) of this ~~((subsection))~~ section displayed at the control panel at the time of failure shall be retrievable in ~~((at least))~~ one or more systems.

~~((g))~~ (h) Beam symmetry.

(i) ~~((For new equipment, each))~~ A therapy machine installed after the effective date of these regulations shall have the capability of comparing the dose rates in each of the four quadrants of the central eighty percent of the useful beam.

(ii) Beam symmetry information shall be displayed at the treatment control panel~~((, and such display shall be capable of indicating a))~~ making possible the following differential ~~((of more than))~~ between quadrants:

(A) Five percent ~~((between any two of the quadrant dose rates:))~~ for straight-through accelerators; and

(B) Three percent for bending-magnet accelerators.

(iii) Beam asymmetry in excess of ~~((twenty))~~ a ten percent quadrant differential shall ~~((automatically terminate the useful beam.))~~

~~((ii))~~ Beam symmetry requirements of (g)(i) of this subsection shall be met if the user can demonstrate to the satisfaction of the department that adequate fail-safe protection against the beam asymmetry is incorporated into the inherent design of the accelerator.

~~((iii))~~ On existing equipment where the department has determined that beam symmetry is inadequate the use of an automatic beam asymmetry warning system may be required ~~((cause treatment to terminate, or shall prevent irradiation.))~~

~~((h))~~ (i) Selection and display of dose monitor units.

(i) Irradiation shall not be possible until a selection of a number of dose monitor units ~~((has been))~~ is made at the treatment control panel.

(ii) After useful beam termination, it shall be necessary manually to reset the preselected dose monitor units before treatment ~~((can be))~~ is reinitiated.

(iii) The preselected number of dose monitor units shall be displayed at the treatment control panel until reset manually for the next irradiation.

~~((f))~~ (j) Termination of irradiation by the dose monitoring system.

(i) Each of the required monitoring systems shall be capable of independently terminating an irradiation. Provision shall be made to test the correct operation of each system.

(ii) Each primary system shall terminate irradiation when the preselected number of dose monitor units ~~((has been))~~ is detected by the system.

(iii) Each secondary system shall terminate irradiation when ~~((+02 percent))~~ a maximum of the preselected number of dose monitor units ~~((has been))~~ plus forty is detected by the system.

(iv) For new equipment, indicators on the control panel shall show which monitoring system ~~((has))~~ terminated the beam.

~~((j))~~ (k) Interruption switches. It shall be possible to interrupt irradiation and equipment movements at any time from the operator's position at the treatment control panel. Following any interruption, it shall be possible to restart irradiation by operator action without any

reselection of operating conditions. If any change is made of a preselected value during an interruption, the equipment shall go to termination condition.

~~((k))~~ (l) Termination switches. It shall be possible to terminate irradiation and equipment movements, or go from an interruption condition to termination conditions, at any time from the operator's position at the treatment control panel.

~~((h))~~ (m) Timer.

(i) A timer shall be provided which has a display at the treatment control panel. The timer shall be graduated in minutes and decimals of minutes. The timer shall have a preset time selector and an elapsed time indicator.

(ii) The timer shall be a cumulative timer which switches on and off with the radiation and retains its reading after irradiation is interrupted or terminated. It shall be necessary to zero and subsequently reset the elapsed time indicator and the preset time selector after irradiation is terminated before irradiation shall again be possible.

(iii) The timer shall terminate irradiation when a preselected time has elapsed if the dose monitoring systems fail to ~~((do so))~~ terminate irradiation.

~~((m))~~ (n) Selection of radiation type. Equipment capable of both x-ray therapy and electron therapy shall meet the following requirements:

(i) Irradiation shall not be possible until a selection of radiation type ~~((has been))~~ is made at the treatment control panel~~((:));~~

(ii) An interlock system shall be provided to insure that the equipment can emit only the selected radiation type ~~((which has been selected:));~~

(iii) An interlock system shall be provided to prevent irradiation if ~~((any))~~ selected operations carried out in the treatment room do not agree with the selected operations carried out in the treatment control panel~~((:));~~

(iv) With the exception of a specified number of dose monitor units for the purpose of portal film exposures, an interlock system shall be provided to prevent irradiation with x-rays when electron applicators are ~~((fitted))~~ in place and to prevent irradiation with electrons when accessories for x-ray therapy are ~~((fitted:))~~ in place; and

(v) The radiation type selected shall be displayed at the treatment control panel before and during irradiation.

~~((n))~~ (o) Selection of energy. Equipment capable of generating radiation beams of different energies shall meet the following requirements:

(i) Irradiation shall not be possible until a selection of energy ~~((has been))~~ is made at the treatment control panel~~((:));~~

(ii) An interlock system shall be provided to insure ~~((that))~~ the equipment can emit only the energy of selected radiation ~~((which has been selected:));~~

(iii) An interlock system shall be provided to prevent irradiation if ~~((any))~~ selected operations carried out in the treatment room do not agree with the selected operations carried out at the treatment control panel~~((:));~~ and

(iv) The energy selected shall be displayed at the treatment control panel before and during irradiation.

~~((t))~~ (p) Selection of stationary beam therapy or moving beam therapy. Equipment capable of both stationary beam therapy and moving beam therapy shall meet the following requirements:

(i) Irradiation shall not be possible until a selection of stationary beam therapy or moving beam therapy ~~((has been))~~ is made at the treatment control panel(-);

(ii) An interlock system shall be provided to insure ~~((that))~~ the equipment can operate only in the selected mode ~~((which has been selected:))~~;

(iii) An interlock system shall be provided to prevent irradiation ~~((if))~~ when any selected operations carried out in the treatment room do not agree with the selected operations carried out at the treatment control panel(-);

(iv) An interlock system shall be provided to terminate irradiation ~~((if))~~ when the movement stops during moving beam therapy(-);

(v) Moving beam therapy shall be ~~((so))~~ controlled ~~((that))~~ so the required relationship between the number of dose monitor units and movement is obtained(-); and

(vi) The mode of operation shall be displayed at the treatment control panel.

~~((p))~~ (q) Absorbed dose rate. For new equipment, a system shall be provided from whose readings the absorbed dose rate at a reference point in the treatment volume can be calculated.³ In addition:

(i) The quotient of the number of dose monitor units by time shall be displayed at the treatment control panel(-); and

(ii) If the equipment can deliver, under any conditions, an absorbed dose rate at the normal treatment distance more than twice the maximum value specified by the manufacturer's anticipated dose rate for any machine parameters utilized, a device shall be provided which terminates irradiation when the absorbed dose rate exceeds a value twice the specified maximum. The value at which the irradiation ~~((will be))~~ is terminated shall be in a registrant-maintained record ~~((maintained by the registrant))~~.

~~((q))~~ (r) Location of focal spot and beam orientation. The registrant shall determine, or obtain from the manufacturer, the location with reference to an accessible point on the radiation head of:

- (i) The x-ray target or the virtual source of x-rays;
- (ii) The electron window or the scattering foil;
- (iii) All possible orientations of the useful beam.

~~((r))~~ (s) System interlock checks. Capabilities shall be provided ~~((so that all))~~ to check radiation safety interlocks ~~((can be checked))~~. When preselection of ~~((any of the))~~ operating conditions requires action in the treatment room and at the treatment control panel, selection at one location shall not give a display at the other location until the requisite selected operations in both locations ~~((have been))~~ are completed.

~~((s))~~ ~~Shadow trays shall be designed such that the skin entrance dose due to electrons produced within the shadow tray are minimized:))~~

(t) Facility and shielding requirements. In addition to chapter ~~((402-24))~~ 246-221 WAC, the following design requirements shall apply:

(i) Except for entrance doors or beam interceptors, ~~((all the))~~ required barriers shall be fixed barriers(-);

(ii) The treatment control panel shall be located outside the treatment room(-);

(iii) Windows, mirrors, closed-circuit television, or other equivalent viewing systems shall be provided to permit continuous observation of the patient during irradiation and shall be ~~((so))~~ located ~~((that))~~ so the operator may observe the patient from the treatment control panel. When the viewing system is by electronic means ~~((e.g.))~~, for example, by television(-), an alternate viewing system shall be provided for use in the event of ~~((failure of))~~ the primary system(-) failure, or, alternatively, treatments shall be discontinued until the viewing system is again functional;

(iv) Provision shall be made for two-way aural communication between the patient and the operator at the treatment control panel. However, where excessive noise levels make aural communications impractical, other methods of communication shall be used(-);

(v) Treatment rooms to which access is possible through ~~((more than one))~~ two entrances or more shall be provided with warning lights ~~((which will))~~ and shall indicate when the useful beam is "on" in a readily observable position near the outside of all access doors(-); and

(vi) Interlocks shall be provided ~~((such that all))~~ so entrance doors shall be closed before treatment ~~((can be))~~ is initiated or continued. ~~((If))~~ When the radiation beam is interrupted by any door opening, it shall be possible to restore the machine to operation only by closing the door and reinitiating exposure by manual action at the control panel.

(u) Surveys, calibrations, spot checks and operating procedures.

(i) Survey.

(A) ~~((All))~~ New facilities, and existing facilities not previously surveyed, shall have a survey made by, or under the direction of, a qualified expert. Such surveys shall also be done after ~~((any))~~ a change in the facility or equipment ~~((which might cause))~~ causing a significant increase in radiation hazard.

(B) The registrant shall obtain a written report of the survey from the qualified expert and the registrant shall transmit a copy of the report ~~((shall be transmitted by the registrant))~~ to the department.

(C) The report shall indicate ~~((all))~~ instances where the installation, in the opinion of the qualified expert, is in violation of applicable regulations and shall cite the section violated.

(ii) Calibrations.

(A) The calibration of systems subject to this section shall be performed before the system is first used for irradiation of patient and thereafter at time intervals which do not exceed ~~((six))~~ twelve months and after any change which ~~((might))~~ significantly alters the calibration, spatial distribution, or other characteristics of the therapy beam.

(B) The calibration shall be performed ~~((under the direct supervision of))~~ by a qualified expert.

(C) Calibration of the dose equivalent of the therapy beam shall be performed with a measurement instrument of which the calibration (of which) is (directly) traceable to national standards of exposure or absorbed dose and which shall have been calibrated within the preceding two years.

(D) Calibrations made (pursuant to) under subsection (2)(u)(ii) of this (subsection) section shall (be such that) require the dose at a reference point in soft tissue (can) be calculated within (+) ± 5 percent.

(E) The calibration of the therapy beam shall include, but not be limited to, the following determinations:

(I) Verification that the equipment is operating in compliance with the design specifications concerning the light localizer, the side light and back-pointer alignment with the isocenter, when applicable, variation in the axis of rotation for the table, gantry and jaw system, and beam flatness and symmetry at specified depths(-);

(II) The (exposure rate or dose rate in air and at various depths of water) output factors in terms of dose per monitor unit or dose per minute at a specific depth in a phantom for the range of field sizes used, for each effective energy, and for each treatment distance used for radiation therapy(-);

(III) The congruence between the radiation field and the field indicated by the localizing device(-); and

(IV) The uniformity of the radiation field and its dependency upon the direction of the useful beam.

(F) Records of the calibration performed (pursuant to) under subsection (2)(u)(ii) of this (subsection) section shall be maintained by the registrant for two years after completion of the calibration.

(G) A copy of the latest calibration performed (pursuant to) under subsection (2)(u)(ii) of this (subsection) section shall be available for (use by the) operator (at the treatment control panel) use.

(iii) Spot checks. Spot checks shall be performed on the system subject to this section. Such spot checks shall meet the following requirements:

(A) ((The)) A qualified expert shall develop, in writing, spot check procedures (shall be in writing and shall have been developed by a qualified expert.);

(B) The measurements taken during spot checks shall demonstrate the degree of consistency of the operating characteristics ((which can affect)) affecting the radiation output of the system or the radiation delivered to a patient during a therapy procedure(-);

(C) The spot check procedures shall specify the frequency (at which) of tests or measurements ((are to be)) performed(-);

(D) For systems ((in which)) where beam quality can vary significantly, spot checks shall include quality checks(-);

(E) Where a system has built-in devices which provide a self-check of any parameter during irradiation, the spot check procedures shall require ((that)) the parameter be independently verified at specific time intervals(-);

(F) ((The reason for spot checks which are)) Erratic spot checks or inconsistent ((with)) spot checks of calibration data shall be promptly investigated and corrected before the system is used for patient irradiation(-);

(G) ((Whenever)) When a spot check indicates a significant change in the operating characteristics of a system, as specified in the qualified expert's spot check procedures, the system shall be recalibrated as required ((in)) under subsection (2)(u)(ii) of this (subsection-) section;

(H) Records of spot check measurements performed ((pursuant to)) under subsection (2)(u)(iii) of this (subsection) section shall be maintained by the registrant for a period of one year or for twice as long as the spot check cycle, whichever is greater(-);

(I) Operating procedures.

(I) No individual other than the patient shall be in the treatment room during treatment of a patient.

(II) If a patient must be held in position during treatment, mechanical supporting or restraining devices shall be used.

(III) The system shall not be used in the administration of radiation therapy unless subsection (2)(u)(i), (ii), and (iii) of this (subsection have been) section are met.

³The radiation detectors specified ((in (f))) under subsection (2)(g) of this (subsection) section may form part of this system.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-150 X-RAY FILM DEVELOPING REQUIREMENTS. Compliance with this section is required of ((all)) healing arts registrants and is designed to ensure ((that)) the patient and operator exposure is minimized, and to produce optimum image quality and diagnostic information.

(1) Manual processing of films:

(a) The following relationship between temperature of the developer and development time must be used (standard chemistry only):

THERMOMETER READINGS (DEGREES)	MINIMUM DEVELOPING TIMES (MINUTES)	
	C	F
27 - 80		2
		2
24 - 76		2 1/2
		2 1/2
22 - 72		3
		3
20 - 68		3 1/2
		3 1/2
18 - 64		4
		4
16 - 60		4 1/2
		4 1/2
14 - 56		5
		5 1/2
12 - 52		5 1/2
		6
10 - 48		6 1/2
		7
8 - 44		7
		8
6 - 40		8 1/2
		9 1/2

(b) Processing of film. All films shall be processed (~~in such a fashion as~~) to achieve adequate sensitometric performance. This criterion shall be adjudged (~~to have been~~) met if:

- (i) Film manufacturer's published recommendations for time and temperature are followed(~~(;)~~); or
- (ii) Each film is developed in accordance with the time-temperature chart(~~(See)~~) as required under sub-division (a) of this subsection.(~~(3)~~)

(c) Devices shall be available (~~which will~~) giving:

- (i) (~~Give~~) The actual temperature of the developer; and
- (ii) (~~Give~~) An audible or visible signal indicating the termination of a preset time (in minutes).
- (d) Chemical-film processing control.
- (i) Chemicals shall be mixed in accordance with the chemical manufacturer's recommendations.
- (ii) Developer replenisher shall be periodically added to the developer tank based on the recommendations of the chemical or film manufacturer. Solution may be removed from the tank to permit the addition of an adequate volume of replenisher.
- (iii) All processing chemicals shall be completely replaced at least every two months.

(2) (~~Automatic film processing. Films shall be processed in such a manner that the degree of film development is the same as would be achieved by proper adherence to subsection (1) of this section (manual processing)~~) Automatic film processors shall be set up and maintained so radiographic density and contrast are optimal. This criterion shall be adjudged met if:

(a) Film manufacturer's published specifications for time and temperature are followed. In the absence of such specifications, the film shall be developed using the following chart:

MINIMAL REQUIRED PROCESSOR DEVELOPER DEVELOPER TEMPERATURE IMMERSION TIME*

<u>°C</u>	<u>°F</u>	<u>Seconds</u>
35	95	20
34.5	94	21
34	93	22
33.5	92	23
33	91	24
32	90	25
31.5	89	26
31	88	27
30.5	87	28
30	86	29
29.5	85	30

*Immersion time only, no cross-over time included.

The specified developer temperature and immersion time shall be posted in the dark room or on the automatic processor; and

(b) Replenishment of the developer chemistry is optimal:

(i) The processor shall deliver an adequate rate of developer replenishment; and

(ii) For facilities with a low x-ray workload, standby replenishment, flood replenishment, or periodically sending blank films through the processor may be necessary.

(c) Sensitometric tests of processor performance demonstrate the processor is achieving radiographic density and contrast equal to other processor models operating at equivalent developer immersion time and developer temperatures and using comparable chemistry.

(3) Darkrooms. Darkrooms shall be constructed so ((that)) film being processed, handled, or stored will be exposed only to light ((which has)) passed through a safelight filter. The filter shall be of the type specified by the film manufacturer. Bulb wattage in the safelight shall be no greater than fifteen watts. The safelight shall be mounted at least four feet above work areas.

(4) The department shall make ((such)) x-ray film development and darkroom tests as ((may be)) necessary to determine compliance with this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-99910 APPENDIX I—GOOD PRACTICES. The following are included in this handbook of regulations as suggested good practices and are not intended to be a regulation. The topics presented in these good practices may, however, become incorporated into the Washington Administrative Code at a future date.

~~((1) Imaging systems. Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information should be utilized. This is interpreted to include but not limited to:~~

~~(a) The fastest speed films and screens should be utilized consistent with the diagnostic objective of the examination.~~

~~(b) The radiation exposure to the patient should be the minimum exposure required to produce images of good diagnostic quality.~~

~~(2) Patient log. Each facility should keep a patient log which will indicate the following information as a minimum:~~

~~(a) Identification of the patient, including name, facility identification number or social security number, age, and sex.~~

~~(b) Date of x-ray examination.~~

~~(c) Examination or treatment given, technique factors used, and number of exposures.~~

~~(d) Any deviation from the standard procedure or technique (including all repeat exposures) as denoted in the technique chart required in WAC 402-28-031 (2)(c).~~

~~(e) When applicable, the x-ray system used.~~

~~(f) Name or cross index of individuals who performed the exam.~~

~~(3) Human holder log. A record should be made of the examination and shall include the name of the human holder, date of the examination, number of exposures and technique factors utilized for the exposure(s).~~

(4)) (1) Exchange of information. Because patient exposure to diagnostic x-rays is the most predominant source of exposure to artificially produced ionizing radiation, radiographs should be exchanged among the practitioners of the various healing arts. Such exchange can only benefit patients by reducing the unnecessary repeated exposures of patients who are referred to, or change to, other practitioners.

((5)) (2) Patient exposure guidelines. The following patient exposure values should be achievable with high speed image receptor systems, proper filtration, a reasonable radiographic density preference, proper choice of kVp, and proper film development. State radiation safety surveyors can provide registrants with results of measurements of patient exposure values upon request.

Dental Bitewing (D-Speed Film)*

KVP Range Utilized	Upper Limit of Skin Entrance Exposure, mR
50 - 64	350
65 - 70	300
71 - 80	250
81 - 90	200

Medical (400 Speed Imaging System)*

Exam*	Upper Limit of Skin Entrance Exposure, mR
Abdomen (AP)	((600)) 300
Lumbar spine (AP)	((600)) 350
Cervical spine (AP)	((200)) 95
Full spine (AP)	150
Skull (LAT)	((200)) 70
Chest (PA)	((20))
	10 (Non-Grid),
	15 (Grid)

*On average-size adult patients

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-99920 APPENDIX II—DETERMINATION OF COMPETENCY. The following are areas in which the department ((of social and health services)) considers it important that an individual ((develop)) have expertise for the competent operation of x-ray equipment.

- (1) Familiarization with equipment.
 - (a) Identification of controls.
 - (b) Function of each control.
 - (c) ((Suggested settings for routine examinations:))

The use of a technique chart.

- (2) Radiation protection.
 - (a) Collimation.
 - (b) Filtration.

(c) Gonad shielding and other patient protection devices.

(d) Restriction of x-ray tube radiation to the image receptor.

(e) Personnel protection.

(f) Grids.

(3) Film processing.

(a) Film speed as relates to patient exposure.

(b) Film processing parameters.

(c) Quality assurance and quality control.

(4) Emergency procedures.

((7)) Termination of exposure in event of automatic timing device failure.

(5) Proper use of personnel dosimetry, if required.

(6) Understanding units of radiation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-99930 APPENDIX III—INFORMATION TO BE SUBMITTED BY PERSONS PROPOSING TO CONDUCT HEALING ARTS SCREENING USING IONIZING RADIATION. Persons requesting that the department approve a healing arts screening program shall submit the following information and evaluation:

(1) Name and address of the applicant and, where applicable, the names and addresses of agents within this state.

(2) Diseases or conditions and frequency for which the x-ray examinations are to be used.

(3) Description in detail of the x-ray examinations proposed in the screening program.

(4) Description of the population to be examined in the screening program, i.e., age, sex, physical condition, and other appropriate information.

(5) An evaluation of any known alternate methods not involving ionizing radiation which could achieve the goals of the screening program and why these methods are not used in preference to the x-ray examinations.

(6) An evaluation by a qualified expert of the x-ray system(s) to be used in the screening program. The evaluation by the qualified expert shall show that such system(s) satisfy all requirements of these regulations. The evaluation shall include a measurement of patient exposures from the x-ray examinations to be performed.

(7) A description of the diagnostic film quality control program.

(8) A copy of the technique chart for the x-ray examination procedures to be used.

(9) The qualifications of each individual who will be operating the x-ray system(s).

(10) The qualifications of the individual who will be supervising the operators of the x-ray system(s). The extent of supervision and the method of work performance evaluation shall be specified.

(11) The name and address of the individual who will interpret the radiograph(s).

(12) A description of the procedure to be used in advising the individuals screened and their private practitioners of the healing arts of the results of the screening procedure and any further medical needs indicated.

(13) A description of the procedures for the retention or disposition of the radiographs and other records pertaining to the x-ray examinations.

(14) An indication of the frequency of screening and the duration of the entire screening program.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-225-140 VETERINARY MEDICINE RADIOGRAPHIC INSTALLATIONS. (1) Equipment.

(a) The protective tube housing shall be of diagnostic type.

See WAC (~~(402-28-035)~~) 246-225-040(4).

(b) Diaphragms, cones, or a stepless adjustable collimator shall be used for collimating the useful beam to the area of clinical interest and shall provide the same degree of protection as is required of the housing. Cones or diaphragms, if used, shall be marked with their field size and the distance at which they are to be used.

(c) The ((total filtration permanently in)) half-value layer (HVL) of the useful beam shall not be less than ((0.5 millimeters aluminum equivalent for machines operating up to 50 kVp, 1.5 millimeters aluminum equivalent for machines operating between 50-70 kVp, and 2.5 millimeters aluminum equivalent for machines operating above 70 kVp:)) as shown in the following table:

Measured Potential (kilovolts peak)	Half-value Layer (millimeters of aluminum equivalent)
70 and below	1.5
71	2.1
80	2.3
90	2.5
100	2.7
110	3.0
120	3.2

(d) A device shall be provided to terminate the exposure after a preset time or exposure. It must not be possible for the device to allow an exposure when preset at "zero" or "off."

(e) A dead-man type of exposure switch shall be provided, together with an electrical cord of sufficient length, so that the operator can stand out of the useful beam and at least (~~(1.8)~~) two meters from the animal during all x-ray exposures.

(f) Reproducibility requirements(=See) as described under WAC ((402-28-054)) 246-225-090.

(2) Structural shielding. All wall, ceiling, and floor areas shall be equivalent to or provided with applicable protective barriers as required in WAC (~~(402-28-032)~~) 246-225-030(1).

(3) Operating procedures.

(a) In any application in which the operator is not located behind a protective barrier, clothing consisting of a protective apron having a lead-equivalent of not less

than (~~(0.5)~~) 0.25 millimeters shall be worn by the operator and any other individuals in the room during exposures.

(b) No individual other than the operator shall be in the x-ray room while exposures are being made unless such individual's assistance is required.

(c) When an animal or film must be held in position during radiography, mechanical supporting or restraining devices should be used. If the animal must be held by an individual, that individual shall be protected with appropriate shielding devices, such as protective gloves and apron, and that individual shall be so positioned that no part of that individual's body will be struck by the useful beam. The requirements of WAC (~~(402-24-070)~~) 246-221-090, Personnel monitoring, and (~~(402-28-031)~~) WAC 246-225-020 (2)(h)(iv) apply to such individuals.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-228-030 FACILITY REQUIREMENTS. (1) Radiation levels. The local components of an analytical x-ray system shall be located and arranged and shall include sufficient shielding or access control such that no radiation levels exist in any area surrounding the local component group which could result in a dose to an individual present therein in excess of the dose equivalent limits given in WAC (~~(402-24-040)~~) 246-221-060 of these regulations. For systems utilizing x-ray tubes, these levels shall be met at any specified tube rating.

(2) Surveys. Radiation surveys, as required by WAC (~~(402-24-085)~~) 246-221-110 of all analytical x-ray systems, sufficient to show compliance with WAC (~~(402-40-040)~~) 246-228-030(1), shall be performed:

(a) Upon installation of the equipment, and at least once every twelve months thereafter;

(b) Following any change in the initial arrangement, number, or type of local components in the system;

(c) Following any maintenance requiring the disassembly or removal of a local component in the system;

(d) During the performance of maintenance and alignment procedures if the procedures require the presence of a primary x-ray beam when any local component in the system is disassembled or removed;

(e) Any time a visual inspection of the local components in the system reveals an abnormal condition; and

(f) Whenever personnel monitoring devices required in WAC (~~(402-40-060)~~) 246-228-050(2) show a significant increase over the previous monitoring period or the readings are approaching 1/10 of the hands and forearm limit specified in WAC (~~(402-24-020)~~) 246-221-010.

(g) Radiation survey measurements shall not be required if a registrant or licensee can demonstrate compliance to the satisfaction of the department with WAC (~~(402-40-040)~~) 246-228-030(1) in some other manner.

(3) Posting. Each area or room containing analytical x-ray equipment shall be conspicuously posted with a sign or signs bearing the radiation symbol and the words "CAUTION - X-RAY EQUIPMENT," or words having a similar intent.

(4) Documentation of instruction. Each facility shall maintain written documentation showing that compliance with WAC 246-228-050 has been met, and shall make such documentation available to the department upon request.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-228-040 OPERATING REQUIREMENTS. (1) Procedures. Routine operating procedures shall be written and available to all analytical x-ray equipment workers. No person shall be permitted to operate analytical x-ray equipment in any manner other than that specified in the procedures unless such person has obtained written approval of the radiation safety officer.

(2) Bypassing. No person shall bypass a safety device unless such person has obtained the written approval of the radiation safety officer. Such approval shall be for a specified period of time. When a safety device has been bypassed, a readily discernible sign bearing the words "SAFETY DEVICE NOT WORKING," or words having a similar intent, shall be placed on the radiation source housing. The requirements set forth in WAC ((~~402-40-030~~) 246-228-020(1)) shall also be met.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-228-050 PERSONNEL REQUIREMENTS. (1) Instruction. No person shall be permitted to operate or maintain analytical x-ray equipment unless such person has received instruction in and demonstrated competence as to:

(a) Identification of radiation hazards associated with the use of the equipment;

(b) Significance of the various radiation warning and safety devices incorporated into the equipment, or the reasons they have not been installed on certain pieces of equipment and the extra precautions required in such cases;

(c) Proper operating procedures for the equipment;

(d) Symptoms of an acute localized exposure; and

(e) Proper procedures for reporting an actual or suspected exposure.

(2) Personnel monitoring. Finger or wrist dosimetric devices shall be provided to and shall be used by:

(a) Analytical x-ray equipment workers using systems having an open-beam configuration and not equipped with a safety device; and

(b) Personnel maintaining analytical x-ray equipment if the maintenance procedures require the presence of a primary x-ray beam when any local component in the analytical x-ray system is disassembled or removed.

(c) Reported dose values shall not be used for the purpose of determining compliance with WAC ((~~402-24-020~~) 246-221-010) of these regulations unless evaluated by a qualified expert.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-001 PURPOSE AND SCOPE. (1) This chapter establishes procedures for the registration and the use of particle accelerators.

(2) In addition to the requirements of this chapter, all registrants are subject to the requirements of chapters ((~~402-10, 402-12, 402-16, 402-24, and 402-48~~)) 246-220, 246-224, 246-221, and 246-222 WAC. Registrants engaged in industrial radiographic operations are also subject to the requirements of chapter ((~~402-36~~) 246-243 WAC and registrants engaged in the healing arts are also subject to the requirements of chapter ((~~402-28~~) 246-225 WAC and/or chapter ((~~402-32~~) 246-240 WAC of these regulations. Registrants engaged in the production of radioactive material are also subject to the requirements of chapters ((~~402-19 and 402-22~~) 246-232 and 246-235 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-010 REGISTRATION REQUIREMENTS. No person shall receive, possess, use, transfer, own, or acquire a particle accelerator except as authorized in a registration issued pursuant to these regulations or as otherwise provided for in these regulations. The general procedures for registration of particle accelerator facilities are included in chapter ((~~402-16~~) 246-224 WAC of these regulations.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-020 GENERAL REQUIREMENTS FOR THE ISSUANCE OF A REGISTRATION FOR PARTICLE ACCELERATORS. (Refer to chapter ((~~402-16~~) 246-224 WAC.) In addition to the requirement of chapter ((~~402-16~~) 246-224 WAC a registration application for use of a particle accelerator will be approved only if the department determines that:

(1) The applicant is qualified by reason of training and experience to use the accelerator in question for the purpose requested in accordance with this chapter in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, operating and emergency procedures are adequate to protect health and minimize danger to public health and safety or property;

(3) The issuance of the registration will not be inimical to the health and safety of the public, and the applicant satisfies any applicable special requirement in WAC ((~~402-44-040~~) 246-229-030);

(4) The applicant has appointed a qualified radiation safety officer;

(5) The applicant and/or the staff has substantial experience in the use of particle accelerators and training sufficient for the intended uses;

(6) The applicant has established a radiation safety committee to approve, in advance, proposals for uses of particle accelerators, whenever deemed necessary by the department; and

(7) The applicant has an adequate training program for particle accelerator operators.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-030 HUMAN USE OF PARTICLE ACCELERATORS. In addition to the requirements set forth in chapter ((402-16)) 246-224 WAC a certificate of registration for use of a particle accelerator in the healing arts will be issued only if:

(1) Whenever deemed necessary by the department, the applicant has appointed a medical committee of at least three members to evaluate all proposals for research, diagnostic, and therapeutic use of a particle accelerator. Membership of the committee should include physicians expert in internal medicine, hematology, therapeutic radiology, and a person experienced in depth dose calculations and protection against radiation;

(2) The individuals designated on the application as the users have substantial training and experience in deep therapy techniques or in the use of particle accelerators to treat humans; and

(3) The individual designated on the application as the user must be a physician.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-050 LIMITATIONS. (1) No registrant shall permit any person to act as a particle accelerator operator until such person:

(a) Has been instructed in radiation safety and shall have demonstrated an understanding thereof;

(b) Has received copies of and instruction in this chapter and the applicable requirements of chapters ((402-24 and 402-48)) 246-221 and 246-222 WAC, pertinent registration conditions and the registrant's operating and emergency procedures, and shall have demonstrated understanding thereof;

(c) Has demonstrated competence to use the particle accelerator, related equipment, and survey instruments which will be employed in the individual's assignment; and

(2) The registrant shall maintain records which demonstrate compliance with the requirements of WAC ((402-44-060)) 246-229-050(1).

(3) Either the radiation safety committee or the radiation safety officer shall have the authority to terminate the operations at a particle accelerator facility if such action is deemed necessary to protect health and minimize danger to public health and safety or property.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-060 SHIELDING AND SAFETY DESIGN REQUIREMENTS. (1) A qualified expert, specifically accepted by the department, shall be consulted in the design of a particle accelerator installation and called upon to perform a radiation survey when the accelerator is first capable of producing radiation.

(2) Each particle accelerator installation shall be provided with such primary and/or secondary barriers as

are necessary to assure compliance with WAC ((402-24-020 and WAC 402-24-040)) 246-221-010 and 246-221-060.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-080 WARNING DEVICES. (1) All locations designated as high radiation areas (except inside treatment rooms designed for human exposure) and entrances to all locations designated as high radiation areas shall be equipped with easily observable flashing or rotating warning lights that operate when, and only when, radiation is being produced.

(2) Except in facilities designed for human exposure, each high radiation area shall have an audible warning device which shall be activated for 15 seconds prior to the possible creation of such high radiation area. Such warning device shall be clearly discernible in all high radiation areas. The registrant shall instruct all personnel in the vicinity of the particle accelerator as to the meaning of this audible warning signal.

(3) Barriers, temporary or otherwise, and pathways leading to high radiation areas shall be identified in accordance with WAC ((402-24-090)) 246-221-120.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-090 OPERATING PROCEDURES. (1) Particle accelerators, when not in operation, shall be secured to prevent unauthorized use.

(2) Only a switch on the accelerator control console shall be routinely used to turn the accelerator beam off and on. The safety interlock system shall not be used to turn off the accelerator beam except in an emergency, or as required in WAC ((402-44-100)) 246-229-090(3).

(3) All safety and warning devices, including interlocks, shall be checked for proper operation at intervals not to exceed three months and after maintenance on such safety and warning devices. Results of such tests shall be maintained for inspection at the accelerator facility.

(4) Electrical circuit diagrams of the accelerator, and the associated interlock systems, shall be kept current and maintained for inspection by the department and available to the operator at each accelerator facility.

(5) If, for any reason, it is necessary to bypass a safety interlock or interlocks intentionally, such action shall be:

(a) Authorized by the radiation safety committee and/or radiation safety officer;

(b) Recorded in a permanent log and a notice posted at the accelerator control console; and

(c) Terminated as soon as possible.

(6) A copy of the current operating and the emergency procedures shall be maintained at the accelerator control panel.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-229-110 VENTILATION SYSTEMS. (1) Means shall be provided to ensure that personnel are

not exposed to airborne radioactive materials in excess of those limits specified in WAC (~~(402-24-030)~~) 246-221-040, for restricted areas and WAC (~~(402-24-050)~~) 246-221-070, for unrestricted areas.

(2) A registrant as required by WAC (~~(402-24-050)~~) 246-221-070 shall not vent, release or otherwise discharge airborne radioactive material to an uncontrolled area which exceeds the limits specified in WAC (~~(402-80-050 or 402-24-220)~~) 246-247-040 or 246-221-290 Appendix A - Table II, except as authorized pursuant to WAC (~~(402-24-135 or 402-24-050)~~) 246-221-180 or 246-221-070(2). For purposes of this paragraph, concentrations may be averaged over a period not greater than one year. Every reasonable effort should be made to maintain releases of radioactive material to uncontrolled areas, as far below these limits as practicable.

WSR 91-15-084
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3205—Filed July 23, 1991, 3:15 p.m.]

Date of Adoption: July 23, 1991.

Purpose: To facilitate day care subsidy payment to day care programs approved by the Office of Superintendent of Public Instruction, the Department of Defense, and tribal governments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-150-020 and 388-155-020.

Statutory Authority for Adoption: RCW 74.15.030.

Pursuant to notice filed as WSR 91-12-024 on May 31, 1991.

Changes Other than Editing from Proposed to Adopted Version: The revision would specify that the center be "certified" rather than "licensed" by the Department of Defense (which does not actually "license" centers on military reservations). The phrase "and operated on the premises over which the entity operating the center has jurisdiction" is added to both sections. These additions are made to prevent misunderstanding regarding the limits to the licensing exemptions for which the referenced agencies qualify and those situations which the department will exempt from its certification process. The sections were formatted somewhat differently to make them more readable.

Effective Date of Rule: Thirty-one days after filing.

July 23, 1991

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3103, filed 11/20/90, effective 12/2/90 [12/21/90])

WAC 388-150-020 SCOPE OF LICENSING. (1) The person or organization operating a child day care center shall be subject to licensing by authority under chapter 74.15 RCW, unless specifically exempted by RCW 74.15.020(4).

(2) The person or organization operating a child day care center and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person or organization claiming an exemption shall provide the department proof of entitlement to the exemption on the department's request.

(3) The department shall not license the center legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the center as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.

(4) The department may certify a day care center for payment without further investigation if the center is:

(a) Licensed by an Indian tribe;

(b) Certified by the Federal Department of Defense;

or

(c) Approved by the superintendent of public instruction's office. The center must be licensed, certified, or approved in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity operating the center has jurisdiction.

(5) The department shall not license the department employee or the member of the department employee's household when such person is involved directly, or in an administrative or supervisory capacity, in the:

(a) Licensing or certification process;

(b) Placement of a child in a licensed or certified center; or

(c) Authorization of payment for the child in care.

(5) The department may license the center located in a private family residence when the portion of the residence accessible to the child is:

(a) Used exclusively for the child during the center's operating hours or while the child is in care; or

(b) Separate from the family living quarters.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-020 SCOPE OF LICENSING. (1) The person operating a family child care home shall be subject to licensing by authority under chapter 74.15 RCW, unless exempted by RCW 74.15.020(4).

(2) The person operating a family child care home and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person claiming an exemption shall provide the department proof of entitlement to the exemption on the department's request.

(3) The department shall not license the home legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify

the home as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.

(4) The department may certify a family day care home for payment without further investigation if the home is:

(a) Licensed by an Indian tribe; or

(b) Certified by the Federal Department of Defense.

The home must be licensed or certified in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.

WSR 91-15-085
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3206—Filed July 23, 1991, 3:16 p.m.]

Date of Adoption: July 23, 1991.

Purpose: Incorporate federal spousal transfer rules in Washington Administrative Code (WAC).

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-395 Transfer of resources.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 91-12-022 on May 31, 1991.

Changes Other than Editing from Proposed to Adopted Version: A subdivision on institutional spouse is added to the terms in this subdivision. It reads as follows:

"Institutional spouse" means a person who meets the requirements of (a) of this subsection and is married to a spouse who is not:

(i) In a medical institution;

(ii) Nursing facility; or

(iii) Receiving home or community-based services under WAC 388-83-200 or 388-83-210.

The subdivisions have been redesignated sequentially. Periods are added to subdivisions (c), (e), (f) and (g).

The principal reasons for adopting the changes are as follows: This change is to assure that the correct definition of spouse appears in this chapter. This is the same definition as in the federal Medicare Catastrophic Coverage Act.

Effective Date of Rule: Thirty-one days after filing.

July 23, 1991
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 2806, filed 6/1/89)

WAC 388-95-395 TRANSFER OF RESOURCES. (1) The terms in this section shall have the following definitions:

(a) "Institutionalized ~~((individual))~~ person" means ~~((an individual))~~ a person who is:

(i) An inpatient in a nursing facility;

(ii) An inpatient in a medical institution where the payment is made for a level of care provided in a nursing facility; or

(iii) In need of the level of care provided in a nursing facility or medical institution, but receiving home or community-based services under WAC 388-83-200 and 388-83-210; and

(iv) Expected to be in the nursing facility, medical institution, or receiving home or community-based services under WAC 388-83-200 and 388-83-210 for thirty consecutive days or more.

(b) "Institutional spouse" means a person who meets the requirements of (a) of this subsection and is married to a spouse who is not:

(i) In a medical institution;

(ii) Nursing facility; or

(iii) Receiving home or community-based services under WAC 388-83-200 or 388-83-210.

(c) "Community spouse" means the person married to an institutionalized ~~((individual; (c)))~~ person.

(d) "Institutional services" means a level of care provided in a nursing facility, equivalent nursing facility in a medical institution, or in a home or community-based program under WAC 388-83-200 or WAC 388-83-210.

(e) "Transfer" means any act or ~~((an))~~ omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person, including but not limited to delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property ~~((; (d)))~~.

(f) "Fair market value" means the price the resource may reasonably sell for on the open market at the time of transfer or assignment ~~((; (e)))~~.

(g) "Uncompensated value" means the fair market value of a resource at the time of transfer minus the value of compensation the ~~((individual))~~ person receives in exchange for the resource ~~((; (f)))~~.

(h) "Value of compensation received" means the consideration the purchaser pays or agrees to pay. Compensation includes:

(i) All money, real or personal property, food, shelter, or services the ~~((individual))~~ person receives under a legally enforceable agreement whereby the eligible ~~((individual))~~ person shall transfer the resource; and

(ii) The payment or assumption of a legal debt the ~~((individual))~~ person owes in exchange for the resource.

~~((g))~~ (i) "Undue hardship" means the client's inability to meet shelter, food, clothing, and health care needs.

(2) The department shall consider resource transfers made on or before June 30, 1989 under WAC 388-92-043.

(3) The department shall consider resource transfers made on or after July 1, 1989 under ~~((WAC 388-95-395 and shall consider interspousal transfers made on or after October 1, 1989, under subsection (8)(d) of))~~ this section.

(4) The department shall not impose any penalty for transfer for less than fair market value of any exempt

resource except for the home as provided under ~~((subsections (7) and (8) of))~~ this section.

(5) The department shall calculate a period of ineligibility for nursing facility services, equivalent nursing facility services in a medical institution, and services described under WAC 388-83-200 and 388-83-210, for the ~~((individual transferring))~~ institutionalized person when the person or the person's spouse disposes of a ((home or nonexempt)) resource for less than fair market value at any time during or after the thirty-month period immediately before the date:

(a) The ~~((individual))~~ person becomes an institutionalized ~~((individual))~~ person, if eligible for medical assistance on such date; or

(b) If not eligible as of the date of institutionalization, the date an institutionalized ~~((individual))~~ person applies for such services.

(6) The department shall establish a period of ineligibility beginning on the first day of the month in which the ~~((individual))~~ person or the person's spouse transfers the ~~((home or nonexempt))~~ resource. The number of months of ineligibility shall equal the lesser of:

(a) Thirty months; or

(b) The number of months found by dividing the total uncompensated value of the transferred resource by the statewide average monthly cost of nursing facility services to a private patient at the time of the application; and

(c) The period of ineligibility shall not include a partial month.

(7) The department shall not find the ~~((individual))~~ institutionalized person ineligible for ~~((medical assistance))~~ institutional services if the resource transferred was a home and the home was transferred to the ~~((individual's))~~ person's:

(a) Spouse; or

(b) Child who is:

(i) Blind or permanently and totally disabled; or

(ii) Twenty years of age or under.

(c) Sibling who has:

(i) Equity in the home; and

(ii) Lived in the home for one year immediately before the ~~((individual))~~ person became institutionalized.

(d) Child, other than described under subsection (7)(b) of this section, who:

(i) Lived in the home for two years or more immediately before the ~~((individual))~~ person became institutionalized; and

(ii) Provided care to the ~~((individual))~~ person to permit the ~~((individual))~~ person to remain continuously at home.

(8) The department shall not find the ~~((individual))~~ institutionalized person ineligible for ~~((medical assistance))~~ institutionalized services if the ~~((nonexempt))~~ resource other than the home was transferred to:

(a) ~~((The community))~~ Or from the person's spouse; or

(b) Or from another person for the sole benefit of the ((community)) person's spouse; or

(c) The ~~((individual's))~~ person's blind or permanently and totally disabled child~~((or~~

~~((d) The individual's spouse unless such spouse transfers the resource to another person for less than fair market value at any time during the thirty-month period defined under subsection (5) of this section)).~~

(9) The department shall not find the ~~((individual))~~ person ineligible if the ~~((individual))~~ person can satisfactorily show the department that:

(a) He or she intended to transfer the home or nonexempt resource at fair market value or other valuable consideration; or

(b) He or she transferred the home or nonexempt resource exclusively for a purpose other than to qualify for medical assistance; or

(c) The denial of eligibility would cause an undue hardship.

(10) A person or the spouse of such a person, the department determines ineligible under this section, has the right to request a hearing to appeal the determination. The procedure for the hearing is under chapter 388-08 WAC.

(11) The department shall:

(a) Exclude cash received from the sale, transfer, or exchange of an excluded resource to the extent that the cash is used to replace or is reinvested in another excluded resource within the same month, except as specified under WAC 388-92-045.

(b) Consider any portion of the cash remaining a nonexcluded resource.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 91-15-086
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3207—Filed July 23, 1991, 3:17 p.m.]

Date of Adoption: July 23, 1991.

Purpose: Clarified the determination of the period of ineligibility for the receipt of nonrecurring lump sum income.

Statutory Authority for Adoption: RCW 74.21.070.

Pursuant to notice filed as WSR 91-12-065 on June 5, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 23, 1991

Rosemary Carr

Acting Director

Administrative Services

NEW SECTION

WAC 388-77-531 NON RECURRING LUMP SUM INCOME. (1) For the Title IV-A portion of FIP, when a household ceases to be eligible for FIP because of the receipt of non recurring lump-sum income, the department shall follow WAC 388-28-484 (2)(b); except in determining the period of ineligibility.

(2) The period of ineligibility shall be established by following (2)(a) or (2)(b) below, whichever results in the shorter period of ineligibility. The department shall:

(a) Divide the unit's non recurrent lump sum income, plus other income after applicable disregards following AFDC income rules by the AFDC need standard plus authorized additional requirements; or

(b) Divide the unit's not recurrent lump sum income, plus other income after applicable deductions following FIP income rules by the benchmark standard plus applicable incentives and authorized additional requirements.

(3) The minimum period of ineligibility shall be one month.

(4) For the purposes of FIP food assistance, the department shall treat non recurring lump sums according to the food stamp program.

**WSR 91-15-087
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3208—Filed July 23, 1991, 3:18 p.m.]

Date of Adoption: July 23, 1991.

Purpose: This change will repeal chapter 388-53A WAC. The RCW governing the program was changed in 1986. The Department of Social and Health Services no longer has administrative responsibility for the program.

Citation of Existing Rules Affected by this Order: Repealing chapter 388-53A WAC.

Statutory Authority for Adoption: RCW 38.52.030.

Pursuant to notice filed as WSR 91-12-066 on June 5, 1991.

Effective Date of Rule: Thirty-one days after filing.
July 23, 1991
Rosemary Carr
Acting Director
Administrative Services

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-53A-010 Purpose.
- WAC 388-53A-020 Definitions.
- WAC 388-53A-030 Authorization of program.
- WAC 388-53A-040 Administrative procedures.
- WAC 388-53A-050 Program eligibility.
- WAC 388-53A-060 Program eligibility review.
- WAC 388-53A-070 Criteria for continued eligibility.
- WAC 388-53A-080 Termination of temporary housing.
- WAC 388-53A-090 Allocation of funds.
- WAC 388-53A-100 Organization and functions.
- WAC 388-53A-110 Eligibility determinations.
- WAC 388-53A-120 Notification of approval or disapproval.
- WAC 388-53A-130 Reconsideration process.

WAC 388-53A-140 State appeal.

**WSR 91-15-088
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3209—Filed July 23, 1991, 3:19 p.m.]

Date of Adoption: July 23, 1991.

Purpose: The purpose of this amendment is to conform WAC 388-49-480 to the requirements of 7 CFR 273.11(c).

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-480.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 91-12-023 on May 31, 1991.

Effective Date of Rule: Thirty-one days after filing.
July 23, 1991
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 2770, filed 3/2/89)

WAC 388-49-480 INCOME—INELIGIBLE HOUSEHOLD MEMBERS. (1) The department shall determine eligibility and benefit level for households containing persons disqualified for intentional program violation or persons disqualified for failure to meet work requirements described in WAC 388-49-360 as follows:

- (a) The entire income of the disqualified persons shall be considered available to the remaining household members; ((and))
- (b) The entire household's allowable earned income, standard deduction, medical, dependent care, and excess shelter deduction shall be considered in their entirety; and
- (c) The household's coupon allotment shall not be increased as a result of the exclusion of one or more persons.

(2) The department shall determine eligibility and benefit level for households containing persons ineligible because of alien status, disqualification for refusal to obtain or provide a Social Security number, or failure to sign the application attesting to their citizenship or alien status as follows:

- (a) A pro rata share of the income of the ineligible persons shall be counted as income to the remaining household members;
- (b) The twenty percent earned income deduction shall apply to the ineligible persons' earned income attributed to the household; and
- (c) The portion of the household's allowable shelter and dependent care expense which is paid by or billed to the ineligible members shall be divided evenly among all members of the household, providing the ineligible members have income.

(3) The department shall not consider the income of ineligible students (~~((or persons disqualified for failure to meet work registration requirements as available to the household with whom they reside))~~).

(4) The department shall exclude ineligible or disqualified household members when determining the household's size for purposes of:

- (a) Assigning a benefit level; and
- (b) Comparing the household's monthly income to the income eligibility standards.

WSR 91-15-089
PROPOSED RULES
PUGET SOUND
WATER QUALITY AUTHORITY
 [Filed July 23, 1991, 3:55 p.m.]

Original Notice.

Title of Rule: Amending WAC 400-06-070 and 400-06-170, Agency procedures, organization and communications.

Purpose: To revise provisions containing agency's address, reflecting physical relocation of its offices.

Statutory Authority for Adoption: Chapter 90.70 RCW.

Statute Being Implemented: RCW 90.70.011(6).

Summary: Revision of agency's listing of physical location and mailing address within chapter 400-06 WAC, as a result of agency's 1991 relocation from Seattle to Olympia area.

Reasons Supporting Proposal: Agency's relocation mandated by section 2, chapter 115, Laws of 1990 (as codified at RCW 90.70.011(6)).

Name of Agency Personnel Responsible for Drafting: Marc Jerden, Puget Sound Water Quality Authority, Mailstop PV-15, Olympia, Washington 98504, 493-9158.

Name of Proponent: Puget Sound Water Quality Authority, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Housekeeping measure to change agency's address within chapter 400-06 WAC, due to recent office relocation from Seattle to Olympia area.

Proposal Changes the Following Existing Rules: Address change only.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Puget Sound Water Quality Authority Monthly Meeting, John Wayne Marina, 615 West Sequim Bay Road, Sequim, WA, on September 18, 1991, at 9:30 a.m.

Submit Written Comments to: Marc Jerden, Legal/Policy Analyst, Puget Sound Water Quality Authority, Mailstop PV-15, Olympia, Washington 98504, by September 16, 1991.

Date of Intended Adoption: September 18, 1991.

July 22, 1991
 Nancy McKay
 Executive Director

AMENDATORY SECTION (Amending WSR 90-17-063, filed 8/15/90, effective 9/15/90)

WAC 400-06-070 PUGET SOUND WATER QUALITY AUTHORITY—DESCRIPTION OF ORGANIZATION. RCW 90.70.011 provides that the authority shall be composed of eleven members. Nine of these members are appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology, or their designees, serve as ex-officio members. The administrative office of the authority and its staff is (~~(217 Pine Street, Suite 1100, Seattle, Washington 98101)~~) located on the campus of St. Martins College, Lacey, Washington. The mailing address is Mailstop PV-15, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-170 COMMUNICATIONS. All communications regarding the actions or decisions of the authority:

(1) Pertaining to the administration or enforcement of chapter 42.17 or these rules shall be addressed to the Public Records Officer, Puget Sound Water Quality Authority, (~~(Suite 1100, 217 Pine Street, Seattle, Washington 98101)~~) Mailstop PV-15, Olympia, Washington 98504; and

(2) Relating to the development of the plan shall be addressed to Director of Planning, Puget Sound Water Quality Authority, (~~(Suite 1100, 217 Pine Street, Seattle, Washington 98101)~~) Mailstop PV-15, Olympia, Washington 98504.

WSR 91-15-090
PROPOSED RULES
PUGET SOUND
WATER QUALITY AUTHORITY
 [Filed July 23, 1991, 3:59 p.m.]

Original Notice.

Title of Rule: Amending chapter 400-12 WAC, Local planning and management of nonpoint pollution.

Purpose: The purpose of revising chapter 400-12 WAC is to simplify existing requirements placed on local governments; decrease the amount of prescriptive language; and increase flexibility for local watershed action plan development.

Statutory Authority for Adoption: Chapter 90.70 RCW.

Statute Being Implemented: RCW 90.70.025(9).

Summary: The revised chapter 400-12 WAC establishes criteria and procedures for local governments to rerank watersheds and develop and implement watershed action plans in order to control nonpoint pollution. The revisions to this chapter clarify these criteria and procedures and incorporate new information.

Reasons Supporting Proposal: The revision to this chapter is specified in element NP-2.1 of the 1991 Puget Sound water quality management plan and is in response to comments received from local governments involved in the early action watershed planning process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katherine Minsch, Puget Sound Water Quality Authority, Mailstop PV-15, Olympia, 98504, 493-9408.

Name of Proponent: Puget Sound Water Quality Authority, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the revised chapter 400-12 WAC establishes criteria and procedures for local governments to rerank watersheds and develop and implement watershed action plans. The purpose of the action plans is to prevent and control nonpoint pollution throughout the watershed. The proposed revisions to this chapter include addressing: Minimum requirements for plan content and approval; time frames for plan development, review and approval; clarification of state and local responsibilities; and identification of which elements should be taken out of the rule and put into guidelines. The anticipated effect of these changes is to reduce the complexity of the existing program and increase the flexibility for local governments to develop and implement the watershed action plans.

Proposal Changes the Following Existing Rules: The major changes proposed to chapter 400-12 WAC include: Adding a focus on constituency building; allowing for earlier reviews for reranking if necessary, which could result in a watershed being reranked to a higher priority; clarifying the roles of the lead agencies and the watershed management committees in the planning process; expanding committee membership to include all affected parties; adding a new section on the roles of planning and implementing entities; clarifying the approach to developing the action plans; reorganizing sections to reflect the actual sequence of the process; replacing the detail on how to complete the watershed characterization with a list of minimum requirements; modifying the control approach to give watershed management committees the option of developing control strategies by source category or by each pollutant (across the range of sources); strengthening the implementation procedure; and modifying the review and approval process of the action plans.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

Purpose: The Regulatory Fairness Act, chapter 19.85 RCW, was adopted to minimize proportionally higher economic impacts of state regulations on small businesses. This act requires that rules which have an economic impact on more than 10% of businesses in any one three digit standard industrial classification or more than 20% of all businesses be reviewed and if necessary altered to minimize their impact on small businesses. This statement serves as a compliance document that determines the economic impact on small businesses of the proposed revisions to chapter 400-12 WAC regarding local planning and management of nonpoint source pollution.

Background: Chapter 400-12 WAC establishes criteria and procedures for the ranking of watersheds and for the development and implementation of watershed action plans. The proposed revision of the chapter is in response to comments received from local governments involved in the early action watershed planning process.

The revisions attempt to clarify the existing requirements placed on local governments; decrease the amount of prescriptive language; increase flexibility for plan development; and reduce the complexity of the program. As outlined in the 1991 Puget Sound water quality management plan, the revisions were to include, but not be limited to, addressing: Minimum requirements for plan content and approval; time frames for plan development, review and approval; clarification of state and local responsibilities; and identification of which elements should be taken out of the rule and put into guidelines.

The major changes proposed include: Adding a focus on constituency building; allowing for earlier reviews for reranking if necessary, which could result in a watershed being reranked to a higher priority; clarifying the roles of the lead agencies and the watershed management committees in the planning process; expanding committee membership to include all affected parties; adding a new section on the roles of planning and implementing entities; clarifying the approach to developing the action plans; reorganizing sections to reflect the actual sequence of the process; replacing the detail on how to complete the watershed characterization with a list of minimum requirements; modifying the control approach to give watershed management committees the option of developing control strategies by source category or by each pollutant (across the range of sources); strengthening the implementation procedure; and modifying the review and approval process of the action plans.

Impact Analysis: This rule amendment has been reviewed and found to create a negligible economic burden on regulated businesses for the following reasons:

The purpose of the revision to minimize complexity; decrease the amount of prescriptive language; and allow more flexibility in implementation should serve to minimize any impacts to industry.

The revisions remove many of the detailed requirements from the rule and replace them with minimum requirements.

Local governments are not absolutely required to develop watershed action plans. Furthermore, only local governments in high-ranked watersheds are involved in the action plan process. In addition, the rule directly affects local governments rather than business.

Inclusion of the option to develop control strategies by pollutants (rather than by sources) could serve to reduce impacts to individual businesses. In addition, impact to industry will vary from locality to locality based on the type of strategies (voluntary, educational or regulatory) the local government chooses in implementing the plan.

The watershed management committee membership as defined in WAC 400-12-410 includes all affected parties of the watershed action plan. Therefore, all affected businesses should be represented in the planning and implementing process. This latter fact will help to mitigate the potential for disproportionate impacts.

Determination: The proposed revision to chapter 400-12 WAC will not have a direct impact on more than 10% of the businesses in any one three digit standard

industrial classification or more than 20% of all businesses. Therefore, it does not require a review or alterations to minimize impact upon small businesses.

This statement concludes a Determination of Negligible Impact on small businesses by the proposed revisions to chapter 400-12 WAC.

Hearing Location: September 9, 1991, at 7:00 p.m., Hearing Room 2, 101 Cherberg Building, Olympia, WA 98504; on September 10, 1991, at 7:00 p.m., NOAA - Sandpoint, Auditorium, 7600 Sandpoint Way N.E., Seattle, WA; on September 11, 1991, at 7:00 p.m., Public Utilities, 1415 Freeway Drive, Mt. Vernon, WA; and on September 12, 1991, at 7:00 p.m., Port Townsend Public Library, 1220 Lawrence Street, Port Townsend, WA.

Submit Written Comments to: Katherine Minsch, by September 18, 1991.

Date of Intended Adoption: October 16, 1991.

July 23, 1991
Nancy McKay
Executive Director

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-110 PURPOSE. ~~((The purpose of))~~ This chapter ~~((is to establish))~~ establishes criteria and procedures for ranking watersheds and for developing and implementing action plans for watersheds most in need of corrective and/or preventive actions. The purpose is to reduce pollutant loading from nonpoint sources, prevent new sources from being created, enhance water quality and protect beneficial uses.

This planning process encourages collaborative problem solving among a diversity of local, state, tribal, and federal interests, recognizing that political constituency-building is necessary for implementation.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-120 APPLICABILITY. This chapter applies to the Puget Sound basin as identified by RCW 90.70.060 and does not apply outside of the Puget Sound basin. ~~((Approved early action watersheds that are underway when this chapter becomes effective are not required to follow specific detailed provisions of this chapter; however, early action planning processes must be consistent with the purpose and goals of the plan and as consistent as practicable with this chapter.))~~

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-200 DEFINITIONS. For the purposes of this chapter, the following definitions shall apply:

(1) "Action plan" means a locally developed and department-approved plan which is then implemented ((plan)) to prevent and control nonpoint pollution in a priority watershed or an early action watershed.

(2) "Affected parties" means both those whose beneficial use of water is being impaired, or potentially impaired, by nonpoint pollution and those groups associated with the nonpoint sources of pollution identified in WAC 400-12-510~~((+))~~(3).

(3) "Authority" means the Puget Sound water quality authority.

(4) "Beneficial uses" means uses identified by Water quality standards for waters of the state of Washington (chapter 173-201 WAC) as desirable uses for given classes of waters~~((such as))~~. Examples are water supplies for domestic, industrial, or agricultural purposes; fish, shellfish, and wildlife habitat; recreation; and navigation.

(5) "Best management practices" means agricultural, structural, and/or managerial practices that, when used singly or in combination as part of an approved site development plan or farm plan, provide minimum essential action or treatment needed to solve, prevent, or reduce site-specific water quality problems.

(6) ~~(("Consultations" include informal meetings with representatives or small groups of interested or affected parties for the purpose of discussing problems or solutions or sharing information))~~ "Comprehensive land use plan" means a generalized coordinated land use policy

statement of the governing body of a county or city that is adopted pursuant to Title 35 RCW, Title 35A RCW, chapter 36.70, or 36.70A RCW.

~~((7))~~ "Consensus" means achievement of general agreement or accord by the watershed management committee during the planning process.

~~((7))~~ (8) "Department" means the Washington state department of ecology.

~~((8))~~ (9) "Document review" means solicitation of comment from interested and affected parties on reports, proposals, or plans during various stages of development of action plans.

~~((9))~~ (10) "Early action watersheds" means those watersheds selected by the department for development of action plans prior to promulgation of this chapter.

~~((10))~~ (11) "Failed," "failing," or "failure" of an on-site sewage disposal system ~~((shall include, but not be limited to, the occurrence of any one, or combination of, the following factors:~~

(a) ~~The system cannot accept sewage effluent at the design rate, resulting in interference with plumbing fixture use;~~

(b) ~~Sewage effluent exceeds the infiltrative capacity of the soil resulting in objectionable odors, ponding, seepage, or other discharge of the effluent to the ground surface or surface water; and/or~~

(c) ~~Sewage effluent from the system results in contamination of a potable water supply, groundwater, or surface water))~~ means failure as defined by chapter 70.118 RCW (On-site sewage disposal systems) and chapter 246-272 WAC (On-site sewage system).

~~((11))~~ (12) "Farm" means a property where ~~((domesticated))~~ domestic animals are kept to provide primary or supplemental income, for personal consumption, or for recreational use, or where crops are grown for resale.

~~((12))~~ (13) "Farm plan" means a site-specific plan developed by a farm operator in cooperation with a resource agency (such as those developed under the "208" water quality management program with assistance of a conservation district or the soil conservation service) and approved by the conservation district board of supervisors, for managing resources to protect water quality.

~~((13))~~ (14) "Federal agencies" means units of the federal government having major facilities or substantial land holdings in the watershed, such as the Departments of Defense, Interior, Agriculture, or Transportation.

~~((14))~~ (15) "Ground water management areas" means areas designated and defined in chapter 173-100 WAC and administered by the department.

~~((15))~~ (16) "Implementing entity" means a federal or state agency, Indian tribe, local government, organization, or special purpose district responsible for carrying out the day-to-day activities of the applicable provisions of an action plan once it is approved by the department and, where applicable, adopted by the legislative body of the entity.

~~((16))~~ (17) "Lead agency" means any entity selected in accordance with WAC ~~((400-12-300))~~ 400-12-400 with responsibility for ~~((convening the watershed ranking committee, or in accordance with WAC 400-12-400 with responsibility for))~~ coordinating the development and implementation of ~~((an))~~ a watershed action plan ~~((for a watershed))~~. ~~((In both cases,))~~ The lead agency must possess the financial and staff resources in order to fulfill its responsibilities under this chapter. The lead agency must be a governmental jurisdiction with power to pass resolutions, enact ordinances, and appropriate funds for expenditure; an Indian tribe recognized as such by the federal government with territory or usual and accustomed fishing grounds within waters in or adjacent to the county; a conservation district; a metropolitan municipal corporation; or a council of governments.

~~((17))~~ (18) "Local government" means the city or town council, board of county commissioners, county council, special purpose district commission, metropolitan municipal corporation, council of governments, or that body assigned legislative duties by a city, county, or district charter.

~~((18))~~ (19) "Nonpoint ((source)) pollution" ~~((or "nonpoint pollution"))~~ means pollution, as defined by chapter 90.48 RCW, (Water pollution control) that enters any waters of the state within Puget Sound basin from any dispersed land-based or water-based activities, including ((but not limited to atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels)) farm practices, storm water and erosion, on-site sewage disposal, forest practices, marinas and boats, atmospheric deposition, garbage, and other residential, commercial, and industrial sources.

(20) "Nonpoint pollution control programs" or "nonpoint pollution control strategy" means programs using education, technical and financial assistance, regulation, incentives or disincentives, monitoring, and/or enforcement to control, prevent, and mitigate pollution from nonpoint sources.

((19)) (21) "On-site sewage disposal system" means a septic tank and drainfield or alternative treatment and disposal system as defined in chapter ((248-96)) 246-272 WAC (On-site sewage system).

((20)) (22) "Pesticides" means those substances intended to control pests and unwanted plants as defined in chapter 15.58 RCW, the Washington Pesticide Control Act.

((21)) (23) "Plan" means the ((1987)) 1991 Puget Sound water quality management plan ((and amendments)), which has been approved as the comprehensive conservation management plan for Puget Sound, and subsequent revisions.

((22)) (24) "Planning entity" means a governmental or nongovernmental body that prepares reports, makes recommendations, and participates in developing an action plan. An agency may serve both as a planning entity and implementing entity.

((23)) (25) "Prevention" means application of laws, ordinances, administrative procedures, and/or land management practices or education and public involvement programs which reduce or eliminate the potential for nonpoint pollution.

(26) "Priority" means highest or higher in importance or rank.

((24)) (27) "Public hearing" means a formal public meeting to take testimony on a pending action.

((25)) (28) "Public meeting" means an informal public proceeding, including a workshop, that informs the public and provides an opportunity for the public to ask questions and voice opinions.

((26)) (29) "Public notification" means use of public information techniques to ensure that:

(a) Information on decisions to be made or actions to be taken is complete and understandable;

(b) A full explanation is provided on the effects of decisions or actions on the public, especially the effects on specific groups or geographic areas; and

(c) The ways in which the public may influence the decision-maker and appeal the decision are explained.

((27)) (30) "Puget Sound" means all ((salt waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia, the Strait of Juan de Fuca, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands)) waters of Puget Sound south of the Admiralty Inlet including Hood Canal and Saratoga Passage; the waters north to the Canadian border, including portions of the Strait of Juan de Fuca south of the Canadian border; and all land draining into these waters as mapped by WAC 173-500-040, water resource inventory areas, number 1 through 19.

((28)) (31) "Regional watershed" means a large geographic region draining into a major river or body of water as identified and numbered by the state of Washington water resource inventory areas ((WRIsAs)) as defined in chapter 173-500 WAC.

((29)) (32) "Regulation" means laws, rules, or ordinances to establish legal standards or administrative procedures to control nonpoint pollution.

((30)) "Source control programs" or "source control strategy" means programs using education, technical and financial assistance, regulation, monitoring, and/or enforcement to control, prevent, and mitigate nonpoint pollution from on-site sewage disposal, agricultural practices, stormwater and erosion, forest practices, marinas and boats, and other residential, agricultural, commercial, and industrial sources, and other sources.

((31)) (33) Section 313 of the Clean Water Act specifies that the federal government shall be subject to and comply with all federal, state, interstate and local requirements, administrative authority and process and sanctions respecting the control and abatement of water pollution.

(34) Section 319 of the Clean Water Act requires states to assess and rank their waters for impacts to beneficial uses from nonpoint source pollution and to develop and implement management programs to address the ranked waters.

(35) "Special purpose district" means a district established pursuant to statute or ordinance in a specific geographic area to carry out specific responsibilities which ((are related to water quality such as soil and water conservation, port development and management, or on-site sewage disposal system maintenance)) affect water quality. Examples

are soil and water conservation districts, port districts or on-site sewage disposal system maintenance districts.

((32)) (36) "Special surveys" means intensive assessments of land use and water quality designed to obtain information on specific sources or pollutants not available through routine water sampling.

((33)) (37) "State-wide forest practices program" means chapter 76.09 RCW, the Washington state Forest Practices Act; forest practices regulations as adopted by the state forest practices board and the department of ecology; administration of the Forest Practices Act and regulations; and implementation of the Timber, Fish, and Wildlife Agreement.

((34)) (38) "Subwatershed" means a geographic and hydrologic subunit of a watershed or regional watershed.

((35)) (39) "Technical assistance" means service provided by state, tribal, or federal agencies to assist local entities in watershed ranking and/or action plan development and implementation.

((36)) (40) "Timber, fish, and wildlife agreement" means a voluntary agreement which was drawn up by resource agencies, tribes, industry, and environmental groups to address forest practices on state and private lands within the state of Washington.

(41) "208 water quality management plans" means nonpoint source control plans prepared in accordance with Section 208 of the Federal Clean Water Act.

((37)) (42) "Watershed" means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the state of Washington water resource inventory areas ((WRIsAs)) as defined in chapter 173-500 WAC, or as defined and delineated by a watershed ranking committee through the watershed ranking process.

((38)) (43) "Watershed management committee" means a local committee formed to develop an action plan in accordance with criteria set forth in this chapter and in the plan.

((39)) (44) "Watershed ranking committee" means a committee convened to identify and rank all of the watersheds within a county in accordance with criteria set forth in this chapter and as generally described in the plan.

((40)) (45) "Watershed rating criteria for nonpoint sources of pollution" means criteria developed by the United States Department of Agriculture Puget Sound Cooperative River Basin Study team to rank watersheds.

((41)) (46) "Water quality violation" means a violation of local, state, and/or federal water quality laws or regulations.

((42)) (47) "Wetlands" means lands defined using criteria contained in the United States Department of Interior Fish and Wildlife Service "Classification of Wetlands and Deepwater Habitats of the United States."

AMENDATORY SECTION (Amending 88-01, filed 3/2/88)

WAC 400-12-210 OVERVIEW. (1) This chapter establishes a process to ((identify and rank)) review the ranking of watersheds in the Puget Sound basin and to develop and implement action plans to prevent nonpoint ((source)) pollution, enhance water quality, and protect beneficial uses.

(2) Each county will convene a committee to ((rank)) review and/or re-rank the watersheds wholly or partly within the county boundaries, using criteria set forth in this chapter. Local watershed management committees will be formed to develop action plans for the ranked watersheds. ((The)) Lead ((agency)) agencies will submit completed action plans to the department for approval. Each action plan may be implemented through voluntary actions; local ordinances; or a combination thereof; and/or local, state, and federal laws, regulations, and programs.

(3) Technical assistance from state agencies will be available to committees and implementing entities ((during watershed ranking, development of action plans, and implementation)). Substantial involvement by both the general public and affected parties shall be sought in all phases of watershed ranking and action plan development. If action plans are ineffective, revisions can be proposed by local governments and/or required by the department according to procedures outlined in the watershed action planning process ((and/or required by the department)).

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-220 PUBLIC INVOLVEMENT. (1) In addition to the provisions of this chapter, public involvement shall be conducted

in accordance with public involvement policies of the plan and with chapter 42.30 RCW, the Open Public Meetings Act.

(2) ~~Except where otherwise specified in this chapter, meaningful and substantive participation by the general public and affected parties shall be provided as follows ((except where otherwise specified in this chapter)):~~

(a) ~~((The lead agency shall regularly provide written information on the watershed ranking process and the action planning process to)) All interested and affected local governments, special purpose districts, state and federal agencies, Indian tribes, the general public, and other interested parties((, informing them of progress and pending decisions)) shall be informed of progress in planning and implementation and educated and involved in decision-making through such activities as public meetings and hearings, watershed events, citizen workshops, open houses, and newsletters.~~

(b) The watershed ranking committee and the watershed management committee shall provide:

(i) Adequate opportunities for public comment both early in the watershed ~~((ranking)) re-ranking and action planning process((, and at appropriate times throughout, including after preparation of draft documents from Phase I of the action planning process. Public meetings, consultations, and document reviews shall be used with other appropriate means to solicit public comment. The results from these activities shall be reported to either the watershed ranking committee or watershed management committee, as appropriate)); and~~

(ii) Public notification ~~((shall be provided))~~ sufficiently in advance of public meetings and public hearings to allow the general public and affected parties adequate time to consider the decision in question. ~~((Local entities may use existing public hearing procedures provided these procedures are consistent with this chapter.))~~

NEW SECTION

WAC 400-12-305 INITIAL WATERSHED RANKING. Each of the twelve Puget Sound counties has completed the initial watershed ranking. The initial watershed ranking process required each county to convene a committee of representatives from cities, special purpose districts, tribal governments, and other appropriate entities. Information on the water quality, habitat, biological conditions, and land use of each watershed was gathered. The committees then ranked the watersheds in order of need for preventive and/or corrective actions. The committees considered such factors as beneficial uses, likelihood of intensified land use, environmental factors, such as soil, slope, or precipitation, and contamination problems. Each county submitted a report on their ranking process and final ranked list to the department by January 1989.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-320 FIVE-YEAR REVIEW. ~~((The lead agency shall reconvene a watershed ranking committee at least every five years to evaluate the ranking based on the results of implementation of action plans and/or new information. Previously unranked early action watersheds shall be ranked at that time.)) (1) The county is assumed to be the lead agency for the watershed re-ranking process. The lead agency shall reconvene a watershed ranking committee at least every five years to evaluate the ranking based on the results of the implementation of action plans and/or new information. This review shall be conducted more frequently than every five years if a significant change occurs, such as intensified land use within the watershed, or if there is an emergency situation, which poses a hazard to public health or the health of an ecosystem within the watershed.~~

(2) Process.

(a) Watershed ranking committee. The lead agency shall invite representatives from interested and affected parties, including but not limited to, local government legislative authorities, special purpose districts, tribal governments, and the general public. In counties with numerous incorporated communities, committees shall include at least one representative from each population category of a city or town as identified in chapter 35.01 RCW (Municipal corporations classified).

(b) Information gathering. The lead agency shall provide any new information on water quality, habitat, biological conditions, and land use for all watersheds in the county, as well as information on the results of action plan implementation.

(c) Review and re-ranking. Using this information, the watershed ranking committee shall evaluate the initial ranking based on criteria in plan element NP-1 or on alternative methods consistent with the

plan upon approval from the department. The use of consensus in the re-ranking process is encouraged.

(d) Public involvement. The watershed ranking committee shall conduct its public involvement program in accordance with the provisions of WAC 400-12-220. In addition, the committee shall conduct at least one public hearing in the county on the proposed re-ranking.

(3) If changes are made to the previous watershed ranking, a description and a brief rationale shall be prepared and submitted to the department.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-400 LEAD AGENCY FOR WATERSHED PLANNING. ~~((1) Designation. For watersheds within a single county, the county is responsible for the formation of watershed management committees and is the lead agency for preparation of watershed plans, except as described in subsection (3) of this section.~~

(2) Responsibilities. The lead agency shall coordinate the activities necessary to develop and implement the action plan, submit the action plan to the department for approval, administer the grant to develop or implement the action plan, coordinate SEPA review, oversee plan implementation, and perform other such duties as necessary to carry out the action planning or implementation process. To reduce duplication of effort, the lead agency shall also be responsible for coordinating the activities of the watershed management committee with other existing water management programs (e.g., groundwater). Coordination and integration of local efforts related to ground- and surface water is strongly encouraged. If a joint groundwater and watershed management program is established, the county shall be the lead agency for the joint program. The joint program shall comply with the requirements of chapter 173-100 WAC.

(3) Exceptions. After it is convened by the county, the watershed management committee may select another lead agency if that entity meets the requirements set forth in this chapter. If the county does not act as the lead agency, it shall serve on the committee and shall participate in local review of the action plan as described in Part Five of this chapter. When the watershed is wholly or mostly within a city, state park, Indian reservation, or other similar jurisdiction, the entity with such jurisdiction shall be the lead agency unless another arrangement is negotiated with the committee. In multicounty watersheds, the counties may agree on a temporary lead or may jointly convene the committee. However, in multicounty watersheds, only one lead agency shall be chosen by the counties involved to carry out the responsibilities of a lead agency during the action planning process. Where a joint groundwater and watershed management program is established, a city may be designated as the lead agency if both the groundwater and watershed management plan areas are wholly or mostly within the city.) (1) Designation.

(a) The county is assumed to be the lead agency for each watershed management committee. However, another entity may serve as the lead agency if it has geographic jurisdiction and/or responsibilities that wholly or mostly encompass the watershed and can demonstrate that it has the ability to perform the duties of a lead agency as per WAC 400-12-200(17), either directly or through a memorandum of agreement with the county. Additionally, the entity shall demonstrate coordination with the county. If the county does not act as the lead agency, it shall serve on the committee and shall participate in local review of the action plan as described in Part Five of this chapter.

(b) In multicounty watersheds, the counties may jointly convene the committee, provided there is demonstrated coordination, or may choose one entity to carry out lead agency responsibilities. In these situations there shall be a single public involvement process which ensures that interested and affected parties throughout the watershed are involved.

(c) Where a joint ground water and watershed management program is established, a city may be designated as the lead agency if both the ground water and watershed management plan areas are wholly or mostly within the city.

(2) Responsibilities. The lead agency shall be responsible for:

(a) Initiating the planning process and developing the work plan and schedule;

(b) Setting up the watershed management committee;

(c) Convening meetings and coordinating the activities necessary to develop the action plan;

(d) Coordinating the activities of the watershed management committee with other existing land and water management programs (e.g., ground water, local comprehensive planning);

(e) Working with planning and implementing agencies in preparation of the action plan, including:

(i) Informing federal agencies with jurisdiction in the watershed of action plan requirements to ensure compliance with the Clean Water Act, Section 313 and to assist federal agencies in the review of their activities pursuant to Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., if applicable; and

(ii) Informing local and state agencies that either have jurisdiction over any property or facility, or are engaged in any activity resulting in nonpoint pollution in the watershed, of their role or responsibility in the implementation of the action plan;

(f) Coordinating the SEPA review;

(g) Performing other such duties as necessary to ensure the action planning process is carried out;

(h) Reviewing the action plan to determine whether it is consistent with the requirements of this chapter and reporting its findings to the committee; and

(i) Submitting the action plan on behalf of the watershed management committee to the department for approval.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-410 WATERSHED MANAGEMENT COMMITTEES. (1) Membership. The watershed management committee shall include all entities that have a legitimate role in the development and implementation of a watershed action plan. This includes affected local and tribal governments, special purpose districts, affected parties, watershed residents, and appropriate state and federal agencies (if the watershed includes significant state or federal lands or if these agencies have regulatory roles within the watershed). Additional advisory committees may be established as necessary and agreed upon by the committee members. Membership on watershed management committees in multicounty watersheds shall include the same interests as those in single county watersheds.

(2) Responsibilities. ((The watershed management committee shall be responsible for developing the action plan.)) In addition to the responsibilities identified in Parts Five, Six, and Seven of this chapter, the watershed management committee shall be responsible for:

(a) ((Prepare and record)) Approving rules for conducting meetings, ((develop a)) decision-making ((process that is appropriate to the committee,)) and ((establish procedures for a)) dispute resolution ((process)). Use of consensus in making decisions is encouraged;

(b) ((Prepare a)) Reviewing and approving the work plan and schedule for the development of the action plan((, pursuant to WAC 400-12-420, which identifies:));

((i) The roles and responsibilities of members of the committee as mutually agreed upon;

((ii)) (c) Providing input to develop a strategy for public participation consistent with this chapter;

((iii) When SEPA compliance is to take place pursuant to WAC 197-11-055; and

(iv) The lead agency for coordinating SEPA compliance; and

(c) In addition to the requirements of WAC 400-12-220, comply with the following provisions for public involvement:

(i) Hold appropriate consultations, document review with interested parties including the department, and public meetings for the documents developed during each phase of the action planning process specified in WAC 400-12-510 and 400-12-520; and

(ii) Conduct at least one public hearing on the draft action plan in accordance with WAC 400-12-560(2);

(2) In addition to its responsibilities under WAC 400-12-220 and 400-12-560 the lead agency, in cooperation with the watershed management committee, shall also carry out the following activities for the watershed management committee:

(a) Incorporate the work plan and schedule agreed to by the committee into the grant agreement with the department;

(b) Review the action plan to determine whether it is consistent with the requirements of this chapter and report its findings to the committee;

(c) Inform federal agencies with jurisdiction in the watershed of action plan requirements to ensure compliance with 33 U.S.C. Section 1323 and to assist federal agencies in the review of their activities pursuant to Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., if applicable; and

(d) Inform local and state agencies that either have jurisdiction over any property or facility, or are engaged in any activity resulting in nonpoint pollution in the watershed, of their role or responsibility in the action plan pursuant to WAC 400-12-570;

(3) Membership. The watershed management committee process shall be structured to involve planning and potential implementing entities for each nonpoint source category to be addressed, including the participation of local governments and their legislative representatives, special purpose districts, tribes, watershed residents, affected parties, and appropriate state and federal agencies, if the watershed includes significant state or federal lands. Representatives of the general public and affected parties shall be included on the watershed management committee, on a separate advisory committee, or both. Membership on watershed management committees in multicounty watersheds shall include the same interests as those in single county watersheds, and there shall be a single public involvement process which ensures that interested and affected parties throughout the watershed are involved.

(4) Formation. The lead agency shall notify by letter all local government legislative authorities, conservation districts, and Indian tribes with jurisdiction in the watershed, inviting them to participate on the watershed management committee. These entities, including the lead agency, shall, in consultation with affected parties, jointly select a committee size and structure that provides for balanced representation based on the nonpoint sources in the watershed. The lead agency shall publicize the formation of the watershed management committee and may select a deadline for recruiting members. At any time during the planning process, when determined appropriate by the committee, the lead agency may seek additional members to represent affected parties and appropriate local governments and state and federal agencies.

(5) Schedule and work plan. Within ninety days from the effective date of its grant agreement with the department, the lead agency shall convene the watershed management committee and the committee shall determine a schedule and work plan for the action planning process in accordance with WAC 400-12-410 (1)(b) and 400-12-420.))

(d) Informing representative interests about the action planning process; and

(e) Developing and approving the watershed action plan.

NEW SECTION

WAC 400-12-415 PLANNING AND IMPLEMENTING ENTITIES. Planning and implementing entities shall evaluate the applicability of the watershed action planning process to their jurisdiction and/or responsibilities and provide technical assistance and coordination as appropriate during the development of the plan. Planning and implementing entities shall also be responsible for reviewing the action plan and providing a statement of concurrence.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-420 SCHEDULE FOR PREPARATION AND REVIEW OF ACTION PLAN. Draft action plans shall be prepared and presented to the department within eighteen months after the watershed management committee ((determines)) approves the schedule and work plan ((in accordance with WAC 400-12-410(5))). In large or complex watersheds, the department may allow a planning process of up to twenty-four months at the request of the watershed management committee.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-500 OVERVIEW. ((The watershed action plan shall describe a coordinated program of effective actions to be implemented to prevent and abate nonpoint source pollution within the watershed. This is to be accomplished through local programs that define nonpoint source problems and identify appropriate means to maintain or improve water quality and protect beneficial uses. Action plans are to be developed in three phases. In Phase 1, problems are defined and goals and objectives are developed; in Phase 2, the source control strategy and implementation plan are prepared; and in Phase 3, the action plan, including materials developed in Phases 1 and 2, is approved and submitted to the department for its approval. Each phase requires public involvement and consultation with implementing entities and agencies. Watershed management committees may obtain technical assistance during all three phases. Action plans may vary in content depending on water quality problems identified in the watershed. Implementing entities are strongly encouraged both to continue and augment their ongoing efforts to prevent and correct nonpoint source pollution during the action planning process.)) (1) Nonpoint pollution comes from a large number of sources that vary in size and impact on water quality, particularly in high risk or sensitive areas.

Degradation of a waterbody results from the cumulative effect of pollutants from these sources. The watershed action plan shall describe a coordinated program of effective actions to be implemented to prevent and abate nonpoint pollution within the watershed. This is to be accomplished through local programs that define priority nonpoint pollution problems and identify appropriate means to maintain or improve water quality and protect beneficial uses.

(2) Action plans shall be developed in four phases:

(a) In phase 1, current conditions are assessed, risks and threats to beneficial uses are identified, priority problems are defined and goals and objectives are developed;

(b) In phase 2, the nonpoint pollution control strategy is prepared, consisting of a combination of voluntary, educational, and regulatory approaches to controlling the identified sources of the problem pollutants, and based on feasibility, likelihood of success and cost;

(c) In phase 3, the implementation strategy is developed, including milestones, financing, and monitoring; and

(d) In phase 4, the action plan, including materials developed in phases 1, 2 and 3, is reviewed and submitted to the department for its approval.

(3) Each phase requires public involvement and consultation with implementing entities and agencies. Watershed management committees may obtain technical assistance during all four phases. Action plans may vary in content depending on water quality problems identified in the watershed, and on the feasibility and likelihood of success of various control strategies. Implementing entities are strongly encouraged to become involved early in the action planning process, and to continue and augment their ongoing efforts to prevent and correct nonpoint pollution.

NEW SECTION

WAC 400-12-515 PHASE 1—WATERSHED CHARACTERIZATION AND GOALS AND OBJECTIVES DEVELOPMENT.

(1) Purpose. This section establishes requirements for gathering and evaluating water quality information to define priority nonpoint pollution problems and for developing goals and objectives for the action plan.

(2) Watershed characterization.

(a) Intent. The purpose of the watershed characterization is to provide the watershed management committee, other decision-making bodies, and the public with the most accurate current information on the types and levels of pollutants from nonpoint sources, and the relative impacts on water quality and beneficial uses of the water resource. This is to include those areas or resources which are particularly sensitive to those pollutants. This information is to be used in developing and implementing action plan nonpoint pollution control strategies and in evaluating the effectiveness of these strategies. The characterization shall summarize current information and identify information needed to adequately define nonpoint pollution problems which need to be addressed.

(b) Preparation. Preparation of the watershed characterization shall be at the direction of the lead agency and the watershed management committee. The watershed management committee and the lead agency shall have the opportunity to evaluate the completeness and adequacy of the characterization. Other appropriate implementing agencies shall be involved in the preparation and review of the characterization.

(c) Minimum requirements. The watershed characterization shall include, at a minimum:

(i) A description of the biological conditions and physical characteristics of the environment;

(ii) Information on land use and population, including existing and potential trends;

(iii) A description of habitats;

(iv) An assessment of existing water quality and anticipated trends;

(v) A map showing the action plan boundaries. Where a plan is being jointly prepared with a ground water management program, the boundaries of the ground water management planning area shall be included;

(vi) A map showing jurisdictional boundaries of the local, state, federal, and tribal governments, participating special purpose districts and implementing entities in the watershed;

(vii) A map showing all waterways, water bodies, and wetlands;

(viii) A discussion of existing federal, state, local, and other water quality programs ongoing in the watershed; and

(ix) A description of information that is desirable but unavailable.

(3) Problem definition. Using information from the watershed characterization prepared in accordance with subsection (2) of this section, the committee shall prepare a description of the extent of the water quality problems resulting from nonpoint pollution in the planning area including, but not limited to:

(a) Beneficial uses of the water bodies and/or stream segments impaired or threatened by nonpoint pollution and the extent of the impairment or threat;

(b) The extent that water quality standards in the various water bodies, as specified in chapter 173-201 WAC (Water quality standards for surface waters of the state of Washington), are not being met;

(c) Impacts or potential impacts of nonpoint pollution on ground water and surface water;

(d) Wetlands affected or threatened by nonpoint pollution;

(e) Existing or potential nonpoint pollutants and their sources that threaten or impair beneficial uses or contribute to water quality degradation in each water resource identified in (a), (b), (c), and (d) of this subsection. All potential pollutants and their sources must be evaluated and ranked according to the extent of impairment of beneficial uses or contribution to water quality degradation. Evaluated pollutants shall include nutrients, pathogens, toxic chemicals, and other potential pollutants. Sources shall include farm practices, storm water, on-site septic systems, forest practices, boating and marinas, and any other source or potential source in the watershed. The evaluation shall include the best available estimates of the number and general location of sources and volume of pollutant loadings; and

(f) An analysis of the adequacy of existing water quality programs to prevent and correct nonpoint pollution.

(4) Goals and objectives. The committee shall prepare a statement of water quality goals and objectives. At a minimum, the goals and objectives statement shall provide for:

(a) Identifying the desired extent of protective measures and corrective actions that must be enacted to achieve the intended level of restoration and maintenance of beneficial uses;

(b) Achieving enhancement of water quality pursuant to chapter 173-201 WAC and chapter 90.48 RCW (Water pollution control); and

(c) Achieving consistency with the intent of this chapter and the programs resulting from Section 319 of the Federal Clean Water Act.

NEW SECTION

WAC 400-12-525 PHASE 2—ACTION PLAN NONPOINT POLLUTION CONTROL STRATEGY. (1) Purpose. This section guides the development of control strategies to prevent and minimize nonpoint pollution, protect beneficial uses, and achieve enhancement of water quality. Nonpoint pollution control strategies shall address the existing or potential nonpoint pollutants and sources identified by the watershed management committee as priorities. Control strategies for pollutants or sources which are not identified as priorities may be included in the action plan, but are not required.

(2) Approach. Watershed management committees may select voluntary, educational, and regulatory approaches for addressing nonpoint pollution in the watershed. Educational programs must involve agencies and/or individuals with expertise in education in program development and implementation, while regulatory programs must provide adequate enforcement.

(3) Minimum requirements. The watershed management committee shall prepare a description and analysis of nonpoint pollution control strategies for each pollutant or source category which has been designated a priority. A source control approach would address the pollutants from each source category which has been designated as a priority. A pollutant-by-pollutant approach still entails control of sources in order to reduce or prevent pollutant loadings, but would be across the range of sources for that pollutant. The committee shall not be limited to these approaches. The rationale for choosing the approaches proposed for each source or pollutant control strategy shall be discussed, including the feasibility, cost, and likelihood of success. In addition, the committee shall describe the ways in which the nonpoint pollution control strategies will achieve enhancement of water quality and protection of beneficial uses in the watershed.

(4) Nonpoint pollution source categories. When addressing pollutants from farm practices, storm water and erosion, on-site septic systems, forest practices, marinas and boating, or other sources as applicable, the committee shall include the following in developing the nonpoint pollution control strategies:

(a) Farm practices. The intent of this strategy is to control nonpoint pollution that results from farm practices. Such a strategy shall emphasize education and incentives to obtain voluntary action for prevention and correction, the use of best management practices implemented as part of farm water quality management plans, and special considerations for noncommercial farms. It shall also include a compliance and enforcement element for those cases where voluntary action is not obtained. The strategy shall include the following:

(i) A farm inventory element that identifies all farms in the watershed, and includes information on the status of existing farm plans;

(ii) A prevention and corrective action element which includes provisions for encouraging farm operators without farm plans to develop and implement farm plans, and to update existing farm plans. Implementation of farm plans including best management practices that meet USDA Soil Conservation Service technical standards is the recommended control tool for action plans. It shall also include provisions for the local conservation district and lead implementing agency to evaluate on an ongoing basis the effectiveness of farm plan implementation, and special provisions to address nonpoint pollution from noncommercial farms;

(iii) An education element, coordinated with the conservation district and/or cooperative extension service, informing the agricultural community about nonpoint pollution from farm activities and the financial and technical assistance available to implement farm plans;

(iv) A compliance and enforcement element which shall include: Incorporation of the Agriculture Compliance Memorandum of Agreement between the department, the Conservation Commission and conservation districts; additional enforcement provisions of the § 208 water quality management plans, such as the requirement for a National Pollutant Discharge Elimination system permit when applicable; and compliance with other applicable state and local laws and rules, such as the state water quality standards, and the federal Clean Water Act; and

(v) An exceptions element stating that any farm implementing an approved farm plan, as agreed upon by the operator and the conservation district, shall be exempt from further water quality regulation under this chapter unless there is a water quality violation pursuant to chapter 90.48 RCW (Water pollution control), chapter 90.52 RCW (Pollution Disclosure Act of 1971), or chapter 90.54 RCW (Water Resources Act of 1971) and/or degradation of water quality.

(b) Storm water and erosion. The intent of this strategy is to correct and prevent pollution from storm water and erosion originating in urban, suburban, and urbanizing areas of the watershed through focusing on a combination of problem evaluation, public education, use of best management practices, and management of the quality and quantity of storm water runoff. This strategy does not apply to drainage and erosion control activities of farm operations or forest practices addressed pursuant to (a) and (d) of this subsection. The strategy shall include the following:

(i) An evaluation of existing drainage and erosion control ordinances, policies, and programs to determine their effectiveness in controlling erosion and managing storm water to enhance water quality and protect beneficial uses;

(ii) A ranked list of the most significant storm water and erosion problems in the watershed as determined by the severity of their threat to or impacts on beneficial uses and an explanation of the criteria used to complete the ranking. When existing information is not adequate to fully rank the problems, identification of needed monitoring information shall be included;

(iii) A prevention and corrective action element that includes applicable requirements of the Plan elements SW-1 through SW-4. If a watershed includes jurisdictions that encompass both urbanized areas as well as those not considered urbanized, as defined by the Plan, the comprehensive program (SW-2) shall apply. A watershed management committee may choose storm water management and erosion control requirements that are more stringent than those in the Plan;

(iv) Coordination with local hazardous waste plans for the disposal of retention/detention basin sediments, pursuant to chapter 70.105 RCW (Hazardous waste management); and

(v) Compliance with the provisions of the National Flood Insurance Program, 44 C.F.R. Parts 59 and 60, and chapter 86.16 RCW, Flood plain management; NPDES Permit Application Regulations for Stormwater Discharges 40 C.F.R. Parts 122, 123, and 124.

(c) On-site sewage disposal. The intent of this strategy is to control nonpoint pollution that results from on-site sewage disposal systems. The strategy shall emphasize prevention and remediation of water

quality problems through education, regulation, correction of failing systems, and system maintenance, and shall include the following:

(i) Identification of geographic areas within the watershed with potential and existing risk of system failure. Areas shall be divided into categories of high, moderate, and low risk of failure. High risk areas are considered to be areas where systems are failing, where soils have severe limitations for sewage treatment, where development is occurring at high densities, or where other site conditions create a potential for surface or ground water contamination when on-site systems are used. An explanation of the criteria used to establish these categories of risk shall be included;

(ii) A prevention and corrective action element that includes: Provisions requiring adherence to chapter 246-272 WAC (On-site sewage system), particularly that failing systems be repaired or replaced; required use of alternative on-site sewage disposal systems in high risk areas, if site conditions permit the use of on-site sewage disposal; consideration of whether high risk areas would be better served, and water quality better protected, by a community or municipal sewage treatment system; provisions for an ongoing operation and maintenance program in high risk areas for existing and new systems utilizing a maintenance district or other mechanism that ensures proper functioning of systems; and in low and moderate risk areas, provisions for periodically informing users of on-site systems of the need for regular system maintenance; and

(iii) An education element directed at owners and those who install and service on-site systems, informing them about basic principles of system siting, design, installation, operation, and maintenance; local and state health requirements; available alternative systems; and financial assistance for remedial actions.

(d) Forest practices. The intent of this strategy is to control nonpoint pollution that results from forest practices. Such a strategy shall emphasize coordination with forest practices and forest management programs, and shall include the following:

(i) Identification and ranking of water quality impacts in the watershed resulting from forest practices, using in part the watershed analysis tool available from the department of natural resources. The impacts shall be categorized by type of forest practice, geographic area of impact, and land ownership, and ranked according to the severity of threat to beneficial uses and public resources. An explanation of the criteria used in the ranking shall be included;

(ii) A coordination element that specifies how the water quality impact will be addressed. On state and private forest lands, impacts shall be addressed through the forest practices rules and regulations and timber/fish/wildlife agreement. On federal forest lands, impacts shall be addressed through the national forest planning process. Proposals for correcting water quality or fish habitat problems shall be coordinated with the department of fisheries or department of wildlife;

(iii) Provisions to ensure that the requirements of the Forest Practices Act and rules and regulations for land use conversions are implemented consistently to their fullest extent by all jurisdictions in the watershed;

(iv) Provisions for ensuring consistency among local jurisdictions in the watershed in carrying out the forest practices provisions in WAC 222-50-020(3) relating to the Shoreline Management Act; review of proposed regulations, and proposal of new regulations, pursuant to RCW 76.09.040 and review of forest practice applications pursuant to RCW 76.09.050;

(v) An education element coordinated with the department of natural resources that informs private landowners, especially small landowners, about the availability of technical assistance on water quality best management practices and compliance with forest practices rules and regulations, and informs watershed residents about opportunities for information and comment on forest practices in the watershed; and

(vi) Procedures for coordinating water quality monitoring on forest lands in the watershed with state, federal and timber/fish/wildlife monitoring programs.

(e) Marinas and boats. The intent of this strategy is to control nonpoint pollution from marinas and boats, focusing on coordinated education efforts for the boating public and marina operators to reduce pollutants from improper sewage disposal and boat maintenance. The strategy shall include:

(i) Provisions for coordinating with the state parks and recreation commission, the department of health, and the state agency task force and advisory committees under MB-1 of the plan; and

(ii) An education program in coordination with element MB-4 of the plan to inform marina operators and the boating public about nonpoint pollution from boating activities, as well as the available methods

to control such pollution and applicable federal, state, and local programs. This program shall address boating and marina activities including: On-board sanitation; near-shore and on-shore sewage disposal facilities; use of paints and solvents; solid waste disposal; and other practices related to the use, repair, or maintenance of boats that may contribute to water quality degradation. The boating public shall also be informed of the importance of preventing discharges in sensitive areas particularly shellfish beds and swimming areas; and

(iii) Measures may be developed for shoreside sewage disposal facilities at marinas, regulation of waste discharges from recreational boats and liveaboards, and for the storage, use, and disposal of hazardous materials such as fuels, paints, and solvents.

(f) Other nonpoint sources. The intent of this strategy is to control other priority or potential priority sources of nonpoint pollution in the watershed. Strategies for controlling pesticides, landfills, mines, sand and gravel pits, and septage and contaminated sites, as needed, shall include the following:

(i) A pesticides management strategy shall emphasize an education program coordinated with the cooperative extension service, conservation district, forest and farm practices strategies pursuant to this chapter, and the state department of agriculture. The program shall inform users of pesticides in the watershed about the potential water quality problems associated with the improper use, storage, and disposal of pesticides, and the less toxic alternatives, including integrated pest management practices and nonpesticide substances and techniques that do not degrade water quality. The education program shall utilize the Puget Sound Pest Management Information Program developed under element NP-17 of the plan, and other appropriate actions, including possible use of the Pesticide Usage Survey developed under element NP-16 of the plan. The strategy shall also include provisions which recognize the state preemption to regulate pesticides pursuant to chapter 16-228 WAC (Pesticide regulations), chapter 17.21 RCW (Washington Pesticide Application Act) and chapter 15.58 RCW (Washington Pesticide Control Act).

(ii) A management strategy for addressing nonpoint pollution from landfills, mines, and sand and gravel pits shall include measures that local governments can incorporate into their permitting processes to minimize sedimentation, turbidity, particulates, and leachates from closed, active, and proposed landfills, mining, and excavation activities. The strategy shall also include an education program to inform those engaged in landfill and resource excavation activities about the potential water quality problems associated with these operations, existing applicable regulations, and effective methods to reduce erosion and leachates from these activities; and other appropriate actions.

(iii) When addressing nonpoint pollution from septage and contaminated sites, the strategy shall include coordination with rules and programs for septage management (including the disposal and spraying of sewage sludge) and for managed contaminated sites.

(iv) When addressing nonpoint pollution from other nonpoint sources, strategies shall be developed by the watershed management committee.

NEW SECTION

WAC 400-12-535 PHASE 3—ACTION PLAN IMPLEMENTATION STRATEGY. The watershed management committee shall prepare a strategy for implementing the action plan, including the following:

(1) A description of the specific actions required by each implementing agency and local government, including federal compliance requirements pursuant to Section 313 of the Federal Clean Water Act, and a means of coordinating these actions within and among control strategies. Where possible, the implementation strategy shall include specifically worded statements, such as model ordinances, recommended government policy statements, interagency agreements, proposed legislative changes, and proposed amendments to local comprehensive plans;

(2) A schedule that includes annual milestones for implementing nonpoint pollution control strategies and a specified time frame for achieving action plan objectives;

(3) Estimated implementation costs and budget, including a financing element that identifies existing and potential local, state, and federal funding sources to fully implement the action plan. Optional federal and state funding include Section 319 and 205(j) of the Clean Water Act, and the state revolving loan program in addition to the Centennial Clean Water Fund. The financing element should emphasize local long-term funding sources, such as utility districts, that are

capable of generating revenues needed to sustain nonpoint pollution control programs;

(4) Identification of a lead agency which must be willing and able to assume a leadership role in coordinating the implementation of the action plan and the public involvement process;

(5) A dispute resolution process to resolve disputes between the lead implementing agency and other implementing entities;

(6) A process and strategy for coordination and integration with ongoing planning and management programs within the watershed which impact water quality, including local, state, federal, and tribal plans and programs. Such plans and programs shall include comprehensive land use plans under the Growth Management Act, storm water and highway runoff plans, drainage basin plans, ground water management programs, flood control plans, wetlands management and protection programs, Coastal Zone Management Act Section 6217 coastal nonpoint pollution control programs, the Shoreline Master Program (chapter 173-19 WAC), shellfish and fisheries management programs, and others as appropriate;

(7) Provisions for public involvement in the preparation and adoption of implementation plans, policies, and/or ordinances. Such public involvement may include the designation of a watershed management council or similar body to advise and assist the lead implementing agency with overseeing implementation of the action plan; and

(8) A method of evaluating the overall effectiveness of the action plan in preventing and correcting ground and surface water quality impacts from nonpoint pollution and protecting beneficial uses, including:

(a) A long-term monitoring program. The long-term monitoring program shall provide information on trends related to water quality, habitat, biological conditions, and land use to determine whether the nonpoint pollution control strategies in the approved action plan are effective; and

(b) A process for annual review. The lead implementing agency shall annually evaluate the effectiveness of the action plan and report the results of the evaluation to the department. Every other year, this report shall include the results from the long-term monitoring program, as applicable, and shall coincide with the departmental biennial audit.

NEW SECTION

WAC 400-12-545 PHASE 4—ACTION PLAN REVIEW AND APPROVAL. (1) Departmental review. The watershed management committee and lead agency shall periodically consult with the department for technical assistance in the preparation of the draft plan to be submitted for the public and agency review in subsection (2) of this section. The watershed management committee and lead agency shall submit draft portions of the plan, as each phase is completed, to the department for review.

(2) Public and agency review.

(a) As soon as the watershed management committee completes the draft action plan, the lead agency shall:

(i) Forward this draft action plan to the department for review;

(ii) Forward this draft action plan to the planning and implementing entities identified in the action plan for review and to initiate the process for obtaining concurrence;

(iii) Distribute this draft action plan to the public; and

(iv) Initiate the SEPA review process.

(b) Within thirty days after distribution of the draft action plan, the watershed management committee and implementing entities shall conduct a joint public hearing to take public testimony on the draft action plan.

(c) Each planning and implementing entity shall evaluate those provisions of the draft action plan which require the entity's involvement.

(d) The department, planning and implementing agencies, and the public shall provide comments to the lead agency within sixty days of the distribution of the draft action plan.

(e) The lead agency shall collect the comments and present them to the watershed management committee.

(f) The committee shall prepare final revisions to the action plan and a summary of responses to the comments and forward these, preferably within forty-five to sixty days, to the lead agency and planning and implementing agencies for statements of concurrence.

(3) Statements of concurrence.

(a) Within thirty days of publication of the final proposed action plan, each entity shall submit a statement of its concurrence to the

PART SIX
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watershed management committee, indicating its intent to adopt implementing policies, ordinances, and programs as required, or a statement of nonconcurrency with the final proposed action plan which recommends specific revisions to those sections requiring its involvement. The lead agency need only concur with those provisions of the final proposed action plan which require its involvement.

(b) The committee shall attempt to resolve statements of nonconcurrency utilizing their dispute resolution process, prepare final revisions to the action plan, and approve it, preferably within forty-five to sixty days.

(4) Action plan submittal. The final revised action plan shall be forwarded to the lead agency for submittal to the department. If there are unresolved issues or if there are statements of nonconcurrency which could not be resolved by the watershed management committee, these shall be described and included with the final revised action plan for submittal to the department. The lead agency shall propose solutions to any remaining statements of nonconcurrency and submit them to the department as part of the final action plan.

(5) Ecology approval process. Not more than thirty days from receipt of the final action plan, the department shall notify the lead agency, in writing, of its decision to approve or reject all or any portion of the final action plan. The lead agency shall promptly notify the watershed management committee of the decision of the department. Implementation of approved portions may proceed while approval of other portions is pending. To approve all or part of an action plan, the department must conclude that:

(a) The action plan is consistent with the goals and requirements of the plan;

(b) The action plan has been developed in accordance with the process described in this chapter;

(c) The plan contains a summary of the water quality characterization, the problem definition, and a statement of goals and objectives;

(d) The plan specifies a set of actions to be carried out by implementing entities to address the priority nonpoint pollution problems in the watershed and to meet the goals and objectives of the plan;

(e) The plan includes statements of concurrence from entities responsible for implementing recommendations of the action plan; in making a determination, the department shall consider the impact of any statements of nonconcurrency submitted with the action plan;

(f) The action plan includes a budget and implementation schedule;

(g) Adequate public involvement and participation has occurred in development of the action plan and a process for adequate public involvement in implementation of the plan is provided for in the action plan; and

(h) The plan complies with applicable state and federal laws.

(6) Appeals process. If the department disapproves all or part of the action plan and the lead agency cannot reach agreement with the department on approval within one hundred twenty days, either the lead agency, the watershed management committee, or the department may request review by the authority.

NEW SECTION

WAC 400-12-555 SEPA REVIEW. The action plan, subsequent revisions, and implementation actions of the action plan shall be subject to review pursuant to the State Environmental Policy Act, chapter 43.21C RCW, as required under the applicable state and local implementing regulations.

NEW SECTION

WAC 400-12-565 REVISIONS. The lead agency may initiate or the department may require revisions of the action plan if either determines through annual evaluations or biennial audits that the nonpoint pollution control strategies or implementation provisions of the action plan are not effective. Upon determining that an action plan needs revision, the department shall provide written notice to the lead implementing agency, identifying the provisions of the action plan to be modified, the reason for the revision, and a reasonable time frame in which the revision is to be made. If a plan revision is initiated by a lead agency, the lead agency shall consult with the department regarding the scope of the revision.

All revisions to action plans shall be processed in accordance with the requirements of WAC 400-12-525, 400-12-535, 400-12-545, and 400-12-220.

NEW SECTION

WAC 400-12-605 DECISION OF DEPARTMENT. Within thirty days of approval or disapproval of all or part of the action plan by the department, the lead agency shall notify all appropriate federal and state agencies, local planning and implementing entities, and affected parties of the department's decision.

NEW SECTION

WAC 400-12-615 RESPONSIBILITIES OF IMPLEMENTING ENTITIES. (1) Implementing entities are encouraged to adopt action plans, or applicable parts thereof, once approved by the department. Each local and state implementing entity identified in the action plan approved by the department shall be responsible for carrying out its portion of the action plan within the prescribed schedule, using the approaches described in the action plan, pursuant to RCW 90.70.070.

(2) In addition, affected local governments and state agencies with jurisdiction in the watershed shall be guided by the action plan in developing and approving all studies, plans, permits, and facilities in the watershed. The lead implementing agency shall seek to ensure consistency of federal agency actions pursuant to Section 313 and Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., as amended, if applicable.

NEW SECTION

WAC 400-12-625 LEAD AGENCY RESPONSIBILITIES. (1) The lead implementing agency, identified in the implementation strategy developed in accordance with WAC 400-12-535, shall be responsible for coordinating among implementing entities and establishing a public involvement process.

(2) Pursuant to chapter 39.34 RCW (Interlocal Cooperation Act), cooperative agreements may be used to facilitate coordination among implementing entities and between the lead agency and implementing entities.

(3) The lead agency shall also be responsible for providing annual progress reports according to the requirements under WAC 400-12-535.

NEW SECTION

WAC 400-12-635 DEPARTMENT RESPONSIBILITIES. The department shall provide ongoing oversight of watershed action plans. In addition, the department shall audit each watershed action plan every two years to ensure consistent and adequate implementation.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-700 DEFAULT PROCEDURE. If a planning or implementing entity does not carry out its responsibilities pursuant to this chapter, such as ~~((rank its watersheds, and/or))~~ develop action plans, and/or carry out its responsibilities under the approved action plan, and has not been granted an exception under WAC 400-12-710, the department shall ~~((either rank the county watersheds, and/or prepare, and/or implement an action plan, or portion(s) thereof, or use its regulatory authority under chapter 90.48 RCW, the plan, or other authority to direct the entity to rank watersheds, and/or))~~ work directly with that entity to identify reasons why and to develop an appropriate strategy for addressing nonpoint pollution concerns. If the planning or implementing entity fails to prepare and/or implement a watershed action plan, or portions thereof, the authority shall follow procedures in chapter 90.70 RCW and in element EM-8 of the plan to seek action. In addition, the department shall use its regulatory authority under chapter 90.48 RCW (Water pollution control) to require that water quality problems are corrected and, as a last resort, prepare action plans, and/or implement portions thereof.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 400-12-300 WATERSHED RANKING COMMITTEES.
- WAC 400-12-310 WATERSHED RANKING PROCESS AND CRITERIA.

WAC 400-12-510 PHASE 1—ACTION PLAN PROBLEM DEFINITION, AND GOALS AND OBJECTIVES DEVELOPMENT.

WAC 400-12-520 PHASE 2—ACTION PLAN SOURCE CONTROL AND IMPLEMENTATION STRATEGY.

WAC 400-12-530 REVISIONS.

WAC 400-12-540 SEPA REVIEW.

WAC 400-12-550 ACTION PLAN CONTENTS.

WAC 400-12-560 PHASE 3—ACTION PLAN REVIEW AND APPROVAL.

WAC 400-12-570 ACTION PLAN IMPLEMENTATION.

WAC 400-12-600 GENERAL PROVISIONS.

WAC 400-12-610 AGRICULTURAL PRACTICES.

WAC 400-12-620 ON-SITE SEWAGE DISPOSAL.

WAC 400-12-630 STORM WATER AND EROSION.

WAC 400-12-640 FOREST PRACTICES.

WAC 400-12-650 MARINAS AND BOATS.

WAC 400-12-660 OTHER NONPOINT SOURCES.

WSR 91-15-091

PROPOSED RULES

BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed July 23, 1991, 4:04 p.m.]

Original Notice.

Title of Rule: Running start program.

Purpose: To provide rules for operation of the running start program that allows certain high school students to concurrently enroll in community or technical colleges while completing high school diploma requirements.

Statutory Authority for Adoption: Chapter 9, Laws of 1990 1st ex. sess.

Statute Being Implemented: Chapter 9, Laws of 1990 1st ex. sess.

Summary: The rule adopts a common set of rules for the running start program in conjunction with the Superintendent of Public Instruction and the Higher Education Coordinating Board and further provides for the inclusion of technical colleges in the college system and makes the rules applicable to them.

Name of Agency Personnel Responsible for Drafting and Implementation: Ronald Crossland, 319 7th Avenue, Olympia, WA, 753-3674; and Enforcement: Earl Hale, Director, 319 7th Avenue, Olympia, WA, 753-7412.

Name of Proponent: State Board for Community and Technical Colleges, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The statute establishing the running start program requires that the state board, the Superintendent of Public Instruction and the Higher Education Coordinating Board adopt a common set of rules governing operations of the program. In addition, the rule proposed here incorporates the technical-vocational institutions (technical colleges) into coverage of the rule.

Proposal Changes the Following Existing Rules: Only to the extent that the rule would not include coverage of technical colleges.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Centralia College, Centralia, Washington, on September 12, 1991, at 10:45 a.m.

Submit Written Comments to: Director, State Board for Community and Technical Colleges, 319 7th Avenue, FF-11, Olympia, WA, by September 11, 1991.

Date of Intended Adoption: September 12, 1991.

July 23, 1991

Gilbert J. Carbone

Assistant Director

NEW SECTION

WAC 131-32-050 RUNNING START PROGRAM. The provisions of WAC 392-127-700 through 392-127-830 are, by this reference, hereby adopted and made applicable to community and technical colleges, community and technical college districts, and to eligible students who desire to enroll in courses or programs offered by such colleges and districts: PROVIDED, That all references in WAC 392-127-700 through 392-127-830 to "community colleges" or "community college districts" shall be interpreted to include technical colleges and technical college districts.

WSR 91-15-092

PROPOSED RULES

BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed July 23, 1991, 4:07 p.m.]

Original Notice.

Title of Rule: Permissible compensation elements for community and technical college presidents.

Purpose: The board is required by statute to establish the permissible compensation elements as set forth in this rule.

Statutory Authority for Adoption: RCW 28B.50.140(3).

Statute Being Implemented: RCW 28B.50.140(3).

Summary: The permissible elements of compensation for remuneration of community and technical college presidents are set forth by the rule.

Reasons Supporting Proposal: The board is required by statute to identify the compensation elements.

Name of Agency Personnel Responsible for Drafting and Implementation: Larry Lael, 319 7th Avenue, Olympia, WA, 753-3661; and Enforcement: Earl Hale, Director, 319 7th Avenue, Olympia, WA, 753-7412.

Name of Proponent: State Board for Community and Technical Colleges.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: As a means of providing for consistent remuneration of community and technical colleges presidents, the state board is required to set forth the permissible elements of compensation that may be utilized by district boards of trustees in establishing the compensation levels for the presidents.

Proposal Changes the Following Existing Rules: Two elements are removed from the list adopted earlier on advice of legal counsel in that they were inappropriate items related to terminal leave pay rather than annual compensation.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Centralia College, Centralia, Washington, on September 12, 1991, at 10:00 a.m.

Submit Written Comments to: Director, State Board for Community and Technical Colleges, 319 7th Avenue, FF-11, Olympia, WA, by September 11, 1991.

Date of Intended Adoption: September 12, 1991.

July 23, 1991
 Gilbert J. Carbone
 Assistant Director

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-16-500 PERMISSIBLE COMPENSATION ELEMENTS FOR COMMUNITY AND TECHNICAL COLLEGE PRESIDENTS. (1) RCW 28B.50.140(3) requires the state board for community (~~college education~~) and technical colleges to adopt rules defining the permissible elements of compensation which (~~college~~) district boards may approve for community and technical college presidents.

(2) Compensation (including salary) increases granted in accordance with this section shall not exceed the amount or percentage established for that purpose in the state Omnibus Appropriations Act as allocated to the college (~~boards~~) districts by the state board for community and technical colleges (~~education~~).

(3) For (~~purposes of implementation of~~) the purpose of implementing RCW 28B.50.140(3), the permissible elements of compensation (~~for community college presidents are defined as:~~ (a) Salary, (b) a stipend to compensate the president for providing and maintaining a private automobile for the president's use on college business, (c) medical, life, accidental death and dismemberment, long-term disability and liability insurance, (d) deferred compensation, (e) tax-deferred annuities, (f) relocation assistance, (g) deferred payment for accrued annual leave upon termination of employment in accordance with RCW 43.01.041, and (h) deferred payment for accrued sick leave upon retirement in accordance with RCW 41.04.340, provided that benefits listed in (b) through (h) of this subsection shall not affect but may supplement such benefits otherwise applicable to) shall include salary, premiums paid for insurance supplemental to the plans authorized by the state employees benefits board, deferred salary, relocation assistance, and premiums paid for tax deferred annuities: **PROVIDED, That such benefits, except salary, shall not affect but may supplement other benefits applicable to college presidents as state employees.**

Earl Hale, Director, 319 7th Avenue, Olympia, 753-7412.

Name of Proponent: State Board for Community and Technical Colleges, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule amendment adjusts the rate of tuition and fees for courses taught by community and technical colleges that deal with the problems of retirement and advanced age. In [An] increase will make the charges for this type of course more consistent with the increased charges assessed against other types of courses offered by these institutions.

Proposal Changes the Following Existing Rules: An existing tuition and fee rate is increased.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Centralia College, Centralia, Washington, on September 12, 1991, at 10:00 a.m.

Submit Written Comments to: Director, State Board for Community and Technical Colleges, 319 7th Avenue, FF-11, Olympia, WA 98504, by September 11, 1991.

Date of Intended Adoption: September 12, 1991.

July 23, 1991
 Gilbert J. Carbone
 Assistant Director

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-28-026 TUITION CHARGES FOR CERTAIN UNGRADED COURSES. (1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition rates that differ from the standard rates set by WAC 131-28-025, the board of trustees may propose such designations and tuition levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition charges when essentially similar services are provided.

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

**WSR 91-15-093
 PROPOSED RULES
 BOARD FOR
 COMMUNITY AND TECHNICAL COLLEGES**

[Filed July 23, 1991, 4:10 p.m.]

Original Notice.

Title of Rule: Tuition charges for ungraded courses offered by community and technical colleges.

Purpose: To adjust the tuition and fee charges for the type of courses dealing with problems of retirement and advanced age.

Statutory Authority for Adoption: RCW 28B.15.502.

Statute Being Implemented: RCW 28B.15.502.

Summary: It is desirable to adjust the tuition and fee schedule for these courses as a means of making them consistent with other increases in recent years.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting: Gilbert J. Carbone, Assistant Director, 319 7th Avenue, Olympia, 753-3650; Implementation and Enforcement:

TUITION

COURSE FEE	BUILDING FEE	OPERATING FEE	SERVICES AND ACTIVITIES
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training	\$1.40 per credit	\$3.60 per credit	No charge
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	Standard rate	Standard rate	No charge
(c) Parent education involving cooperative preschool program	The combined standard district charge per credit hour for tuition and operating fees less the preschool cooperative fee, with any remainder divided equally between tuition and operating fee		No charge
(d) Farm management and small business management	\$1.85 per credit	\$9.15 per credit	No charge
(e) Adult basic education, English as a second language, and GED preparation courses supported by federal funds	No charge	No charge	No charge
(f) Emergency medical technician and paramedic continuing education	\$1.40 per credit	\$3.60 per credit	No charge
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	(\$1.00 per credit hour \$1.00 per credit hour) 20% of the <u>standard building fee</u> rounded to the nearest dollar 20% of the <u>standard operating fee</u> rounded to the nearest dollar		No charge

TUITION

COURSE FEE	BUILDING FEE	OPERATING FEE	SERVICES AND ACTIVITIES
(h) Courses providing advanced training and skill maintenance for journeypersons in cooperation with local joint apprenticeship and training committees	Standard rate	Standard rate	No charge

(5) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(6) Tuition and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

(7) The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.

WSR 91-15-094

PROPOSED RULES

BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed July 23, 1991, 4:14 p.m.]

Original Notice.

Title of Rule: General standards of qualifications for community and technical college personnel.

Purpose: To revise existing personnel qualification standards.

Statutory Authority for Adoption: RCW 28B.50.090 (7)(a).

Statute Being Implemented: RCW 28B.50.090 (7)(a).

Summary: Minimum standards for the qualifications of community and technical college personnel are proposed to be amended to reflect current conditions and needs and to incorporate vocational-technical institute personnel.

Reasons Supporting Proposal: Amending the rules will contribute to sustaining quality instruction in the college system.

Name of Agency Personnel Responsible for Drafting and Implementation: Raymond L. Harry, 319 7th Avenue, Olympia, WA, 753-3672; and Enforcement: Earl Hale, Director, 319 7th Avenue, Olympia, WA, 753-7412.

Name of Proponent: State Board for Community and Technical Colleges, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments constitute a routine updating of the personnel qualification minimum standards and are particularly revised to accommodate the inclusion of five vocational-technical institutions into the community-technical college system.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Centralia College, Centralia, Washington, on September 12, 1991, at 10:15 a.m.

Submit Written Comments to: Director, State Board for Community and Technical Colleges, 319 7th Avenue, FF-11, Olympia, WA, by September 11, 1991.

Date of Intended Adoption: September 12, 1991.

July 23, 1991
Gilbert J. Carbone
Assistant Director

AMENDATORY SECTION (Amending Order 82, Resolution No. 80-14, filed 9/8/80)

WAC 131-16-070 ADOPTION AND PUBLICATION OF DISTRICT PERSONNEL SELECTION PRACTICES AND STANDARDS REQUIRED. Each ((community)) college district board of trustees shall adopt and publish a statement of personnel selection practices and standards governing all nonclassified service personnel which are designed to ensure high standards of excellence in all phases of district operations, satisfy the standards of regional and national accrediting organization, and provide for a professional staff representing a wide range of educational and professional experience. Such personnel practices and standards shall be consistent with WAC 131-16-080.

AMENDATORY SECTION (Amending Order 82, Resolution No. 80-14, filed 9/8/80)

WAC 131-16-080 GENERAL STANDARDS OF QUALIFICATIONS FOR COMMUNITY COLLEGE PERSONNEL. Prior to employment of candidates to perform professional services in Washington community and technical colleges, the district board of trustees shall establish that the candidate possesses:

- (1) Scholarship and/or technical skill that represents appropriate study, training, and skills in the proposed area of assignment,
- (2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,
- (3) A demonstrable understanding and acceptance of the role to be played as a partner in an educational enterprise serving the best interests of the students,
- (4) A demonstrable understanding and acceptance of the mission, role, and character of the community or technical college,
- (5) The ability to perform assigned duties in a manner consistent with the goals of the institution and the community and technical college system, and
- (6) Personal characteristics that contribute to the ability to promote the welfare of the students, the institution, and the state of Washington.

AMENDATORY SECTION (Amending Order 82, Resolution No. 80-14, filed 9/8/80)

WAC 131-16-091 ADDITIONAL QUALIFICATIONS IN AREAS OF SPECIALIZATION. In addition to the general standards required by WAC 131-16-080 and chapter 490-28A WAC in the case of vocational education personnel, the district board of trustees shall establish that candidates for appointment meet or exceed the following standards in their areas of specialization:

- (1) Professional personnel performing services for which advanced degrees are normally available shall hold the equivalent of a master's degree in the field of their educational service from an accredited college or university or a bachelor's degree and extensive professional experience in the field of their educational service.
- (2) Professional personnel in vocational fields or other specialized areas for which advanced degrees are not normally available shall have sufficiently broad and comprehensive training and work experience that particularly qualifies them to provide instruction in their area of specialization.
- (3) All newly hired vocational education teaching personnel must have recent work experience beyond the learning period as a fully qualified worker in the occupation that will be taught. The minimum work experience shall be equal to the recognized learning period required to gain competence in the occupation, but shall be in no case less than two calendar years of full-time work or its equivalent((;

which shall be)) beyond the learning experience. The number of hours worked shall be equivalent to the hours worked by full-time ((people during a two-year period)) workers in the occupation to be taught.

(a) Minimum work experience for apprenticeable occupations will be equal to the learning period then currently registered with the state department of labor and industries.

(b) Minimum work experience in occupations requiring state or local licensing, certification, or registry will be two calendar years subsequent to receipt of license, unless the occupation is also an apprenticeable trade. Current licenses, registrations, and/or certifications shall be maintained as a requirement for teaching courses in the respective occupation.

(c) Minimum work experience for all other trades and occupations will be two calendar years of full-time employment or ((its)) the equivalent, subsequent to the required learning period, which shall be the number of hours worked by full-time ((people)) workers during a two-year period in the occupation ((to be taught subsequent to the recognized learning period)).

(d) Recent work experience shall be defined as employment full-time for six months or ((its)) the equivalent, within the two years immediately preceding initial vocational certification, which shall be one-fourth of the hours ((defined as a full-time equivalent in subsection (3) of this section in the occupation to be taught within the two years immediately preceding initial vocational certification)) required by (c) of this subsection.

(e) One year full-time employment shall mean that which is the standard for the occupation.

(4) All other vocational education teaching personnel including instructors of vocationally related courses, teachers' aides, lab assistants, and tutors, who do not meet the work experience and educational requirements specified above may be employed either on a full-time or part-time basis(;;): PROVIDED, That such individuals shall possess appropriate technical skills and knowledge in the specific program area assigned(;;): AND PROVIDED FURTHER, That such individuals shall work under the direct supervision of, or in direct coordination with, an appropriately certified professional. Each college district shall maintain job descriptions for each position in this category.

(5) Vocational counselors shall meet the minimum work experience requirement by verifying work experience in one or more occupations other than professional education, which is cumulative to at least two years of full-time employment ((as defined in subsection (3) of this section)). Vocational counselors shall be certified only if they have had preparation in vocational counseling, testing, and occupational information.

(6) General administrative personnel shall have advanced training or experience relevant to their assigned duties. The chief administrator shall hold an earned doctorate from an accredited university or have equivalent administrative expertise as demonstrated by successful performance of broad administrative responsibilities.

(7) The vocational ((administrative personnel, including the chief vocational education officer or other individual assigned that responsibility (commonly referred to as the vocational director);) administrator and all other subordinate vocational education administrative personnel must have been employed as a full-time vocational education instructor, occupational information specialist, or vocational counselor for at least three academic years or have equivalent ((teaching)) experience in industry or other public agencies and they must have had at least two calendar years of accumulated experience in the capacity of a supervisor in education, business, industry, a public agency, or an equivalent volunteer community service. In addition, such individuals must have demonstrated to the employing agency a commitment to and understanding of vocational education. Industry and public agency experience will be evaluated at no more than a one-to-one basis. The vocational administrator's personnel file must have verification that these standards have been met.

(8) ((Persons employed prior to the effective date of this document shall comply with these standards unless they were qualified on the basis of standards which were in effect in the 1969 Washington state plan for vocational education. All persons shall comply with the provisions of WAC 131-16-092 and 131-16-093 regarding certification and renewal of certificates.)) A current first aid certificate is required for those vocational instructors and counselors prior to the second quarter of employment in vocational programs where the instructional environment brings students into physical proximity with machinery, electrical circuits, biologicals, radioactive substances, chemicals, flammables, intense heat, gases under pressure, excavations, scaffolding, ladders, and other hazards.

(9) A current CPR certificate is required for all vocational instructors and counselors.

(10) Responsibility for ensuring that appropriate staff have first aid training will rest with the assigned vocational administrator as defined in subsection (7) of this section.

(11) The specific type of first aid program required of vocational instructors shall be achieved by passing a course of first aid instruction and participation in practical application of the following subject matter:

Bleeding control and bandaging.

Practical method of artificial respiration, including mouth to mouth and mouth to nose resuscitation.

Closed chest heart massage.

Poisons.

Shock, unconsciousness, stroke.

Burns, scalds.

Sunstroke, heat exhaustion.

Frostbite, freezing, hypothermia.

Strains, sprains, hernias.

Fractures, dislocations.

Proper transportation of the injured.

Bites, stings.

Subjects covering specific health hazards likely to be encountered by coworkers of first aid students enrolled in the course.

(12) Specifically excluded from conformance to the first aid requirements are:

(a) Those instructors who teach related subjects to vocational students, i.e., Mathematics, English, or communications skills, etc., when these subjects are taught in classrooms rather than shops or laboratories.

(b) Physicians, registered nurses, licensed practical nurses, and others when their occupational competencies and training include first aid knowledge and skills equal to or superior to that represented by the first aid certification being required under these regulations.

AMENDATORY SECTION (Amending Order 82, Resolution No. 80-14, filed 9/8/80)

WAC 131-16-092 MAINTAINING AND IMPROVING OCCUPATIONAL AND TEACHING COMPETENCIES FOR VOCATIONAL ADMINISTRATORS, INSTRUCTORS AND COUNSELORS. It shall be the responsibility of the president of each institution or district to assure compliance with the following standards, which must be met or exceeded by all districts:

(1) The institution or district will certify through the assigned vocational ((director)) administrator each full-time instructor and vocational counselor and maintain documentation of such certification. The certificate and the documentation on file shall specify the function and/or the specific occupational area for which the individual is certified.

(2) Each full-time contracted ((professional)) vocationally certified instructor or counselor shall have an individual improvement plan which covers the time interval of the current certification developed in consultation with and approved by the vocational ((director)) administrator or designee. The vocational ((director)) administrator shall maintain a file of all such plans, which shall be reviewed annually.

(3) ((Part-time teaching personnel must have temporary certification and shall obtain a one-year certificate upon the accumulated completion of forty-five quarter credits (or forty-five credit equivalents) of teaching. Individual professional improvement plans shall be established and approved for part-time personnel upon issuance of a one-year certificate.

(4) Part-time counselors shall obtain a one-year certificate upon completion of the equivalent of one full academic year of counseling responsibility. Individual professional improvement plans shall be established and approved upon issuance of a one-year certificate.

(5)) Part-time vocational teaching and counseling personnel must be certified and have a verification of work experience related to instructional assignment record on file in the individual's personnel folder. This record must be on file for each part-time instructor/counselor during each quarter of teaching employment. Part-time instructors must have teaching competencies reviewed every five years. "Teaching competencies" refers to (a) currency in the occupation and (b) teaching skills. Part-time vocational counselors must have records in their file indicating compliance with WAC 131-16-091(5). Part-time teaching personnel not qualifying for five-year certificates must be awarded a temporary certificate effective for a maximum of three years. At the conclusion of the initial three years, the individual must

complete thirty clock hours or three credits of elements of instruction or equivalent before an additional three-year temporary certificate may be granted. During each subsequent three-year period, at least thirty clock hours or three credits of teacher training must be completed before the award of a renewed temporary certificate.

(4) Full-time professional personnel may not be employed on the basis of a temporary certificate for a period of more than one year.

((6)) (5) Certification under the above standards is a condition of continued employment for all vocational education personnel.

(6) Safety and occupational health practice standards are met by satisfying OSHA and WISHA requirements.

AMENDATORY SECTION (Amending Order 97, Resolution No. 84-7, filed 3/7/84)

WAC 131-16-093 TYPES OF VOCATIONAL EDUCATION CERTIFICATES. ((For the purposes of this section, equivalency shall mean in each case that the employee shall successfully complete the objectives outlined in the improvement plan.)) In issuing certificates for vocational education personnel, the college district shall utilize the following nomenclature and shall meet the standards set forth below as a minimum:

(1) Temporary certificate.

(a) Full-time vocational instructors shall be issued a temporary certificate provided that such individuals shall be required to complete ((a minimum of fifteen contact hours of teaching)) an orientation ((or the equivalent)) to begin no later than the first day of employment. An orientation outline must be on file at each campus. A temporary certificate is not renewable ((only for part-time instructors who have not accumulated forty-five quarter credit hours, or equivalency, of teaching)).

(b) Full-time vocational counselors shall be issued a temporary certificate provided that such individuals have met the requirements set forth in WAC 131-16-091(5).

(2) One-year certificate.

(a) Instructional personnel who have completed the minimum requirements for a temporary certificate and who, in addition, provide documentation of teaching competency as demonstrated by having satisfactorily completed a minimum of three credits in courses concentrated upon the elements of teaching, or the equivalent, shall be issued a one-year certificate. A one-year certificate may be renewed ((no more than)) once ((after initial issuance for each year of full-time equivalent instruction, except that in the case of part-time instructors, a one-year certificate may be continued until the equivalent of one year of teaching (45 quarter credits) has been completed)).

(b) Counselors may be issued a one-year certificate upon completion of the minimum requirements for a temporary certificate and who, in addition, have completed a minimum of three credits or thirty clock hours in course(s) in accordance with the individual's professional improvement ((units in accordance with the individual improvement)) plan. A one-year certificate may be renewed no more than once ((after initial issuance for each year of full-time equivalent counseling)).

(3) Three-year certificate. May be used as a temporary with part-time instructors. (Optional with the local district for full-time instructors.)

(4) Five-year certificate (initial).

(a) Instructional personnel, occupational information specialists, and vocational counselors who have met the requirements of WAC 131-16-070 through 131-16-092 and who have earned a master's degree or doctorate in their professional career field or in the field of education from a recognized college or university accredited by a group recognized by the Council on Postsecondary Accreditation (COPA), and who have completed the minimum requirements for a temporary certificate, may be issued a five-year certificate.

(b) Instructional personnel and vocational counselors who have not earned a master's degree or doctorate in their professional career field or in the field of education from an accredited college or university shall be issued a five-year certificate upon completion of at least two years of teaching service, who have, in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits or thirty clock hours in courses dealing with the techniques of occupational analysis, or equivalent, a minimum of three credits in courses concentrated upon the principles of vocational course organization or equivalent, and who have completed a minimum of three additional professional improvement units in accordance with the individual's professional improvement plan.

~~((fb))~~ (c) Counseling personnel who do not have a master's degree shall be issued a five-year certificate upon: (i) Completion of at least two years of counseling service, ~~((who provide))~~ (ii) in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits or thirty clock hours in courses dealing with ~~((the techniques of occupational analysis))~~ advanced or graduate level counseling theories and/or techniques, or equivalent, and ~~((who have completed))~~ (iii) completion of a minimum of six additional professional improvement units in accordance with the individual's professional improvement plan.

(5) Five-year certificate (renewal). A five-year renewable certificate shall be issued to professional personnel who have completed a minimum of fifteen professional improvement units during the previous five-year period in accordance with the individual's improvement plan, documenting currency in teaching skills. Professional improvement plans ~~((initiated after July 1, 1980,))~~ shall, if deemed appropriate, include work experience as defined in WAC 131-16-094(1), and no more than ten professional units in any one category as defined in WAC 131-16-094 shall apply.

(6) The assigned vocational ~~((director))~~ administrator shall be responsible for the designation of approved course equivalents.

AMENDATORY SECTION (Amending Order 82, Resolution No. 80-14, filed 9/8/80)

WAC 131-16-094 DEFINITION OF PROFESSIONAL IMPROVEMENT UNITS. The following standards shall be used in the determination of professional improvement unit values for vocational certification by the college districts.

(1) Each forty hours of planned, preapproved, ~~((paid))~~ work experience outside of regular college teaching or counseling assignments shall be equal to one professional improvement unit.

(2) Ten clock hours or one credit on the quarter system or two-thirds credit on the semester system earned in accredited programs at colleges or universities shall be equal to one professional improvement unit provided it is in compliance with the professional improvement plan.

(3) Each accumulated twenty hours of preplanned participation in activities, such as conferences, seminars, workshops, or symposiums shall be equal to 1.0 professional improvement unit.

(4) ~~((Additional professional improvement units may be granted as approved in the individual improvement plan on the basis of independent research and individual development activities of the instructor, counselor, or administrator in excess of the normal contractual obligations:))~~ Each forty hours of independent preplanned or preapproved research and other individual development activities in excess of normal contracted obligations shall be equal to one professional improvement unit.

(5) The assigned vocational ~~((director))~~ administrator shall be responsible for the approval of professional improvement plans, equivalencies, and units as stated in WAC 131-16-092, 131-16-093, and 131-16-094.

NEW SECTION

WAC 131-16-095 RECIPROCITY DEFINED. The following standards describe the recognition of vocational teaching certification issued by a community or technical college or the superintendent of public instruction.

(1) Instructors or counselors issued a vocational education certificate that meets the standards specified in WAC 131-16-091 through 131-16-095 by any community or technical college shall be recognized by all community or technical colleges under the jurisdiction of the state board for community and technical colleges.

(2) It is also recognized that a vocational teaching or counselor certificate issued by the office of the superintendent of public instruction will be recognized by the community and technical colleges as fulfilling the minimum requirements for the specific subjects contained in the certification.

(3) All instructors or counselors hired by a community or technical college will be required to have on file a professional improvement plan as specified in WAC 131-16-092 through 131-16-094.

(4) All current technical college instructors or counselors may have their certification renewed under the requirements in effect for vocational-technical institutes prior to September 1, 1991. After September 1, 1996, all technical college personnel must meet the standards set forth in chapter 131-16 WAC.

WSR 91-15-095
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 91-51—Filed July 23, 1991, 4:23 p.m.]

Date of Adoption: July 23, 1991.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19000F.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The coho quota has been met under Pacific Fisheries Management Council's regulations; and a coho quota is available for harvest under state regulations.

Effective Date of Rule: Immediately.

July 23, 1991
Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000I SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in Marine Areas 1 - 4, except as provided for in this section:

(1) Areas and times open to salmon angling:

(a) Marine Area 4 east of the Bonilla-Tatoosh Line - August 19 through September 26, 1991 or until the coho quota of 16,000 is met - Saturday through Thursdays only.

(b) Marine Area 3 - July 1 through September 26, 1991 or until overall chinook quota (40,000) or coho sub-area quota of 4,800 is met - Sunday through Thursdays only.

(c) Marine Area 2 - June 24 through September 26, 1991 or until overall chinook quota (40,000) or coho sub-quota of 88,400 is met - Sunday through Thursdays only.

(d) Marine Area 1, except closed in the ocean area surrounding the Columbia River mouth bounded by a line extending six nautical miles due west from North Head 46 18'00" north latitude to 124 13'18" west longitude, then southerly along a line 167 true to the Washington Oregon border - June 24 through September 15, 1991 or until overall chinook quota (40,000) or coho sub-area quota of 109,500 is met - Sunday through Thursday only.

(e) In those waters south of the Red Buoy Line at the mouth of the Columbia River open September 16 through September 26, 1991 or until overall chinook quota (40,000) or coho sub-area quota of 7,000 is met, seven days a week.

(2) *Bag Limit* - 2 salmon per day, minimum size limit in all ocean waters; chinook salmon 24 inches in length and coho salmon 16 inches in length.

(3) *Single point barbless hooks* unless otherwise provided for.

(4) *Shore based angling from the north jetty of the Columbia River* is allowed and single point barbed hooks may be used.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 a.m. July 24, 1991:

WAC 220-56-19000F SALTWATER SEASONS AND BAG LIMITS. (91-43)

WSR 91-15-096

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-52—Filed July 23, 1991, 4:25 p.m.]

Date of Adoption: July 23, 1991.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100H.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvest rate of spot shrimp from Shrimp District 1 waters north of Discovery Bay shows insufficient numbers to warrant a commercial harvest. Transfer of effort to Discovery Bay is expected, and a reduction in catch potential and careful monitoring of the catch is needed to insure that overharvest does not occur.

Effective Date of Rule: Immediately.

July 23, 1991
Joseph R. Blum
Director

NEW SECTION

WAC 220-52-05100I COMMERCIAL SHRIMP — PUGET SOUND. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice:

(1) *It is unlawful to fish for or possess shrimp taken for commercial purposes from those waters of Shrimp District 1 north of a line from Diamond Point to Cape George (waters north of Discovery Bay).*

(2) *It is unlawful for any commercial fisher to use more than 10 pots to fish for shrimp in those waters south of a line from Diamond Point to Cape George (Discovery Bay).*

(3) *It is unlawful for a commercial shrimp fisher taking shrimp for commercial purposes from those waters*

south of a line from Diamond Point to Cape George (Discovery Bay), to fail to sell any such shrimp to a wholesale dealer and to fail to have the sale recorded on a State of Washington Shellfish Receiving Ticket.

(4) *It is unlawful for a commercial fisher taking shrimp from those waters south of a line from Diamond Point to Cape George (Discovery Bay) to fail to mail a copy of the shellfish harvest log showing the previous week's fishing activity (Monday through Sunday) to the Department. The harvest log copy must be mailed no later than 12:00 p.m., Monday, for the previous week's activity.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100H COMMERCIAL SHRIMP — PUGET SOUND.

WSR 91-15-097

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 24, 1991, 9:39 a.m.]

Original Notice.

Title of Rule: Peach yellows, little peach and red suture diseases quarantines; peach rosette disease quarantine; and peach mosaic virus disease quarantine.

Purpose: To prevent the introduction of peach yellows, little peach, red suture disease, peach rosette disease, and peach mosaic virus disease in the state of Washington.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Summary: The proposal separates the existing peach yellow, peach rosette and little peach diseases quarantine into two separate quarantines, and establishes quarantines against peach mosaic virus and red suture diseases.

Reasons Supporting Proposal: The quarantines will prevent the introduction of these peach diseases in Washington state. The quarantines also update the existing quarantine to reflect newer scientific information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, WA, 586-5306.

Name of Proponent: Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal establishes separate quarantines for peach yellows, little peach and red suture diseases; peach rosette disease; and peach mosaic virus disease. These quarantines are intended to prevent introduction of the diseases into Washington state, and to prevent any related economic loss to Washington's horticultural industries.

Proposal Changes the Following Existing Rules: Breaks the existing peach yellows, peach rosette and little peach diseases quarantine down into two separate quarantines and establishes quarantines against red suture and peach mosaic virus diseases.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Agriculture Service Center Conference Room, 2015 South First Street, Yakima, WA 98903, on September 25, 1991, at 3:00 p.m.

Submit Written Comments to: William E. Brookreson, 406 General Administration Building, AX-41, Olympia, WA 98504, by September 25, 1991.

Date of Intended Adoption: October 11, 1991.

July 24, 1991
William E. Brookreson
Assistant Director

NEW SECTION

WAC 16-487-005 DEFINITIONS. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Mycoplasma-like organism" (MLO) means a submicroscopic infectious agent capable of producing disease symptoms in host plants. MLOs do not have the outer protein coat that characterizes viruses.

(4) "Symptomless carrier" means a plant which may be infected by or capable of hosting a disease agent but which does not show visible disease symptoms.

(5) "Growing ground" means any property within the area under quarantine on which nursery stock (cuttings, budsticks, scions, rootstocks, or finished trees) are produced for distribution or sale.

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-010 ((INFECTED TERRITORY)) DISPOSITION OF MATERIALS MOVED IN VIOLATION—PENALTIES. ((Whereas, it has been determined that dangerous diseases of peach trees, known as peach rosette, peach yellows, and little peach, not known to exist in the state of Washington, exists in and is prevalent over an indeterminable area in the states hereinafter described:

- Alabama Mississippi
Arkansas New Jersey
Connecticut New York
Delaware North Carolina
Dist. of Columbia Ohio
Florida Oklahoma
Georgia Pennsylvania
Illinois Rhode Island
Indiana South Carolina
Kentucky Tennessee
Maryland Virginia
Massachusetts West Virginia

Michigan)) Regulated articles, shipped in violation of this chapter, will be denied entry into the state, returned to the point of origin or destroyed at the option and expense of the owner(s) or their responsible agent. In addition, any person violating the terms of the quarantines in this chapter shall be subject to the criminal and civil penalties provided in law.

NEW SECTION

WAC 16-487-015 NOTIFICATION REQUIREMENT. Persons shipping regulated articles into the state of Washington from areas under quarantine by the provisions of this chapter shall notify the department's plant protection branch of the nature and quantity of each shipment, its destination, its expected date of arrival, and the name of the intended receiver. Such notification shall be by mail or telefax prior to shipment.

NEW SECTION

WAC 16-487-017 EXEMPTION FOR EXPERIMENTAL USES. The provisions of this chapter shall not apply to plants or propagative parts of plants imported for experimental purposes by the United States Department of Agriculture or the Washington State University agricultural experiment stations: PROVIDED, That a permit to import has been issued by the director.

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-020 ((ESTABLISHING QUARANTINE—CARRIERS OF DISEASE)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASES—ESTABLISHING QUARANTINE. ((+)) Whereas, the introduction of these diseases into the state of Washington would entail great loss to the horticultural interests of this state, and

(2) Whereas, the most rigid examinations cannot determine the presence of these diseases in all cases upon nursery stock;

(3) Now, therefore, I, Arthur E. Cox, director of agriculture of the state of Washington, under authority vested in me by RCW 17.24.030; in order to prevent the introduction of said peach yellows, and/or peach rosette, and/or little peach, diseases into the state of Washington, do hereby proclaim and establish a quarantine prohibiting the shipment or movement into Washington of all trees, cuttings, grafts, scions or buds of all species and varieties including the flowering forms of peach, nectarine, apricot, almond, and plum, or any trees budded or grafted on peach stock or peach roots grown in or imported, shipped or brought from the said infected territory, and no such possible carriers of these diseases as quarantined against in this order shall be permitted entry into the state of Washington.)) The director has determined that peach yellows, little peach, and red suture diseases do not exist in the state of Washington and that the introduction of these diseases into the state would cause economic loss to the horticultural industries within the state. To prevent this loss, a quarantine is hereby established against these mycoplasma-like organisms, their host plants, and possible carriers.

NEW SECTION

WAC 16-487-023 PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE—REGULATED ARTICLES. The following articles are regulated under the terms of the peach yellows, little peach, and red suture disease quarantine:

(1) The pathogens which cause peach yellows, little peach, and red suture diseases on peach. The pathogen is an MLO. All three diseases are considered to be caused by the same pathogen.

(2) Trees and all parts capable of propagation including cuttings, budsticks, scions, and rootstocks, except seeds (fruit pits) of all species of the genus Prunus are declared hosts and possible carriers, except those listed in WAC 16-487-025.

NEW SECTION

WAC 16-487-025 PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE—SPECIES NOT REGULATED. The following species have been determined not to be hosts of peach yellows, little peach, and red suture diseases and are not regulated under this quarantine:

- mazzard cherry, sweet cherry (Prunus avium)
sand cherry, western sand cherry (Prunus besseyi)
sour cherry (Prunus cerasus)
American cherry laurel, Carolina cherry laurel (Prunus caroliniana)
hollyleaf cherry, California cherry (Prunus ilicifolia)
cherry laurel, English laurel (Prunus laurocerasus)
Portugal laurel (Prunus lusitanica)
Catalina cherry (Prunus lyonii)

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-030 ((NONINFECTED AREAS)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE—QUARANTINE AREA. ((Nursery trees, cuttings, grafts, scions or buds of all species and varieties, including the flowering forms of peach, nectarine, apricot, almond and plum or any trees budded or grafted on peach stock or peach roots grown in noninfected areas will

be admitted into the state of Washington provided the following provisions are complied with:

(1) That none of the products mentioned in the above paragraph will be admitted into the state of Washington unless each shipment is accompanied by a statement signed by an official of the department of agriculture of the state from where such shipment is made, stating where such trees were grown and where the trees, cuttings, grafts, scions or buds, peach stock, or peach roots were obtained:

(2) All shipments of nursery stock shall be plainly marked with the contents on the outside of the package or container. The entire states of Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia are declared to be quarantined areas for peach yellows, little peach, and red suture diseases.

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-040 ((CARRIER AGENTS MUST HOLD SHIPMENTS)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE—ABSOLUTE QUARANTINE FOR SYMPTOMLESS CARRIERS. ((All products admissible under the foregoing provisions must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture, his deputy or deputies.)) The following species of plum trees and all parts capable of propagation (including their use as understock for other species) are symptomless carriers of peach yellows, little peach, and red suture diseases and are prohibited entry into Washington state:

American plum (Prunus americana)
myrobalan plum, cherry plum, "Antropurpurea," purple leaf plum (Prunus cerasifera)
European plum, prune (Prunus domestica)
hortulan plum (Prunus hortulana)
wild goose plum (Prunus munsoniana)
Japanese plum (Prunus salicina)
hybrids of any of the above and wild native species of plum.

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-050 ((DISPOSITION OF PRODUCTS SHIPPED IN VIOLATION OF QUARANTINE)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE—CONDITIONS FOR MOVEMENT OF REGULATED ARTICLES. ((1) All trees, cuttings, grafts, scions, or buds of all species and varieties, including flowering forms of peach, nectarine, apricot, almond and plum, or any trees budded or grafted on peach stock or peach roots grown in or imported, shipped, or brought from said quarantine area, arriving in the state of Washington in violation of the provisions of this quarantine, shall be refused admittance into Washington and shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents:

(2) All horticultural inspectors of the department of agriculture are hereby empowered and instructed to carry out the provisions of this quarantine:

(3) The foregoing does not apply to the experiments of the United States Department of Agriculture and the state experiment stations in the state of Washington, providing a permit to import is issued by the director of agriculture.)) Plants and propagative plant parts of the restricted Prunus species, other than symptomless carriers listed in WAC 16-487-040 or stock budded onto those symptomless carriers, shall be permitted entry into the state provided that all the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) Each lot or shipment is accompanied by a certificate issued by the department of agriculture or state university certification program of the state of origin, verifying that these plants or plant parts have been certified in accordance with the regulations of a certification program which includes inspection and indexing on suitable indicator hosts and/or by other official, recognized methods for peach yellows, little peach or red suture disease and certifying that the plants or plant

parts meet official certification standards of the shipping state for freedom from peach yellows, little peach or red suture disease.

(3) Peach yellows, little peach, and red suture disease symptoms have not been found during the period when stock was growing or budwood taken either on or within one mile of the growing grounds.

(4) No symptomless plum species or other species on symptomless plum understock existed on the growing grounds during the production of the nursery stock.

AMENDATORY SECTION (Amending Order 386, effective 3/30/43)

WAC 16-487-060 ((VIOLATIONS)) PEACH YELLOWS, LITTLE PEACH, AND RED SUTURE DISEASE QUARANTINE—RESHIPMENT PERMITTED UNDER CERTIFICATE

((Any violation of these orders shall be dealt with according to law.)) Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach yellows, little peach, and red suture diseases established in WAC 16-487-030 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

NEW SECTION

WAC 16-487-100 PEACH ROSETTE DISEASE QUARANTINE—ESTABLISHING QUARANTINE. The director has determined that peach rosette disease is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the mycoplasma-like organism, its host plants, and possible carriers.

NEW SECTION

WAC 16-487-110 PEACH ROSETTE DISEASE QUARANTINE—REGULATED ARTICLES. The following articles are regulated under the terms of the peach rosette disease quarantine:

(1) The pathogen which causes peach rosette disease. The pathogen is a mycoplasma-like organism.

(2) Trees and all parts capable of propagation including cuttings, budsticks, scions, and rootstocks, except seed (fruit pits) of all species of the genus Prunus are declared possible hosts and carriers of peach rosette disease except those listed in WAC 16-487-120.

NEW SECTION

WAC 16-487-120 PEACH ROSETTE DISEASE QUARANTINE—SPECIES NOT REGULATED. The following species have been determined not to be carriers of peach rosette disease and are not regulated under the terms of the peach rosette disease quarantine:

American cherry laurel, Carolina cherry laurel (Prunus caroliniana)
holly leaf cherry, California cherry (Prunus ilicifolia)
cherry laurel, English laurel (Prunus laurocerasus)
Portugal laurel (Prunus lusitana)
Catalina cherry (Prunus lyonii)

NEW SECTION

WAC 16-487-130 PEACH ROSETTE DISEASE QUARANTINE—QUARANTINE AREA. The entire states of Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, South Carolina, Tennessee, and West Virginia are declared to be quarantined areas for peach rosette disease.

NEW SECTION

WAC 16-487-140 PEACH ROSETTE DISEASE QUARANTINE—ABSOLUTE QUARANTINE FOR SYMPTOMLESS CARRIERS. The following species of plum trees and all parts capable of propagation (including their use as understock for other species), except seed, are symptomless carriers of peach rosette disease and are prohibited entry into Washington state:

the "Wilson" cultivar of apricot (Prunus armeniaca)
Mariana plums (Prunus cerasifera x P. Munsoniana)
any tree grafted on Mariana plum understock

NEW SECTION

WAC 16-487-150 PEACH ROSETTE DISEASE QUARANTINE—CONDITIONS FOR MOVEMENT OF REGULATED ARTICLES. Plants and all parts capable of propagation of the restricted *Prunus* species, other than symptomless carriers listed in WAC 16-487-140 or stock budded onto those symptomless carriers, shall be permitted entry into the state provided that all the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) Each lot or shipment is accompanied by a certificate issued by the department of agriculture or state university certification program of the state of origin, verifying that these plants or plant parts have been certified in accordance with the regulations of a certification program which includes inspection and indexing on suitable indicator hosts and/or by other official, recognized methods for peach rosette disease and certifying that the plants or plant parts meet official certification standards of the shipping state for freedom from peach rosette disease.

(3) Peach rosette disease symptoms have not been found during the period when stock was growing or budwood taken either on or within one mile of the growing grounds.

(4) No symptomless plum species or other species on symptomless plum understock listed in WAC 16-487-140 existed on the growing grounds during the production of the nursery stock.

NEW SECTION

WAC 16-487-160 PEACH ROSETTE DISEASE QUARANTINE—RESHIPMENT PERMITTED UNDER CERTIFICATION. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach rosette disease established in WAC 16-487-130 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

NEW SECTION

WAC 16-487-200 PEACH MOSAIC VIRUS—ESTABLISHING QUARANTINE. The director has determined that peach mosaic virus is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the virus, its host plants, and possible carriers.

NEW SECTION

WAC 16-487-210 PEACH MOSAIC VIRUS QUARANTINE—REGULATED ARTICLES. The following articles are regulated under the terms of the peach mosaic virus quarantine:

(1) Peach mosaic virus and any virus capable of causing symptoms identical with those of peach mosaic virus.

(2) All trees and parts of trees capable of propagation including cuttings, budsticks, scions, and rootstock, except seeds (fruit pits), of all species, varieties, and hybrids of almond, apricot, peach, plum, prune, and nectarine and Manchu cherry (*Prunus tomentosa*) and western sand cherry (*Prunus besseyi*).

NEW SECTION

WAC 16-487-220 PEACH MOSAIC VIRUS QUARANTINE—REGULATED AREA. The following are declared to be areas under quarantine for peach mosaic virus:

(1) The entire states of Arizona and New Mexico.

(2) In Colorado, the counties of Delta, Garfield, Mesa, Montezuma, and Montrose.

(3) In Oklahoma, the counties of Alfalfa, Bryan, Johnson, and Woods.

(4) In Texas, the counties of Brown, Callahan, Camp, Cherokee, Comanche, Dallas, Eastland, El Paso, Erath, Fisher, Floyd, Freestone, Hale, Harrison, Hudspeth, Jones, Limestone, Palo Pinto, Runnels, San Saba, Smith, Tarrant, Taylor, Upshur, and Young.

(5) In California, the counties of Los Angeles, Riverside, San Bernardino, and San Diego.

NEW SECTION

WAC 16-487-230 PEACH MOSAIC VIRUS QUARANTINE—REQUIREMENTS. All articles and commodities listed in WAC 16-487-210 from areas under quarantine, as listed in WAC 16-487-220, are prohibited entry into Washington state.

NEW SECTION

WAC 16-487-240 PEACH MOSAIC VIRUS QUARANTINE—SPECIAL PERMITS. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-487-210. The permit shall state all mandatory provisions or conditions under which entry is allowed.

NEW SECTION

WAC 16-487-250 PEACH MOSAIC VIRUS—RESHIPMENT PERMITTED UNDER CERTIFICATE. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach mosaic virus as established in WAC 16-487-220 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

NEW SECTION

WAC 16-487-300 PEACH ROSETTE MOSAIC VIRUS—ESTABLISHING QUARANTINE. The director has determined that peach rosette mosaic virus is not present in the state of Washington and that the introduction of the disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the virus (pest), its host plants, and possible carriers.

NEW SECTION

WAC 16-487-310 PEACH ROSETTE MOSAIC VIRUS QUARANTINE—REGULATED ARTICLES. The following articles are regulated under the terms of the peach rosette mosaic virus disease quarantine:

(1) Peach rosette mosaic virus (PRMV).

(2) All plants and parts of plants capable of propagation including cuttings, budsticks, scions, and rootstock, except seeds, of peach trees and blueberry plants.

NEW SECTION

WAC 16-487-320 PEACH ROSETTE MOSAIC VIRUS QUARANTINE—REGULATED AREA. The counties of Berrien, Kalamazoo, and Van Buren in the state of Michigan are declared to be areas under quarantine for peach rosette mosaic virus disease.

NEW SECTION

WAC 16-487-330 PEACH ROSETTE MOSAIC VIRUS QUARANTINE—REQUIREMENTS. All articles and commodities listed in WAC 16-487-310 from areas under quarantine, as listed in WAC 16-487-320, are prohibited entry into Washington state.

NEW SECTION

WAC 16-487-335 PEACH ROSETTE MOSAIC VIRUS QUARANTINE—SPECIAL PERMITS. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-487-310. The permit shall state all mandatory provisions or conditions under which entry is allowed.

WSR 91-15-098

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 24, 1991, 9:42 a.m.]

Original Notice.

Title of Rule: Grape phylloxera quarantine, chapter 16-481 WAC; and grape virus quarantine, chapter 16-483 WAC.

Purpose: To prevent introduction of grape phylloxera and grape virus in the state of Washington.

Statutory Authority for Adoption: Chapters 15.13 and 17.24 RCW.

Statute Being Implemented: Chapters 15.13 and 17.24 RCW.

Summary: The proposal updates both the grape phylloxera and grape virus quarantines.

Reasons Supporting Proposal: The proposed updates would help prevent the introduction of grape phylloxera and grape virus diseases in the state of Washington.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, WA, 586-5306.

Name of Proponent: Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed revisions to both quarantines update and clarify the quarantines. These revisions are intended to prevent introduction of these virus diseases into Washington state and prevent related economic loss to the horticultural industries of the state.

Proposal Changes the Following Existing Rules: In both the grape phylloxera and grape virus diseases quarantines the proposed updates expand the quarantine areas. The grape phylloxera quarantine revises conditions governing shipments, and adds cleaning and notification requirements. The grape virus diseases quarantine adds stem pitting and corky bark virus diseases to the quarantine and generally clarifies the quarantine.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: WSU Prosser Irrigated Agriculture Research and Extension Center, Route 2 Bunn Road, Prosser, WA 99350, on September 26, 1991, at 3:00 p.m.

Submit Written Comments to: William E. Brookreson, 406 General Administration Building, AX-41, Olympia, WA 98504, by September 26, 1991.

Date of Intended Adoption: October 11, 1991.

July 24, 1991

William E. Brookreson
Assistant Director

AMENDATORY SECTION (Amending Order 384, effective 3/30/43)

WAC 16-481-010 ((~~REGULATED TERRITORY CARRIERS OF PEST~~)) ESTABLISHING QUARANTINE. ((Whereas, the fact has been determined by the director of agriculture of the state of Washington that an injurious insect pest of the grape, the grape phylloxera (*Phylloxera vastatrix*), not prevalent in the state of Washington, exists in and is widely distributed in the United States hereinafter known as infested territory and all grape vines and cuttings are liable to be carriers of said pest:)) Grape phylloxera (*Daktulosphaira vitifoliae* (Fitch)) is an insect pest injurious to grape plants that can cause severe reductions in grape yield and ultimately the death of the grape plant. This pest is widely distributed throughout the United States and the world. Introductions of the pest into the state of

Washington through infested grape plants, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry. To prevent this the director, under the authority provided in chapters 17.24 and 15.13 RCW, has established a quarantine to prevent the introduction of this pest into the state.

NEW SECTION

WAC 16-481-015 DEFINITIONS. (1) "Pest" means the insect of the order Homoptera and family Phylloxeridae, grape phylloxera (*Daktulosphaira vitifoliae* (Fitch)).

(2) "Infested area" means all states and territories of the United States and all areas outside the United States.

(3) "Area known to be free of grape phylloxera" means a specific property of a person or firm or a specific nursery stock growing ground surveyed by the department of agriculture of the shipping state.

(4) "Department" means the Washington state department of agriculture.

(5) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(6) "Hardwood cutting" means a cutting from a grape plant taken during the period of dormancy and not including portions of the trunk of the plant produced during previous growing seasons.

(7) "Softwood cutting" means any cutting taken when the grape plant is not fully dormant.

(8) "Susceptible varieties" means grape plants that may serve as host to grape phylloxera and which show symptoms of decline when infested.

(9) "Nonsusceptible varieties" means grape plants that may serve as host to grape phylloxera but which do not show symptoms of decline when infested. Nonsusceptible varieties include concord varieties and vinifera varieties on resistant rootstock.

AMENDATORY SECTION (Amending Order 384, effective 3/30/43)

WAC 16-481-020 ((~~ESTABLISHING QUARANTINE PROMULGATION~~)) QUARANTINE AREA. ((Now, therefore, I, Arthur E. Cox, director of agriculture of the state of Washington, by virtue of authority vested in me by RCW 17.24.030, consider it necessary in order to prevent the introduction and spread of the grape phylloxera (*Phylloxera vastatrix*) into and within the state of Washington, do hereby establish a quarantine at the boundaries of the state of Washington, hereinafter setting forth the name of the pest against which the quarantine is established, the infested area, the products regulated, specifying conditions governing shipments and issuance of certificates under which said products may be shipped, and indicating the areas quarantined:)) There is established under this chapter, an external quarantine area for grape phylloxera including all states and territories of the United States and all territories outside the United States.

NEW SECTION

WAC 16-481-025 REGULATED PRODUCTS. Products regulated under the grape phylloxera quarantine include:

(1) All grape plants, rootstock, and softwood cuttings, rooted or not. Hardwood cuttings meeting the definition in WAC 16-481-016(6) and dried grape vines used for ornamental purposes are exempt from the requirements in this chapter.

(2) All equipment that has been used for cultivation or harvesting of grapes in a quarantine area.

AMENDATORY SECTION (Amending Order 384, effective 3/30/43)

WAC 16-481-030 ((~~DEFINITIONS~~)) CONDITIONS GOVERNING SHIPMENTS—EXTERNAL. ((~~(+) "Pest": Grape phylloxera (*Phylloxera vastatrix*) a pest of the grape.~~

(2) "Infested area": All states and territories of the United States.)

(1) Each shipment of grape plants, grape rootstock and/or softwood cuttings from an infested area must be accompanied by a certificate signed by a duly authorized inspector of the department of agriculture of the state of origin of the shipment, or by a duly authorized inspector of the United States Department of Agriculture, Animal and Plant Health Inspection Service, stating that:

(a) The grape plants, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from grape phylloxera; or

(b) The grape plants, rootstock or softwood cuttings were grown under an approved sterile media system; or

(c) For small shipments (five hundred articles or less), softwood cuttings were carefully inspected by an authorized inspector and were found to be free from grape phylloxera; or

(d) The grape plants, rootstock, and/or softwood cuttings were subjected to one of the two treatments outlined in subsection (2) of this section or such additional methods as may be determined to be effective and are approved in writing by the director and were stored in a manner after treatment that would prevent reinfestation.

(2) Acceptable treatments shall include:

(a) Hot water treatment. Dormant, rooted grape plants or rootstock shall be washed to remove all soil or other propagative media. Dormant rooted plants or rootstock shall be immersed in a hot water bath for a period of not less than three minutes nor more than five minutes at a temperature of not less than 125 degrees F. (52 degrees C.) nor more than 130 degrees F. (55 degrees C.) at any time during immersion; or

(b) Methyl bromide fumigation. Grape plants, rootstock or softwood cuttings may be treated by methyl bromide fumigation. Fumigation shall be in an approved gastight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing the chamber of gas after fumigation, and interior thermometer readable from the outside. Fumigation shall be with a dosage of two pounds (0.908 kg.) of methyl bromide per one thousand cubic feet (twenty-eight cubic meters) for a period of three hours at a temperature of between 65 degrees F. (18.3 degrees C.) and 70 degrees F. (21.1 degrees C.). The fan shall be operated for a period of ten minutes after the injection of the gas.

(3) All shipments of grape plants, rootstock and/or softwood cuttings from an infested area shall be plainly marked with the contents on the outside of the package or container as "grape plants," "grape rootstock," or "grape cuttings."

(4) Notification requirements of WAC 16-481-060 are met.

AMENDATORY SECTION (Amending Order 384, effective 3/30/43)

WAC 16-481-050 ((CONDITIONS GOVERNING SHIPMENTS)) EQUIPMENT CLEANING REQUIREMENTS. ((+)) Each shipment of grape vines and/or cuttings must be accompanied by a certificate signed by a duly authorized inspector of the department of agriculture at the point of origin, or by a duly authorized inspector of the United States Bureau of Entomology and Plant Quarantine, stating that said grape vines and/or cuttings were grown and shipped from an area known to be free from the grape phylloxera or that the grape vines or cuttings were given one of the treatments outlined in subsections (2), (3), and (4) below and were stored in a manner after the treatment that would prevent reinfestation.

(2) Hot water treatment. Grape vines and/or cuttings shall be immersed in a hot water bath for a period of not less than three minutes nor more than five minutes at a temperature not less than 125°F. nor more than 130°F. at any time during the immersion;

(3) Oil and nicotine dip. Entire vine washed free from dirt, submerged in oil and nicotine dip for period not less than five minutes, formula of solution as follows: 1-1/2 Gal. medium summer oil of viscosity from 72-80, unsulphonated residue test of 90 or above, 1 pint blackleaf 40, 1 pint sulphated alcohol liquid spreader, and 100 gallons of water. Dip to be renewed after dipping no more than five lots of vines and at least once in each 24 hours. Solution must be completely agitated immediately prior to each dipping.

(4) Methyl bromide fumigation. Fumigation in an air-tight chamber with 2 pounds of methyl bromide per 1000 cu. ft. for 3 hours at a temperature of 65 to 70°F. All shipments of nursery stock shall be plainly marked with the contents on the outside of the package or container.)) (1) All equipment used for cultivation or harvesting of grapes in grape phylloxera quarantine areas outside the state or infested properties within the state must be thoroughly washed or steam cleaned to remove all soil and plant material prior to entry into the state of Washington. Such equipment shall be subject to inspection by authorized inspectors of the department of agriculture.

(2) Any equipment found to be in violation of the sanitation requirement shall be subject to detention by the department until such equipment is thoroughly cleaned at the expense of the owner or shipper or provision made to transport the equipment directly out of the state.

AMENDATORY SECTION (Amending Order 384, effective 3/30/43)

WAC 16-481-060 ((CARRIER AGENTS MUST HOLD SHIPMENTS)) NOTIFICATION REQUIREMENTS. ((All products admissible under the provisions of this quarantine must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture, his deputy or deputies.)) The plant services division of the department of agriculture shall be notified by United States mail or telefax prior to the shipment of grape plants and/or cuttings under the grape phylloxera quarantine into this state from an infested area. Such notice shall include, but not be limited to, the approximate number of the grape plants, rootstock and/or softwood cuttings; the shipper; the consignee; the method of treatment used, if applicable; and the approximate date of delivery.

AMENDATORY SECTION (Amending Order 384, effective 3/30/43)

WAC 16-481-070 DISPOSITION OF PRODUCTS SHIPPED IN VIOLATION OF THIS QUARANTINE—VIOLATIONS. ((+)) Any shipment of grape (vines and/or cuttings coming into) plants, rootstock, and/or softwood shipped into or entering the state of Washington from an infested area and not accompanied by the required certificate and/or not complying with the notice requirement in WAC 16-481-060 shall be returned to point of origin, or destroyed at the option and expense of the owner or owners, ((his)) or their responsible agent or agents.

((2) All horticultural inspectors of the department of agriculture are hereby empowered and instructed to carry out the provisions of this quarantine.

(3) Any violations of these orders will be dealt with according to law.))

NEW SECTION

WAC 16-481-075 VIOLATIONS—PENALTIES. Any person who violates the terms of the grape phylloxera quarantine may be subject to a criminal or civil penalty, as determined by the director, in an amount not more than five thousand dollars for each violation. Every person who, through an act of commission or omission, procures, aids or abets in the violation, shall be considered to have violated this chapter and may be subject to criminal or civil penalty.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-481-040 REGULATED PRODUCTS.

AMENDATORY SECTION (Amending Order 1146, filed 3/16/70, effective 5/1/70)

WAC 16-483-001 ((PROMULGATION)) GRAPE VIRUS QUARANTINE—ESTABLISHING QUARANTINE. ((+)) Where as, the introduction of dangerous virus diseases of grape, such as FAN-LEAF and LEAFROLL, into the state of Washington would entail great losses to the horticultural interest of the state; and

(2) Whereas, the most rigid examinations cannot determine the presence of these virus diseases on dormant grape plants or parts of plants.

(3) Now, therefore, I, Donald W. Moos, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me by chapter 17.24 RCW relating to insect pests and plant diseases, after public hearing held in Sunnyside, Washington, on March 4, 1970, pursuant to chapters 34.04 and 42.32 RCW, do hereby proclaim and establish the quarantine to become effective May 1, 1970, setting forth the rules for the importation of grape plants.)) The production of wine grapes, table grapes, and grape plant nursery stock are important industries in the state of Washington. The director has determined that these industries are threatened by the introduction of the virus diseases known as leafroll, fanleaf, corky bark, and stem pitting that are not established in the state of Washington. The presence of these virus diseases cannot be determined by the most rigorous visual examination of dormant grape plants or propagative parts of grape plants. Introductions of these virus diseases would entail great economic loss to the horticultural industries of the state. To prevent this harm, the director, under the authority provided in chapter 17.24

RCW, has established a quarantine setting forth rules for the importation of grape planting stock into the state of Washington.

NEW SECTION

WAC 16-483-005 GRAPE VIRUS QUARANTINE—DEFINITIONS. (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(3) "Grape plants and propagative parts" means live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant (*vitis* species), except fruit, capable of propagation.

(4) "Official certificate" means a document issued by an official inspection agency including but not limited to phytosanitary certificates, inspection certificates, or other letters, tags, stamps, or similar documents certifying plant quality or condition.

AMENDATORY SECTION (Amending Order 1146, filed 3/16/70, effective 5/1/70)

WAC 16-483-010 GRAPE VIRUS QUARANTINE—QUARANTINE AREA. ~~((All))~~ Areas under quarantine for grape virus include all states and territories of the United States outside of the territorial borders of the state of Washington.

AMENDATORY SECTION (Amending Order 1146, filed 3/16/70, effective 5/1/70)

WAC 16-483-020 ~~((COMMODITIES COVERED))~~ GRAPE VIRUS QUARANTINE—REGULATED ARTICLES. ~~((Plants and all parts thereof (except fruits) of grape (vitis species).))~~ All plants and plant parts capable of propagation (except fruit) of grapes are regulated under the terms of the grape virus quarantine.

AMENDATORY SECTION (Amending Order 1146, filed 3/16/70, effective 5/1/70)

WAC 16-483-030 GRAPE VIRUS QUARANTINE—REGULATIONS. Grape plants and ~~((all))~~ propagative parts ~~((thereof of grapes))~~ will be admitted into the state of Washington provided the following provisions are complied with ~~((:))~~:

(1) ~~((That))~~ The grape plants or propagative parts ~~((thereof))~~ have been certified in accordance with the regulations of an official state agency, which certification program includes inspection and testing by indexing on suitable indicator hosts for ~~((FANLEAF AND LEAFROLL))~~ fanleaf, leafroll, stem pitting, and corky bark virus diseases ~~((provided that all)).~~ All shipments of such grape cuttings shall be accompanied by a certificate issued by ~~((said official state))~~ an agency of the state of origin certifying that ~~((said))~~ the grape plants or cuttings were produced under official certification regulations and meet official certification standards as to freedom from ~~((FANLEAF AND LEAFROLL))~~ fanleaf, leafroll, stem pitting, and corky bark virus diseases.

(2) All shipments of grape nursery stock shall be plainly marked with the contents on the outside of the package or container.

(3) ~~((All products admissible under the foregoing provisions must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture, his deputy or deputies:))~~ Persons shipping or transporting regulated articles, identified in WAC 16-483-020, into this state from areas under quarantine shall notify the department's plant protection branch by United States mail or telefax prior to shipment of the nature and the quantity of each shipment, the expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the same until they are inspected and/or released by the department.

AMENDATORY SECTION (Amending Order 1146, filed 3/16/70, effective 5/1/70)

WAC 16-483-040 GRAPE VIRUS QUARANTINE—DISPOSITION OF MATERIAL SHIPPED IN VIOLATION ~~((OF THIS QUARANTINE)).~~ All grape plants or parts thereof arriving in the state of Washington in violation of the provisions of ~~((this))~~ the grape virus quarantine, shall be refused admittance into the state of Washington ~~((and)),~~ or shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, ~~((his))~~ or their responsible agents.

AMENDATORY SECTION (Amending Order 1146, filed 3/16/70, effective 5/1/70)

WAC 16-483-050 GRAPE VIRUS QUARANTINE—EXEMPTION. The ~~((foregoing does not apply to the experiments of))~~ restrictions on the movement of regulated articles set forth in this chapter shall not apply to grape plants or propagative parts imported for experimental or trial purposes by the United States Department of Agriculture and the state experiment stations in the state of Washington ~~((, providing))~~: PROVIDED, That a permit to import is issued by the director of agriculture.

AMENDATORY SECTION (Amending Order 1146, filed 3/16/70, effective 5/1/70)

WAC 16-483-060 GRAPE VIRUS QUARANTINE—VIOLATION AND PENALTY. All violations of ~~((this order))~~ the grape virus quarantine shall be ~~((dealt with according to the provisions of RCW 17.24.100))~~ punishable by the criminal and/or civil penalties provided by law.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-483-070 EFFECTIVE DATE.

WSR 91-15-099

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 24, 1991, 9:45 a.m.]

Original Notice.

Title of Rule: Rules relating to schedule of charges.

Purpose: To increase fees to meet the increased cost of operation of the seed branch, and to adopt new billing policies and procedures.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Statute Being Implemented: Chapter 15.49 RCW.

Summary: A proposal to increase certain fees, and to adopt billing policies and procedures.

Reasons Supporting Proposal: Rising costs of operation of the seed branch to meet the needs of the seed industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max Long, 2015 South 1st, Yakima, WA 98903, (509) 575-2750.

Name of Proponent: Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: Fee increases; and adopt billing policies and procedures.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Agriculture Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, on September 25, 1991, at 1:15 p.m.

Submit Written Comments to: William E. Brookreson, 406 General Administration Building, AX-41, Olympia, WA 98504, by September 25, 1991.

Date of Intended Adoption: October 11, 1991.

July 24, 1991
 William E. Brookreson
 Assistant Director

NEW SECTION

WAC 16-304-039 SCHEDULE OF CHARGES—BILLING POLICIES AND PROCEDURES. (1) All billable services provided under chapter 15.49 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service. Accounts not paid in full within thirty days of billing shall be considered delinquent.

(2) On all debts due and payable after July 28, 1991, all delinquent accounts shall be assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system shall be twenty dollars. All billable services of less than twenty dollars shall be due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears shall receive service except on the basis of payment in full at the time service is rendered. Such accounts shall not be restored to monthly billing status until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety or more days in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

AMENDATORY SECTION (Amending Order 2041, filed 6/5/90, effective 7/6/90)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds (d)
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00	\$46.00	\$21.00
Bluegrass	4 oz.	21.00	13.00	14.00	35.00	21.00
Bromegrass	6 oz.	22.00	13.00	11.50	33.50	21.00
Fescue	4 oz.	21.00	13.00	11.50	32.50	21.00
Orchardgrass	4 oz.	24.00	15.00	13.00	37.00	21.00
Ryegrass	4 oz.	21.00	13.00	10.50	31.50	21.00
Crested Wheatgrass	4 oz.	25.00	15.00	14.00	39.00	21.00
Other Wheatgrasses	6 oz.	36.00	22.00	14.00	50.00	21.00
Other grasses	4 oz.	17.00	10.50	10.50	27.50	21.00
Beans and peas	1 1/4 lb.	13.00	7.50	11.50	24.50	21.00
Cereals	1 1/4 lb.	13.50	9.00	11.50	25.00	21.00
Other crops	4 oz.	13.50	9.00	11.50	25.00	21.00
Mixture (for each additional kind)		10.50		13.00		21.00
Beets		18.00	8.50	17.00	35.00	
Rapeseed		32.00	9.00	16.00	48.00	21.00
Carrot		13.50	9.00	11.50	25.00	36.00

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam Noxious only
 fee plus \$ 3.50
 (or hourly rate when applicable)

(Required crop exam for all foundation and registered class grass seeds.)

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each five grams \$16.00

Poa annua check for other grasses - each 10 grams \$16.00

(c) Sod seed analysis -

Bluegrass \$56.00

Fescue \$40.00

Ryegrass \$32.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, ((one hundred)) fifty gram all weed/all crop. (((Fluorescent))) Fluorescence required on ryegrass; germ and ((fluorescent)) fluorescence test additional fee.)

(d) (((Fluorescent))) Fluorescence test - (four hundred seed test) \$13.00

(e) Pest and disease, soil exam or similar \$16.00

(Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only) \$18.00

(g) Variety separation of Kentucky bluegrass \$18.00
 If separated at time of purity analysis \$ 9.00

(h) Sodium hydroxide test for presence of red and/or white wheat \$10.00

(i) Brassica seed chemical identification test \$10.00

(j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour) \$16.00

(k) Fescue seed fluorescence test – a test required to determine presence of other fine fescue species in hard fescue and sheep fescue which is required on certified samples \$14.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

(a) Reports may not be mailed until all tests are completed.

(b) Samples shall be plainly labeled "inventory samples."

(c) Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.

(d) The fee for this service shall be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous laboratory fees:

(a) Rush samples (including phone report if requested at time sample is submitted) \$12.00

(b) Phone reports on test result, per call \$ 3.50

(c) Preliminary report on germination (phone report only) \$ 8.00

(d) Morphological test \$ 8.00 (alfalfa or clover examined under magnification for combine damage.)

(e) Additional mailing of report (each destination) \$ 1.50

(f) Recopies of reports (minimum fee) \$ 2.50

Revised reports (minimum fee) \$ 5.00 (or hourly fee when applicable)

(g) I.S.T.A. rules test

	PURITY	GERMINATION
Alfalfa, clover	\$20.00	\$14.00
Kentucky bluegrass	\$30.00	\$14.00
Peas, lentils	\$20.00	\$14.00

(h) Canadian rules test

	PURITY	GERMINATION
Alfalfa, clover	\$20.00	\$11.50
Kentucky bluegrass	\$30.00	\$14.00
Peas, lentils	\$20.00	\$11.50
Bentgrass	\$44.00	\$16.00

(i) Seed count \$16.00

(j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc. \$((+6.00))

(k) Hourly fee for miscellaneous services \$((+6.00))

(l) Service charge for submitted federal phytosanitary certificates, per certificate \$ 5.00

(m) All states noxious weed examination \$10.00

(n) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or air freight) for documents or seed samples \$ 3.50

(o) Fee for facsimile transmission of documents, per document \$ 3.50

(p) Undesirable grass species examination (UGS test) \$12.00

(4) Checkweighing, checkloading, or similar service shall be – per hour \$((+6.00))

Minimum fee \$((+6.00))

20.00

(5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of \$16.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of \$((+6.00)) 20.00 per man hour.

(6) Test plot examinations or consultant work in plots, fields, conditioning plants, etc. shall be at the rate of \$((+6.00)) 20.00 per hour plus mileage and travel time.

(7) Requests for services not listed – most appropriate fee.

WSR 91-15-100

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 24, 1991, 9:48 a.m.]

Original Notice.

Title of Rule: Rules relating to apple ermine moth quarantine, chapter 16-470 WAC.

Purpose: To prevent the spread of apple ermine moth.

Statutory Authority for Adoption: Chapters 15.13 and 17.24 RCW.

Statute Being Implemented: Chapters 15.13 and 17.24 RCW.

Summary: The proposal updates the apple ermine moth quarantine by expanding the quarantine area, the commodities covered under the quarantine, and the restrictions and requirements covered under the quarantine.

Reasons Supporting Proposal: To prevent the spread of apple ermine moth.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William E. Brookreson, 6120 Capitol Boulevard, Tumwater, WA, 586-5306.

Name of Proponent: Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Recent survey data has confirmed infestation of apple ermine moth (AEM) in counties not currently covered by the quarantine. This finding necessitates the expanded quarantine area, additional commodities covered, and expanded restrictions and requirements under the quarantine. It is anticipated that these additions to the quarantine will prevent further spread of AEM and possible eradication of the pest in Quarantine Area II.

Proposal Changes the Following Existing Rules: The proposal adds counties to the areas under quarantine, adds commodities to those under quarantine, and expands the restrictions and requirements. The proposal also adds a section allowing the director to issue special permits for movement of regulated articles outside of or between the quarantine areas.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-304-050 MISCELLANEOUS CHARGES.

(1) Sanitary certificate \$20.00

(2) Service sampling or similar service: The fee for each service requested shall be:

(a) Peas, beans, small grains or seeds of similar size per cwt \$ 0.05

(b) For all other kinds – per cwt \$ 0.15

(c) Minimum charge \$((+6.00))

(3) Tagging and sealing or similar service: The fee for each service requested shall be:

(a) For all kinds of seed – per cwt \$ 0.15

(b) Minimum fee \$((+6.00))

Hearing Location: General Administration Building, 11th and Columbia, Olympia, WA 98504, on September 12, 1991, at 1:00 p.m.; and at the Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, on September 13, 1991, at 1:00 p.m.

Submit Written Comments to: William E. Brookreson, 406 General Administration Building, AX-41, Olympia, WA 98504, by September 13, 1991.

Date of Intended Adoption: September 30, 1991.

July 24, 1991

William E. Brookreson
Assistant Director

AMENDATORY SECTION (Amending Order 1978, filed 7/25/88)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Honey bee" means bees of the species *Apis mellifera*.

(8) "Colony" means any natural group of bees having a queen.

(9) "Hive" means any receptacle or container made or prepared for the use of bees, including movable frames, combs, or substances deposited into the hive by bees.

(10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(12) "Package" means a combless shipping container of bees with or without a queen.

(13) "Apiarist" means any person who owns bees or is a keeper of bees.

(14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

(15) "Production area" means a nursery production block and adjacent host material within one kilometer.

AMENDATORY SECTION (Amending Order 1978, filed 7/25/88)

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under (~~RCW 17-24-020 through 17-24-100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars, or by both fine and imprisonment~~) chapter 17-24 RCW may be subject to the criminal or civil penalties provided.

AMENDATORY SECTION (Amending Order 1916, filed 1/30/87)

WAC 16-470-500 APPLE ERMINE MOTH—QUARANTINE. The director finds that apple ermine moth (*Yponomeuta malinellus*

Zeller) is a serious defoliator of apple and crabapple (*Malus* spp.) trees; and that apple ermine moth was not known to occur in the United States until its discovery in (~~Whatcom and Skagit counties~~) the state of Washington; and that this pest is well established in Europe and British Columbia, Canada and is considered to be one of the most destructive pests of apples in Europe. Subsequent survey data has confirmed infestation of additional counties. Pursuant to the authority provided in chapters 17.24 and 15.13 RCW, a quarantine is established under this chapter to prevent the spread of apple ermine moth (*Yponomeuta malinellus* Zeller).

AMENDATORY SECTION (Amending Order 1916, filed 1/30/87)

WAC 16-470-510 APPLE ERMINE MOTH—AREA UNDER QUARANTINE. The following areas are declared by the director to be under quarantine for apple ermine moth (*Yponomeuta malinellus* Zeller): Interior quarantine (~~(Skagit and Whatcom counties)~~):

(1) Quarantine Area I consisting of the entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom. These counties are characterized by a high number of noncommercial host plants and significant levels of moths detected such that eradication and exclusion of apple ermine moth is not considered feasible.

(2) Quarantine Area II consisting of the entire counties of Chelan, Grant, Kittitas, and Okanogan. These counties are characterized by a low number of noncommercial hosts and low numbers of moths detected such that eradication and exclusion may be possible.

AMENDATORY SECTION (Amending Order 1916, filed 1/30/87)

WAC 16-470-520 APPLE ERMINE MOTH QUARANTINE—COMMODITIES UNDER QUARANTINE. Commodities under quarantine for apple ermine moth (*Yponomeuta malinellus* Zeller) are all apple and crabapple (*Malus* spp.) trees and parts thereof including branches, twigs, rootstocks, budwood, and scions except fruit, seeds and plants in tissue culture.

AMENDATORY SECTION (Amending Order 1916, filed 1/30/87)

WAC 16-470-530 APPLE ERMINE MOTH QUARANTINE—RESTRICTIONS—REQUIREMENTS. No quarantined commodities for apple ermine moth (*Yponomeuta malinellus* Zeller) may be moved from areas under quarantine (see WAC 16-480-510) except under the following (~~conditions~~) programs established by a compliance agreement between the department and the nursery grower except as provided in subsection (5) of this section:

(1) (~~All quarantined commodities have been inspected by the department, and/or~~

(2) ~~All quarantined commodities have been treated for apple ermine moth as prescribed by the department; and~~

(3) ~~An official inspection document has been issued by the department indicating that the quarantined commodities have been inspected and/or treated as prescribed by the department.)~~ The nursery production area is monitored by means of high density pheromone border trapping (one trap per two hundred feet, minimum of four traps per block) and trapping of adjoining host material within one kilometer.

(a) Nursery production areas with negative trapping results shall be certified as "apparently free from" apple ermine moth.

(b) Nursery production areas with positive trapping results (moth detections) in the one kilometer buffer area but not in perimeter traps shall be required to either:

(i) Treat all nursery stock for shipment outside the quarantine areas following approved methyl bromide or other approved fumigation schedules; or

(ii) Enter into a regular orchard chemical control program meaning, upon first detection, apply an immediate, approved cover spray followed by additional cover sprays at appropriate intervals for the duration of the apple ermine moth flight season; and

(iii) Have nursery stock inspected for the presence of egg masses and found negative prior to shipment outside the quarantine area. Lots with egg masses found will require fumigation before shipment outside the quarantine area.

(c) Nursery production blocks with moths detected in perimeter traps shall be required to fumigate as provided in (b)(i) of this subsection. In these cases, cover sprays may be discontinued.

(2) Dormant stock for shipment from nursery production blocks found positive by perimeter trapping shall be maintained separately in

storage. In cases where stock is inadvertently mixed, all stock shall be regarded as positive.

(3) Nursery production blocks that have perimeter catches during adult flight season monitoring are not eligible for certification based solely on perimeter trapping in subsequent years unless the entire production area has been determined to be free from apple ermine moth.

(4) Nursery production blocks may alternatively elect to use certification based on regular orchard inspection and chemical control, including:

(a) Larval season inspection for evidence of infestation and, in cases of positive finds, treatment with an approved larvacide required; and

(b) Chemical treatment and inspection as provided in subsection (1)(b)(ii) and (iii) of this section beginning with the appearance of adult moths.

(5) Notwithstanding the perimeter trapping and orchard inspection and chemical control programs specified in subsections (1) through (4) of this section, a grower or shipper may elect to certify based solely on an approved fumigation.

NEW SECTION

WAC 16-470-533 APPLE ERMINE MOTH QUARANTINE—SPECIAL PERMITS. The director may issue special permits allowing movement of regulated articles covered in WAC 16-470-520 not otherwise eligible for movement outside of or between the quarantine areas subject to such conditions as the director may prescribe to prevent infestation.

NEW SECTION

WAC 16-470-535 APPLE ERMINE MOTH QUARANTINE—COSTS OF INSPECTION AND TRAPPING. The costs of perimeter trapping and certification shall be charged to the grower or shipper. Such costs shall be prescribed in the compliance agreement.

WSR 91-15-101
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)
 [Filed July 24, 1991, 1:40 p.m.]

Original Notice.

Title of Rule: Schedule of fees for banks, trust companies, stock savings banks, mutual savings banks, and alien banks.

Purpose: To revise the rate used by the Division of Banking for the processing and investigation of applications received by the division, and other incidental services.

Statutory Authority for Adoption: RCW 30.08.095.

Statute Being Implemented: RCW 30.08.095.

Summary: The revisions change the rate in which the Division of Banking processes and investigates application and other incidental services. All services, under the proposed rule, are charged on an hourly basis.

Reasons Supporting Proposal: The effect of the rule is to assure that those who use the services of the Division of Banking pay for actual cost of those services.

Name of Agency Personnel Responsible for Drafting: John L. Bley, 1400 South Evergreen Parkway Drive S.W., #120, Olympia, 98504, 753-6520; Implementation and Enforcement: Thomas H. Oldfield, 1400 South Evergreen Parkway Drive S.W., #120, Olympia, 98504, 753-6520.

Name of Proponent: Division of Banking, Department of General Administration, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The provisions contained in this proposed rule have received considerable attention and input from the Washington Bankers Association, Washington Independent Community Bankers Association, Washington Savings League, and the Washington Financial Services Association, alien banks and trust companies.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule is designed to collect sufficient revenues to fund the application and investigation activities of the division on a "user-fee" basis.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The division has determined that a small business economic impact statement is not required because the fees charged under the proposed rule are substantially proportionate to the services rendered by the division to each institution and the change in fees to any one institution has a minor impact on the annual net income of the institutions affected by the proposed rule.

Hearing Location: 1400 South Evergreen Park Drive S.W., #120, Olympia, WA 98504, on August 30, 1991, at 9:00 a.m.

Submit Written Comments to: Thomas H. Oldfield, Supervisor of Banking or John L. Bley, Deputy Supervisor, by August 30, 1991.

Date of Intended Adoption: August 30, 1991.

July 24, 1991

Thomas H. Oldfield
 Supervisor of Banking

AMENDATORY SECTION (Amending WSR 90-12-008, filed 5/25/90, effective 6/25/90)

WAC 50-12-045 SCHEDULE OF FEES FOR BANKS, TRUST COMPANIES, STOCK SAVINGS BANKS, MUTUAL SAVINGS BANKS, AND ALIEN BANKS. (1) The supervisor shall collect the following fees:

(a) Hourly charges for services plus actual expenses for review of application and attendant investigation for:

(i) New bank or trust company;

(ii) Conversion to a state chartered institution;

(iii) Alien bank to establish and operate an office or bureau in the state;

(iv) Certificate conferring trust powers;

(v) Branch;

(vi) A satellite facility or facilities which are to be used by its own customers or customers of another bank;

(vii) A network system of satellite facilities as defined in WAC 50-40-010(4) or modification of a previously approved network system, made in accordance with WAC 50-40-060 (1) or (2);

(viii) Merger, consolidation, or reorganizational agreement;

(ix) Relocation of main office or branch;

(x) An out-of-state bank holding company acquisition and control of more than five percent of the shares of voting stock or substantially all of the assets of a bank, trust company, national banking association or bank holding company, the principal operations of which are conducted within this state;

(xi) The purchase or sale of a branch;

(xii) Voluntary or involuntary liquidation of a bank or trust company pursuant to chapter 30.44 RCW or for acting as conservator of a bank or trust company pursuant to chapter 30.46 RCW;

- (xiii) Conversion from a mutual savings bank to a stock savings bank;
- (xiv) Notice of change of control.
- (b) Hourly charges for opinions rendered regarding interpretations of statutes and rules.
- (c) \$100.00 for issuing the following certificates:
 - (i) Branch certificate;
 - (ii) Increase or decrease of capital stock certificate;
 - (iii) Certificate of authority;
 - (iv) Satellite facility;
 - (v) Certificate of good standing;
 - (vi) Other.
- (d) \$100.00 for filing articles of incorporation, or amendments thereof, or other certificates required to be filed with the supervisor.
- (e) Fifty cents per page for furnishing copies of papers filed with the supervisor.
- (2) The hourly fee for services shall be (~~(\$65.00)~~) \$90.00 per employee hour expended. The supervisor may require a lump sum payment in advance to cover the anticipated cost of review and investigation of the activities described in subsection (1)(a) and (b) of this section. In no event shall the lump sum payment required under this section exceed actual amounts derived in subsection (1)(a) and (b) of this section.

WSR 91-15-102
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)

[Filed July 24, 1991, 1:42 p.m.]

Original Notice.

Title of Rule: Collection of examination costs and collection of semi-annual assessment.

Purpose: To revise the procedure and rates used by the Division of Banking to collect revenues for the proper operation of the examination and supervision functions of the division.

Statutory Authority for Adoption: RCW 30.04.070 and 30.08.095.

Statute Being Implemented: RCW 30.04.070 and 30.08.095.

Summary: The proposed rule changes the hourly rate and asset assessment rate and makes various other revisions to the fee structure.

Reasons Supporting Proposal: By implementing an hourly rate structure, the proposed rule assures that the expenses in the examination and supervision area are primarily based on a "user fee" basis.

Name of Agency Personnel Responsible for Drafting: John L. Bley, 1400 South Evergreen Park Drive S.W., #120, Olympia, 98504, 753-6520; **Implementation and Enforcement:** Thomas H. Oldfield, 1400 South Evergreen Park Drive S.W., #120, Olympia, 98504, 753-6520.

Name of Proponent: Division of Banking, Department of General Administration, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The provisions contained in this proposed rule have received considerable attention and input from the Washington Bankers Association, Washington Independent Community Bankers Association, Washington Savings League, Washington Financial

Services Association, and alien banks and trust companies.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule continues to require the billing of time directly attributable to time spent examining and supervising of each institution under the jurisdiction of the division. Time related to travel is not included in the billing. The proposed rule will continue to have the effect of putting the division's collection process on a more "user fee" type basis. The rates have been changed in order to fund the current biennium budget. In addition, banks located in economically distressed or rural areas may be eligible for a rebate in April 1993.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The division has determined that a small business economic impact statement is not required because the fees charged under the proposed rule are substantially proportionate to the services rendered by the division to each institution and the change in fees to any one institution has a minor impact on the annual net income of the institutions affected by the proposed rule.

Hearing Location: 1400 South Evergreen Park Drive S.W., #120, Olympia, WA 98504, on August 30, 1991, at 9:00 a.m.

Submit Written Comments to: Thomas H. Oldfield, Supervisor of Banking or John L. Bley, Deputy Supervisor, by August 30, 1991.

Date of Intended Adoption: August 30, 1991.

July 24, 1991

Thomas H. Oldfield
Supervisor of Banking

NEW SECTION

WAC 50-44-005 DETERMINATION OF COLLECTION METHOD—PRINCIPLES. When determining a revision to the collection method, the supervisor shall consider but not be limited to the following principles.

(1) The revenue to be collected shall be sufficient to allow the division of banking to achieve its statutory mission to examine institutions within all required time periods.

(2) Regulatory costs shall be apportioned in a manner consistent with the state of Washington's overall policy commitments to rural and economically distressed areas, promoting the delivery of financial services to those areas.

(3) No industry or institution shall bear a disproportionate share of regulatory costs.

(4) There shall be a significant correlation between assessments and examination costs across institutions.

(5) The division of banking shall have sufficient resources to maintain a competent and motivated staff.

(6) Such other principles as the supervisor may deem relevant.

AMENDATORY SECTION (Amending WSR 90-12-007, filed 5/25/90, effective 6/25/90)

WAC 50-44-020 SEMI-ANNUAL ASSET CHARGE—ASSESSMENT. A semiannual charge for assets will be used to recoup nondirect bank examination related expenses (RCW 30.08.095). The semiannual charge for assets will be computed upon the asset value reflected in the most recent report of condition. The rate of such charge shall be as set forth in the following schedules:

(1) Commercial banks, mutual savings banks, and stock savings banks.

The rate of such charge shall be based on the total asset value as reflected in the report of condition due for that period provided, the supervisor may adjust such rates if the supervisor determines that a disproportionate amount of revenue is being collected by such rate.

If the bank's total assets are: The assessment is:

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
(0	10	\$ 25	0	0
10	20	50	0	10
20	30	75	0	20
30	40	100	0	30
40	60	100	.00000625	40
60	100	375	.000006875	60
100	150	650	.000007	100
150	200	1000	.000005	150
200	350	1250	.000025	200
350	500	5000	.00000833	350
500	750	6250	.000002	500
750	1000	6750	.00001	750
1000		9250	.00001065	1,000))
0	500	0	.00001408	0
500	1000	7040	.0000135	500
1000		13,790	.0000133	1000

(2) Alien banks. (If the bank's total assets are: The assessment is:))

The rate of such charge shall be .000035189 of the total asset value as reflected in the report of condition due for that period provided, the supervisor may adjust such rate if the supervisor determines that a disproportionate amount of revenue is being collected by such rate.

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	50	100	.00005	0
50	100	2,000	.00007	50
100	500	6,100	.00004	100
500	750	22,100	.000035	500
750	1,000	30,850	.00003	750
1,000		38,350	.000025	1,000))

(3) Industrial loan companies and, effective January 1, 1992, consumer finance licensees under chapter 208, Laws of 1991.

(If the total assets on a consolidated basis are: The assessment is:))

The rate of such charge shall be .000084896 of the total asset value as reflected in the consolidated annual report of Washington assets or semiannual notice of assessment of Washington assets (whichever is applicable) due for that period provided, the supervisor may adjust such rate if the supervisor determines that a disproportionate amount of revenue is being collected by such rate.

Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	1	\$ 250		
1		250	.000075	1))

The supervisor's office shall forward by United States mail a notice to each financial institution showing the manner of calculating the asset charge due and a worksheet for such purposes. The notices shall be mailed with the blank June and December report of condition commencing with the June 1990 report of condition applicable to commercial, savings and alien banks and the consolidated annual report and a semiannual notice of assessment applicable to industrial loan companies. The asset charge shall be calculated by the financial institution and forwarded to the office of the supervisor of banking with the applicable report. A completed copy of the worksheet shall be included with the assessment. An additional two hundred dollar penalty shall be assessed if the amount is not paid ((within the time specified)) by the time such report of condition or notice of assessment is due.

AMENDATORY SECTION (Amending WSR 90-12-007, filed 5/25/90, effective 6/25/90)

WAC 50-44-030 HOURLY FEES AND CHARGES—REGULAR, INCLUDING EXTRAORDINARY EXAMINATION AND

SPECIAL EXAMINATIONS. Each bank, mutual savings bank, trust company, alien bank, or industrial loan company shall pay to the supervisor the following fees:

(1) For regular examinations, including extraordinary examinations for the express purpose of examining unusual conditions or circumstances, including extensions of regular examinations wherein conditions may warrant extension of time required in the examination beyond normal allotted time and such other reviews as determined by the supervisor; ((forty-five)) sixty-five dollars per hour. The supervisor may charge the actual cost of examinations performed under personal service contracts by third parties.

(2) For electronic data processing examination, trust examination, or other examination requiring specialized expertise, ((fifty-five)) ninety dollars per hour. Electronic data processing centers and trust companies are exempt from the asset assessment provisions of WAC 50-44-020(1) if such centers or companies are not a part of the assets of the bank as reported in the report of condition.

(3) The supervisor shall submit a statement for the foregoing charges following the completion of any applicable examination, and the charges shall be paid not later than thirty days after submission of such statement.

(4) These charges shall become effective for invoicing that occurs after the effective date of this rule, provided such invoicing relates to examinations occurring on or after July 1, 1991.

AMENDATORY SECTION (Amending WSR 90-12-007, filed 5/25/90, effective 6/25/90)

WAC 50-44-050 LIMITATIONS ON ASSESSMENTS. (1) Definitions. For purposes of this provision, the following terms, or the plural thereof, shall have the meaning ascribed.

(a) "Rural community" is a community of population less than ten thousand inhabitants located in a county without a metropolitan sampling area ("MSA"), as established by the United States Office of Management and Budget.

(b) "Economically distressed area" is a county with an unemployment rate that is twenty percent above the state-wide average for the previous three years; or a community that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base due to decline of its dominant industries; or an area within a county which area:

- (i) Is composed of contiguous census tracts;
- (ii) Has a minimum population of five thousand persons;
- (iii) Has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and
- (iv) Has an unemployment rate which is at least forty percent higher than the county's unemployment rate.

(c) "Located" means the institution's primary market area where at least sixty percent of the institution's deposits are booked.

(2) Limit on assessment. If an institution is located in a rural community or economically distressed area, and if the charges assessed under WAC 50-44-020(1) relating to a semiannual asset charge ((m)) and WAC 50-44-030(1) relating to the hourly examination fee, ((shall not)) exceed ((eighty)) ninety-five percent of the assessment charge applicable for a two-year period of the Office of the Comptroller of the Currency ("OCC") or its successor then the assessments paid in excess of such amount shall be rebated to the institution pursuant to subsection (5) of this section unless abated by the supervisor as provided in subsection (6) of this section.

((2)) (3) Determination. For purposes of determining rebate entitlement, the total of semiannual assessments and examination fees are determined by adding the monthly average semiannual assessment and the monthly average of the examination fees for any twenty-four month period after June 1, 1990. The monthly average is determined by dividing the semiannual assessment fee by six and applying the monthly average to the previous six months. The monthly average examination fee is determined by dividing the examination fee for each examination during the averaging period by the number of months between each such examination and the previous examination as determined by the date of the examinations and applying the monthly average to those months. The OCC charge is determined in the same manner.

((3)) (4) Rebate. The rebate is determined by the difference between the sum of the applicable monthly average state charges for the twenty-four month period minus ((eighty)) ninety-five percent of the sum of the applicable monthly average OCC charge for the same period, as each are determined in subsection ((2)) (3) of this section.

The total amounts of all rebates shall not exceed three-quarters of one percent of the current biennium budget.

~~((4))~~ (5) Petition. Entitlement of the rebate shall occur only upon petition and proof to the supervisor during the first month of the last quarter of the current biennium.

~~((5))~~ (6) Rebate abatement. At the discretion of the supervisor, all or part of the rebate determined under subsection (4) of this section may be denied if the supervisor determines that:

(a) The institution required a substantially greater than average amount of supervisory time for reasons other than as a result of economic, legal, regulatory, or other conditions beyond the control of competent management;

(b) The institution required a substantially greater than average amount of examination time for an institution of its size for reasons other than as a result of economic, legal, regulatory, or other conditions beyond the control of competent management;

(c) Examinations or investigations were performed by third parties under personal services contracts; or

(d) Such other factors as the supervisor may deem equitable or relevant.

(7) Institutions may become eligible to receive a rebate (s shall become eligible) on ((June 1, 1992,)) or after April 1, 1993, for amounts paid on or after the 1991-1993 biennium and such eligibility shall continue for ((six)) four years thereafter.

NEW SECTION

WAC 50-44-060 **BANKING FUND—MINIMUM CASH BALANCE.** The supervisor shall maintain a minimum cash balance in the banking fund (RCW 43.19.095) of at least one month's allotment. One month's allotment is based upon the current biennium budget divided by twenty-four months. In the event the banking fund balance drops below this figure the supervisor shall declare the next semiannual asset assessment due; payment within thirty days of such declaration. The supervisor shall bill each institution based on the most current report of condition and payment shall be in lieu of the next regularly scheduled asset assessment.

**WSR 91-15-103
PERMANENT RULES
PARKS AND RECREATION
COMMISSION**

[Filed July 24, 1991, 1:47 p.m.]

Date of Adoption: July 12, 1991.

Purpose: To establish procedures and guidelines to contract with public or private marinas to purchase and install sewage pumpout or dump stations.

Citation of Existing Rules Affected by this Order: Amending chapter 352-75 WAC.

Statutory Authority for Adoption: Chapter 43.51 RCW.

Other Authority: Chapter 88.36 RCW.

Pursuant to notice filed as WSR 91-11-058 on May 16, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 12, 1991

Jack Shreve

Chairman

**Chapter 352-75 WAC
~~((BOATING PUMPOUT GRANTS))~~
BOAT SEWAGE PUMPOUT CONTRACT PRO-
GRAM**

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-010 **PURPOSE.** The purpose of this chapter is to set forth the parameters for the ~~((allocation))~~ distribution and uses of moneys administered by the parks and recreation commission ~~((from))~~. A portion of the income is derived from the watercraft excise tax ~~((found in))~~ pursuant to RCW 82.49.030(3). These moneys shall provide financial assistance to applicants throughout the state of Washington for the construction of sewage pumpout or sewage dump station facilities ~~((in))~~ which will aid the achievement of clean waterways throughout the state of Washington.

~~((In order))~~ To prevent the despoliation of the waters ~~((of))~~ in Washington state, to provide adequate opportunities for the responsible disposal of boat sewage, and to ~~((derive))~~ obtain the most benefits for the state in protecting ~~((a))~~ valuable ~~((;))~~ recreational resources, ~~((it is necessary to establish criteria))~~ the sewage pumpout and sewage dump station program was developed and criteria established for the award and use of funds made available ~~((under chapter 88.36 RCW))~~ pursuant to RCW 88.36.100(2). This chapter ~~((will))~~ and chapter 88.36 RCW set forth the following:

- (1) The limitations on the allocation and uses of the funds;
- (2) The criteria to be considered for determining who will be eligible to receive funds;
- (3) The process to be followed for ~~((the award of))~~ awarding the funds; and
- (4) Other related issues.

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-020 **DEFINITIONS.** When used in this chapter or chapter 88.36 RCW, the following words and phrases shall have the meaning designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

- (1) "State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.
- (2) "Boater" means any person on a vessel on waters of the state of Washington.
- (3) "Boat wastes" shall include, but are not limited to ~~((;))~~, sewage, garbage, marine debris, discarded plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.
- (4) "Commission" means the Washington state parks and recreation commission.
- (5) "Director" means the director of the Washington state parks and recreation commission, pursuant to RCW 43.51.060(8).
- (6) "Eligible cost" for sewage pumpout and sewage dump stations means the cost of that portion of the facility that can be financed under the provisions of this chapter and guidelines developed pursuant to this chapter.

(7) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(8) "Final offer list" is the list of projects approved by the commission which can receive funding from the account during the time period that the offer list is effective.

(9) "Financial recipient" is the entity which has been awarded a contract with state parks to receive funding for the construction of a sewage pumpout or sewage dump station.

(10) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

~~((+10))~~ (11) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes or other pollutants at unacceptable levels, based on applicable water quality and shellfish standards.

~~((+11))~~ (12) "Private entity" means any individual firm, corporation, association, partnership, consortium, joint venture, industry, or any other nonpublic entity which operates or has the potential to operate a boat sewage pumpout or portable sewage dump station facility.

~~((+12))~~ (13) "Project" means sewage pumpout or sewage dump station facility(ies) for which a public or private entity applies for and receives funding or financial assistance.

~~((+13))~~ (14) "Priority ranking list" means the list of rated and ranked projects for which state financial assistance is requested.

~~((+14))~~ (15) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

~~((+15))~~ (16) "Sewage dump station" means any receiving chamber or tank designed to receive vessel sewage from a portable container.

~~((+16))~~ (17) "Sewage pumpout station" means a mechanical device, generally stationed on a dock, pier, float, barge, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-030 ~~((PROVISION OF GUIDELINES))~~ CONTRACT ELIGIBILITY. (1) The commission may award contracts to public, tribal, or private owned marinas, boat launches, or boater destination sites. The commission shall designate a marina, boat launch, or boater destination as eligible to apply for funding for the installation of a sewage pumpout or sewage dump station based on the following criteria:

(a) The marina, boat launch, or boater destination is located in an environmentally sensitive or polluted area;

or

(b) The marina, boat launch, or boater destination site has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within one-quarter mile.

(2) The commission may at its discretion designate a marina, boat launch, or boater destination as eligible to apply for funding for the installation of a sewage pumpout and/or sewage dump station if it meets the following criteria:

(a) There is a demonstrated need for a sewage pumpout or sewage dump station at the marina, boat launch, or boater destination based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and

(b) The marina, boat launch, or boater destination provides commercial services, such as sales of food, fuel, or supplies, or overnight or live-aboard moorage opportunities; or

(c) The marina, boat launch, or boater destination site is located at a heavily used boater destination or on a heavily traveled route as determined by the commission; or

(d) There is a lack of adequate sewage pumpout station capacity within one-quarter mile.

(3) The commission may make exceptions to the eligibility to apply for funding for the installation of sewage pumpout and/or sewage dump station requirements under subsection (2) of this section if the marina, boat launch, or boater destination lacks available sewer, septic, water, or electrical services.

(4) State parks shall notify owners or operators of marinas, boat launches, and destination sites of the availability of funding to support installation of appropriate sewage pumpout or sewage dump stations. State parks shall also notify such operators or owners of which waters of the state have been designated as environmentally sensitive or polluted for the purpose of this program.

(5) State parks will provide all financial recipients with a set of financial guidelines for contract((s)) administration. These guidelines will include all state forms and will describe in detail state procedures for record-keeping, reporting, reimbursement, and auditing.

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-040 ~~((USE OF FUNDS))~~ APPLICATION PROCESS. ~~((Funds in the boat sewage pumpout and dump station account will be used to contract with public and private entities to install sewage pumpout or sewage dump stations located on both fresh waters and marine waters during the period from July 1, 1989, until June 30, 1995.))~~ To be considered by the commission for receipt of sewage pumpout or sewage dump station funds a potential eligible public or private entity must:

(1) Submit a letter of intent to state parks.

(2) Complete an application form prescribed by state parks on or before the filing date set by state parks in the application form.

(3) Agree that funds are available on a reimbursement basis only.

(4) Include a copy of the applicant's shoreline substantial development permit with the application.

(5) If a public and/or tribal entity, submit documentation of SEPA compliance with the application.

(6) If a private entity, submit an environmental checklist with the application.

(7) Agree to complete all construction by established completion date.

State parks will review all applications for compliance with the minimum qualification requirements as set forth in RCW 88.36.040 and chapter 352-75 WAC. Applicants which do not meet the minimum qualifications will be notified in writing of the disqualification. Applications will be evaluated and ranked in accordance with the following criteria:

(a)(i) Approval of site by local jurisdiction;
(ii) Proximity to existing sewage pumpout or sewage dump stations;

(iii) Resource sensitivity;
(iv) Boater use;
(v) Size of marina;
(vi) Economics of installation;
(vii) Feasibility of installation; and
(viii) Geographic balance.

(b) Based on the process set forth in subsection (1) of this section, state parks shall establish a priority ranking list. This list will rank all qualified applications in a priority order. The priority ranking list will be available for thirty days for public review and comment. One or more public hearings may be conducted if state parks determines there is significant public interest. Comments received during the public review period will be considered before the priority ranking list is submitted to the commission for final approval. State parks staff shall provide the commission with preliminary evaluations and rankings of the applications to include a summary of each proposal recommended for funding. The commission will consider the recommendations received from state parks staff and adjust the ranked list of applications based on the information provided to them, if desired, and approve the applications. As a result of the commission's decision, a final offer list will be developed and issued. If an applicant on a final offer list does not sign a contract with the commission within ninety days of the list publication, the offer is automatically cancelled, and the applicant must reapply and compete for funding during a new funding cycle.

(c) Once an applicant has contracted to participate in the boat sewage pumpout or sewage dump station program, he/she must provide state parks with:

(i) A finished final design approved and stamped by a professional engineer. Said design must be submitted to and approved by state parks prior to any construction activity.

(ii) Complete plans, specifications, and cost estimates.
(iii) Assurance through a certified statement that the bidding, contracting, and construction activities comply with the applicable portions of Title 39 RCW.

(iv) At the conclusion of the construction the applicant will provide state parks with:

(A) Contractor's billings;
(B) A19-1 invoice vouchers for reimbursement;

(C) Copies of all advertisements;

(D) Copies of all bids;

(E) Copies of all change orders;

(F) A copy of the original public works contract if a public entity, or a copy of the original contract with the general contractor if a private entity; and

(G) A copy of the contractor's performance bond.

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-050 ((COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS AND OTHER REQUIREMENTS)) USE OF FUNDS. (((1) A public or private entity which enters into a contract with the commission shall comply fully with all applicable federal, state, and local laws, orders, regulations, and will be required to obtain all required permits.

(2) A public or private entity applying for funds from the commission for a sewage pumpout and/or sewage dump station must comply with design criteria for such sewage pumpout and/or sewage dump station developed by the Washington department of ecology. Applicants will be provided with these design criteria as part of the application materials.)) Funds in the boat sewage pumpout and sewage dump station program shall only be used to contract with public and private entities to install sewage pumpout or sewage dump stations located on fresh waters and salt waters.

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-060 ((RESPONSIBILITIES FOR COSTS)) ONGOING COST. ((The commission shall not be held responsible for payment of salaries, consultant's fees, and other overhead costs relating to a contract entered into with the commission by a public or private entity.)) Each financial recipient shall comply with the requirements set forth in RCW 88.36.050 and this chapter. It shall further monitor the use of its sewage pumpout and dump station unit and report such usage to state parks not later than thirty days after the 31st day of December for the preceding year in the format prescribed by state parks.

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-070 ((FUNDING PROCESSES)) EQUIPMENT BREAKDOWN. (((1) Funding cycle. The funding cycle shall be conducted on an annual basis, unless after adequate public notice and comment, the director determines that funding on a biennial basis is in the best interest of the program. The amount of money available on an annual basis shall be approximately equal to one-half of the biennial appropriation less prior obligations, such as extended payment contracts, plus any money available from previous years.

(2) Application process. To be considered by the commission for receipt of boat sewage pumpout or dump station funds, an eligible public or private entity must complete an application on a form prescribed by state parks and file the application on or before the filing date

set by state parks in the application form. Included with the submitted application forms shall be a copy of a shoreline substantial development permit application. The application for funding will be rated as described in subsections (3), (4), (5), and (6) of this section:

(3) Ranking criteria. Applications will be evaluated and prioritized in accordance with the following procedures:

(a) State parks will log in all applications as received.

(b) State parks will review all applications for compliance with the minimum qualification requirements as set forth in RCW 88.36.040 and WAC 352-75-080. Applicants which do not meet the minimum qualifications will be notified in writing of the disqualification.

(c) State parks will perform a preliminary evaluation of all remaining applications. The director may establish an application review committee to serve in an advisory capacity to state parks in the preliminary review and evaluation of applications. This review committee will include representatives from state natural resource agencies, marina operators, boater groups, and unaffiliated boaters.

(d) Applications will be ranked according to the following criteria:

(i) Approval of site by local jurisdiction;

(ii) Proximity to existing sewage pumpout or sewage dump stations;

(iii) Resource sensitivity;

(iv) Boater use;

(v) Size of marina;

(vi) Economics of installation;

(vii) Feasibility of installation; and

(viii) Geographic balance.

(4) Priority ranking list. Based on the process set forth in subsection (3) of this section, state parks shall establish a priority ranking list. This list will rank all remaining applications in priority order and propose for funding those applicants above a minimum rank set by state parks.

(5) Public review. The priority ranking lists will be available for at least 30 days for public review and comment. One or more public hearings may be conducted if state parks determines there is significant public interest. Comments received during the public review period will be considered before the priority ranking lists are submitted to the commission for approval.

(6) Commission deliberations. State parks will provide the commission with the preliminary evaluation and ranking of the applications, including a summary of each proposal recommended for funding. The commission will consider, adjust the ranked list of applications based on the information provided to them by state parks, if desired, and approve the applications.

(7) Final offer list. As a result of the commission's decision, a final offer list will be developed and issued. The final offer list will be effective until the next final offer list is issued. All offers are automatically cancelled after the effective period. If an applicant on the final offer list does not sign a contract with the commission during the effective period, the applicant may reapply and must compete for funding during a subsequent funding cycle.) Each financial recipient is responsible

for the upkeep or preservation of condition of its sewage pumpout and dump station facility, including cost of ordinary repairs necessary and proper from time to time for that purpose. In the event an equipment breakdown does occur, the financial recipient must notify state parks within two working days of the breakdown. The facility must be repaired and be fully operational within ten days after the breakdown where the breakdown can be cured with normal expected repairs of five hundred dollars or less. For repairs greater than five hundred dollars, the facility must be fully operational within twenty days after the breakdown. A written report for all breakdowns must be submitted to state parks within two weeks of the breakdown describing the problem(s), repair(s), and cost(s). State parks reserves the right to make exceptions to the breakdown repair time limits in extenuating circumstances.

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-080 ((ELIGIBILITY CRITERIA)) GENERAL CONTRACT PROVISIONS. ((1) The commission may award contracts to publicly owned, tribal or privately owned marinas, boat launches, or boater destination sites.

(2) The commission shall designate a marina, boat launch, or boater destination as eligible to apply for funding for the installation of a sewage pumpout or sewage dump station based on the following criteria:

(a) The marina, boat launch, or boater destination is located in an environmentally sensitive or polluted area; or

(b) The marina, boat launch, or boater destination site has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within one-fourth mile.

(3) The commission may at its discretion designate a marina, boat launch, or boater destination as eligible to apply for funding for the installation of a sewage pumpout and/or sewage dump station if it meets the following criteria:

(a) There is a demonstrated need for a sewage pumpout or sewage dump station at the marina, boat launch, or boater destination based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and

(b) The marina, boat launch, or boater destination provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities; and

(c) The marina, boat launch, or boater destination site is located at a heavily used boater destination or on a heavily traveled route as determined by the commission; or

(d) There is a lack of adequate sewage pumpout station capacity within a reasonable distance.

(4) The commission may make exceptions to the eligibility to apply for funding for the installation of sewage pumpout and/or sewage dump station requirements under subsections (2)(a) and (b) of this section if the marina, boat launch, or boater destination lacks available sewer, septic, water, or electrical services.

~~(5) State parks shall notify owners or operators of marinas, boat launches and destination sites of the availability of funding to support installation of appropriate sewage pumpouts or sewage dump stations. State parks shall also notify such operators or owners of which waters of the state have been designated as environmentally sensitive or polluted for the purpose of this program.))~~ Contracts entered into with the commission shall be under the guidelines of RCW 88.36.050 and this chapter. Each contract shall include but not be limited to the following provisions:

- (1) Term and acceptance of contract.
- (2) Scope of project and maximum project costs.
- (3) Maximum project costs and budget adjustments.
- (4) Design and construction.
- (5) Reimbursement.
- (6) Governing law.
- (7) Severability.
- (8) Dispute resolution.
- (9) Negotiation period.
- (10) Termination.
- (11) Survival.
- (12) Ownership.

AMENDATORY SECTION (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

WAC 352-75-090 ((GENERAL CONTRACT REQUIREMENTS)) SPILL REPORTING AND CLEANUP. ((Contracts entered into with the commission shall include the following terms:

(1) Eligible costs, as deemed reasonable by the commission, may be reimbursed. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or sewage dump stations, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by state parks.

(2) For privately owned marinas, boat launches, or boater destination sites ownership of the sewage pumpout or sewage dump station will be retained by the commission. For publicly owned marinas, boat launches, or boater destination sites ownership of the sewage pumpout or sewage dump station will be retained by the public entity.

(3) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the marina, boat launch, or boater destination site owner.

(4) The marina, boat launch, or boater destination site owner agrees to allow the installation, existence, and use of the sewage pumpout or sewage dump station by granting an easement at no cost for such purposes.

(5) Contracts awarded shall be subject to the following conditions for a period of at least ten years:

(a) That the applicant allow the boating public access to the sewage pumpout or sewage dump station during marina operating hours;

(b) That the applicant agree to monitor the use of sewage pumpout and/or sewage dump station by installing a use counter mechanism.

~~(c) That the applicant agree to encourage the use of the sewage pumpout or sewage dump station by installing a "pumpout station" and/or "dump station" sign, and an instruction decal developed or approved by state parks, and by providing instruction in proper use to anyone requesting assistance;~~

~~(d) That the applicant agree to cooperate in any related boater environmental education program administered or approved by state parks. Such educational programs will include but not be limited to distribution of brochures developed or approved by state parks, and installation of interpretive signage developed or approved by state parks;~~

~~(e) That the applicant agree not to charge a fee for the use of the sewage pumpout or sewage dump station;~~

~~(f) That the applicant agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout facility by the local health department or appropriate authority. The local health department or appropriate authority will set the fee and the interval of inspection; and~~

~~(g) That the funding recipient agrees to allow State Parks access to inspect the pumpout facility.))~~ In the event that materials from the boat sewage pumpout and dump station spill in the marina, boat launch, or boat destination areas, the financial recipient shall promptly commence and complete cleanup of the area and shall notify state parks within forty-eight hours of any spill which is otherwise required to be reported to any federal, state, or local regulatory agency.

WSR 91-15-104

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-27—Filed July 24, 1991, 1:59 p.m.]

Continuance of WSR 91-12-039.

Title of Rule: Chapter 173-548 WAC, Water resources program in the Methow River Basin, WRIA 48 (WAC 173-548-050 Streams and lakes closed to further consumptive appropriation); and chapter 173-160 WAC, Minimum standards for construction and maintenance of wells (WAC 173-160-040 Permits).

Purpose: This rule further restricts well drilling and establishment of new water uses in subbasins which were closed to further appropriation with the adoption in 1976 of chapter 173-548 WAC.

Statutory Authority for Adoption: Chapters 18.104, 34.05, 90.54, 90.03, and 90.44 RCW.

Statute Being Implemented: Chapter 90.54 RCW.

Summary: This rule amends chapter 173-548 WAC, Methow basin water regulations, extending closure to ground waters hydraulically connected to surface waters closed to appropriation in 1977.

Reasons Supporting Proposal: Chapter 173-160 WAC, Minimum standards for construction and maintenance of wells, is also amended to notify well drillers that no wells shall be constructed in the subbasins listed

as closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval obtained.

Name of Agency Personnel Responsible for Drafting: Cynthia Nelson, Department of Ecology, Mailstop PV-11, Olympia, 98504, (206) 459-6116; Implementation and Enforcement: Darlene Frye, 3601 West Washington, Yakima, WA 98903-1164, (509) 457-7123.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The department has determined based on existing information that there are no surface waters or hydraulically connected ground waters available for appropriation in subbasins closed in the 1977 regulation. The department has identified these subbasins as requiring intensive control of ground water withdrawals. Well drilling and establishment of new water uses is further restricted. Specific situations in which wells may be approved are identified in the rule, chapter 173-548 WAC. Chapter 173-160 WAC is also amended to notify well drillers that no wells shall be constructed in the subbasins listed as closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval has been obtained from the department prior to construction.

Proposal Changes the Following Existing Rules: The existing rules had partial year closures and some exceptions allowed. The proposed rule eliminates the original exceptions, replaces them with specific situations in which construction may be allowed, and extends the closures to year round, chapter 173-548 WAC. The amendment to chapter 173-160 WAC notifies drillers of restrictions in the Methow closed subbasins.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

A small business economic impact statement was attached with the original filing with the code revisor on June 4, 1991.

Hearing Location: Winthrop Barn, Winthrop, Washington, on September 25, 1991, at 7:00 p.m.

Submit Written Comments to: Cynthia Nelson, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by October 3, 1991.

Date of Intended Adoption: November 1, 1991.

July 22, 1991
Fred Olson
Deputy Director

WSR 91-15-105

PREPROPOSAL COMMENTS

DEPARTMENT OF ECOLOGY

[Order 91-44—Filed July 24, 1991, 2:03 p.m.]

Subject of Possible Rule Making: Rules are being drafted to amend the dangerous waste regulations, chapter 173-303 WAC. These regulations contain state

and federal requirements for those who generate, transport, treat, store, dispose or otherwise manage hazardous wastes. Examples of issues to be addressed are: Land disposal restrictions, transportation of used oil, siting criteria, and spills reporting.

Persons may comment on this subject in writing, Ty Thomas, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by October 31, 1991.

Other Information or Comments by Agency at this Time, if any: The state dangerous waste regulations, chapter 173-303 WAC, need to be updated periodically to keep us to date with changes at the federal level as required by the Resource Conservation and Recovery Act (RCRA), as well as to incorporate Washington's specific concerns.

July 16, 1991
Fred Olson
Deputy Director

WSR 91-15-106

PREPROPOSAL COMMENTS

DEPARTMENT OF ECOLOGY

[Order 91-45—Filed July 24, 1991, 2:06 p.m.]

Subject of Possible Rule Making: Amending chapter 173-224 WAC, Wastewater discharge permit fees.

Persons may comment on this subject in writing, Department of Ecology, Attn: Bev Poston, Mailstop PV-11, Olympia, 98504-8711, all comments must be received by 5:00 p.m. on November 7, 1991.

July 11, 1991
Fred Olson
Deputy Director

WSR 91-15-107

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

[Filed July 24, 1991, 2:12 p.m.]

Original Notice.

Title of Rule: Chapter 332-24 WAC, Forest protection.

Purpose: To make current parts of the rule that are outdated, and to tighten the requirements for burning permits.

Statutory Authority for Adoption: RCW 76.04.015.

Statute Being Implemented: RCW 76.04.015.

Summary: This rule combines all fire related rules into one chapter, provides for more stringent requirements to burn debris, updates the language used, and eliminates special provisions for burn barrels.

Reasons Supporting Proposal: The primary cause of wildfire in Washington is debris burning. Tightening the restrictions should reduce the number of escaped burns.

Name of Agency Personnel Responsible for Drafting and Implementation: Loy Jones, Rowsix, Lacey, (206)

459-6900; and Enforcement: Bill Steele, Rowsix, Lacey, (206) 459-6900.

Name of Proponent: Washington State Department of Natural Resources, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule incorporates all fire protection requirements into one chapter by adding the rules on electric fence controllers. It also defines prohibited material for burning and establishes maximum pile sizes by county for burning without a permit during fire season and the remainder of the year. The special requirements for burn barrels are eliminated.

Proposal Changes the Following Existing Rules: Eliminates special rules for burn barrels; further restricts the size of pile that can be burned without a permit; and changes wording of existing rules to make them current.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not for the following reasons: There is currently no cost for burn permits; and most businesses impacted already burn in such a manner that a permit is required.

Hearing Location: Yakima County Courthouse, 128 North 2nd Street, Room 232, Yakima, WA 98901, on August 27, 1991, at 6:30 p.m.; and at the Lacey Timberland Library, 500 College Street S.E., Lacey, WA 98503, on August 29, 1991, at 6:30 p.m.

Submit Written Comments to: Loy Jones, 4224 Sixth Avenue S.E., Building 5, Lacey, WA 98503, by September 1, 1991.

Date of Intended Adoption: September 15, 1991.

July 24, 1991

James A. Stearns
Supervisor

for Brian J. Boyle
Commissioner for Public Lands

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-005 DEFINITIONS. Items defined herein have reference to chapter 76.04 RCW and all other provisions of law relating to forest protection and have the meanings indicated unless the context clearly requires otherwise.

(1) "Abatement" means the elimination of additional fire hazard by burning, physical removal, or other means.

(2) "Additional fire hazard" means additional fire hazard as defined in RCW 76.04.005.

(3) "Adze eye hoe" means a serviceable forest fire fighting hoe with a blade width of at least five and three-quarters inches and a rectangular eye. The blade shall be sharpened, solid, and smooth. The handle shall be hung solid with no more than three-quarters of an inch nor less than one-eighth of an inch extending beyond the head, smooth, aligned, and at least thirty-two inches long.

(4) "Approved exhaust system" means a well-mounted exhaust system free from leaks and equipped with spark arrester(s) rated and accepted under United States Department of Agriculture Forest Service current standards.

(a) Turbochargers qualify as an approved exhaust system when all gases pass through the turbine wheel. The turbine must be turning at all times, and there must be no exhaust bypasses. A straight mechanical-driven supercharger does not qualify as an approved exhaust system in lieu of an approved spark arrester.

(b) Passenger vehicles and trucks may be equipped with an adequately baffled muffler in lieu of a spark arrester.

(c) General purpose spark arresters for use on equipment, vehicles, and motorcycles operating on forest land must meet the performance levels set forth in the Society of Automotive Engineers (SAE) Recommended Practice SAE J350, "Requirements of Single Position Application General Purpose Arresters." The spark arrester shall be permanently marked with the model number and the manufacturer's identification or trademark. When the inlet and outlet of an arrester are not easily identified, they must be marked. Arresters on mobile equipment shall not be mounted more than forty-five degrees from the qualified position.

(d) Portable power saws purchased after June 30, 1977, and used on forest land, must meet the performance levels set forth in the Society of Automotive Engineers (SAE) Recommended Practice SAE J335b, "Multi-Positioned Small Engine Exhaust Fire Ignition Suppression." Requirements to obtain the SAE J335b specifications are as follows:

(i) The spark arrester shall be designed to retain or destroy ninety percent of the carbon particles having a major diameter greater than 0.023 inches (0.584mm.)

(ii) The exhaust system shall be designed so that the exposed surface temperature shall not exceed five hundred fifty degrees Fahrenheit (288 degrees Centigrade) where it may come in direct contact with forest fuels.

(iii) The exhaust system shall be designed so that the exhaust gas temperature shall not exceed four hundred seventy-five degrees Fahrenheit (246 degrees Centigrade) where the exhaust flow may strike forest fuels.

(iv) The exhaust system shall be designed in such a manner that there are no pockets or corners where flammable material might accumulate. Pockets are permissible only if it can be substantiated by suitable test that material can be prevented from accumulating in the pockets.

(v) The exhaust system must be constructed of durable material and so designed that it will, with normal use and maintenance, provide a reasonable service life. Parts designed for easy replacement as a part of routine maintenance shall have a service life of not less than fifty hours. Cleaning of parts shall not be required more frequently than once for each eight hours of operation. The spark arrester shall be so designed that it may be readily inspected and cleaned.

(vi) Portable power saws will be deemed to be in compliance with SAE J335b requirements if they are certified by the United States Department of Agriculture, Forest Service, and the San Dimas Equipment Development Center.

(e) Portable power saws which were purchased prior to June 30, 1977, and which do not meet the Society of Automotive Engineers Standards, must meet the following requirements:

(i) The escape outlet of the spark arrester shall be at an angle of at least forty-five degrees from a line parallel to the bar;

(ii) The configuration of spark arrester shall be such that it will not collect sawdust no matter in what position the saw is operated;

(iii) Spark arrester shall be designed and made of material that will not allow shell or exhaust temperature to exceed eight hundred fifty degrees Fahrenheit;

(iv) The arrester shall have a screen with a maximum opening size of 0.023 inches (0.584mm.);

(v) The arrester shall be capable of operating, under normal conditions, a minimum of eight hours before cleaning is needed;

(vi) The screen shall carry a manufacturer's warranty of a minimum of fifty-hour life when installed and maintained in accordance with the manufacturer's recommendation;

(vii) The arrester shall be of good manufacture and made so that the arrester housing and screen are close fitting;

(viii) The arrester shall be at least ninety percent efficient in the destruction, retention or attrition of carbon particles over 0.023 inches (0.584mm.);

(ix) Efficiency is to be measured as described in Power Saw Manufacturer's Association Standard, Number S365;

(x) Construction of the arrester shall permit easy removal and placement of the screen for field inspection and cleaning.

(f) Multipositioned engine powered tools, other than power saws, used on forest land must meet the performance levels set forth in the Society of Automotive Engineers (SAE) Recommended Practice J335b, "Multi-Positioned Small Engine Exhaust Fire Ignition Suppression."

(g) Locomotive spark arresters for use on logging, private or common carrier railroads operating on or through forest land must meet the performance levels set forth in the Association of American Railroads (AAR) Recommended Practice, "Standard for Spark Arresters

for Non-Turbo Charged Diesel Engines Used in Railroad Locomotives."

(5) "Axe" means a serviceable, double-bitted, swamping axe or single-bitted axe of at least a three-pound head and thirty-two inch handle. The blades shall be sharpened, solid and smooth. The handle shall be hung solid, smooth and straight.

(6) ~~("Burning barrel" means a metal container in sound condition with several holes at the bottom for cleaning and sufficient air circulation with the top covered by a spark-arresting woven wire cloth or wire screen of one-quarter of one inch (4x4) mesh, fourteen gauge or heavier. The spark-arresting woven wire cloth or wire screen shall overlap at least four inches beyond the edge of the barrel)~~ "Certified electrical fence controller" means an electrical fence controller that meets the standards for fire safety developed by Underwriters Laboratories (UL) and indicates approval by bearing the UL label on the controller.

(7) "Currently with the logging" and "current with the felling of live timber, or with the current logging operation" means during the logging operation or associated activities on any landing, setting or similar part of the operation.

(8) "Debris disposal fire" means an outdoor fire for the elimination of a fire hazard and for the purpose of clean-up of natural vegetation (~~such as yard and garden refuse~~) and residue of a natural character such as leaves, clippings, prunings, trees, stumps, brush, shrubbery, and wood so long as it has not been treated by an application of prohibited material or substance in a pile no larger than ten feet in diameter.

(9) "Department" means the department of natural resources, or its authorized representatives, as defined in chapter 43.30 RCW.

(10) "Dump" includes, without limitation, dumping, depositing, or placing.

(11) "Electrical fence controller" includes any controller, equipment, appliance, device, or apparatus used as an electrical fence controller, energizer, or pulsator which uses or conveys an electrical current.

(12) "Fire extinguisher" means, unless otherwise stated, a fully charged and operational chemical fire extinguisher rated by underwriters' laboratory or factory mutual, appropriately mounted in either a vertical or horizontal position, and located so as to be readily accessible to the operator. When two fire extinguishers are required, they are to be appropriately mounted and located so that one is readily accessible to the operator and the other is separate from the operator and readily accessible to other personnel. The fire extinguisher shall be equipped with a gauge to determine the level of charge present to propel the chemical from the extinguisher; however fire extinguishers required for use with portable power saws are not required to be equipped with a gauge to determine the level of charge.

~~((+2))~~ (13) "Fire hazard" means the accumulation of combustible materials in such a condition as to be readily ignited and in such a quantity as to create a hazard from fire to nearby structures, forest areas, life and property.

~~((+3))~~ (14) "Fire tool box" means a compartment of sound construction with a waterproof lid, provided with hinges and hasps and so arranged that the box can be properly sealed and the contents kept dry. The box shall be red in color and marked "fire tools" in white or black letters at least three inches high. The fire tool box shall contain a minimum of:

- (a) Two axes or pulaskis;
- (b) Three adze eye hoes;
- (c) Three shovels.

~~((+4))~~ (15) "Firewatch" means at least one competent person to be at the site(s) for one hour following the operation of spark-emitting equipment on class 3L days or above, or as determined by the department based on the national fire danger rating system and other fire danger conditions. The firewatch shall be vigilant and so located or positioned to be able to detect within five minutes fires which may originate at the site(s) of the equipment operation. The firewatch shall report a fire to the responsible protection agency within fifteen minutes of detection.

~~((+5))~~ (16) "Fixed-position machine" means any machine used for any portion or phase of harvesting, thinning, site preparation, land clearing, road, railroad and utility right of way clearing or maintenance, mineral or natural resources extraction, or other operation that performs its primary function from a fixed-position. This definition applies even though said machine is capable of moving under its own power to a different fixed position.

~~((+6))~~ (17) "Forest debris" means forest debris as defined in RCW 76.04.005.

~~((+7))~~ (18) "Forest land" means forest land as defined in RCW 76.04.005.

~~((+8))~~ (19) "Isolation" means the division or separation of an additional fire hazard into compartments by a constructed barrier of at least one hundred feet in width at its narrowest point. The constructed barrier must be free and clear of forest debris as defined in RCW 76.04.005 and must be approved, in writing, by the department.

~~((+9))~~ (20) "Mill waste" means waste of all kinds from forest products, including, but not limited to, sawdust, bark, chips, slabs, and cuttings from lumber or timber.

~~((+10))~~ (21) "Operation" means the use of equipment, tools, and supporting activities on or adjacent to forest land that may cause a forest fire to start. Such activities may include, but are not limited to, any phase of harvesting, thinning, site preparation, land clearing, road, railroad, and utility right of way clearing and maintenance, and mineral or natural resource extraction. The operating period shall be that time period when the activity is taking place and includes that time when a firewatch would be required to be in attendance.

~~((+11))~~ (22) "Outdoor fire" means the combustion of material in the open, or in a container, with no provisions for the control of such combustion or the control of the emissions from the combustion products.

~~((+12))~~ "Person" means any person, firm or corporation, public or private, governmental agency or entity;

(23) "Person" shall mean any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(24) "Prohibited material or substance" includes rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints, or any similar materials that emit dense smoke or create offensive odors when burned, pursuant to RCW 70.94.775(1).

(25) "Pulaski" means a serviceable axe and hoe combination tool with not less than a three and one-half pound head and thirty-two inch handle. The blades shall be at least two and one-half inches wide, sharpened, solid and smooth. The handle shall be hung solid, smooth and straight.

~~((+13))~~ (26) "Pump truck or pump trailer" means:

(a) A serviceable truck or trailer which must be able to perform its functions efficiently and must be equipped with a water tank of not less than a three hundred gallon capacity, filled with water. The complete pump truck or pump trailer shall be kept ready for instant use for suppressing forest fires. If a trailer is used, it shall be equipped with a hitch to facilitate prompt moving. A serviceable tow vehicle shall be immediately available for attachment to the trailer. The pump truck, or pump trailer with its tow vehicle, must be available throughout the operating and watchperson periods.

(b) The pump may be a portable pump or suitable power take-off pump. It shall be plumbed with a bypass or pressure relief valve. The pump shall develop, at pump level, pressure sufficient to discharge a minimum of twenty gallons per minute, using a one-quarter inch nozzle tip through a fifty foot length of one inch or one and one-half inch rubber-lined hose.

(c) The pump truck or pump trailer shall be equipped with the following:

(i) A minimum of five hundred feet of one or one and one-half inch cotton or synthetic jacket hose;

(ii) A fully stocked fire tool box.

(d) The tank shall be plumbed so that water may be withdrawn by one person by gravity feed. This outlet shall be adapted to accept the hose used with the pump truck or pump trailer. The outlet shall be located for easy filling of pump cans.

(e) The pump truck or pump trailer must be equipped with fuel, appropriate tools, accessories and fittings to perform its functions for a continuous period of four hours. A recommended list of tools, fittings and accessories may be obtained from the department.

~~((+14))~~ (27) "Recreational fire" means an outdoor fire for the purpose of sport, pastime or refreshment, such as camp fires, bonfires, cooking fires, etc., in a hand-built pile no larger than four feet in diameter and not associated with any debris disposal activities related to fire hazard elimination or yard and garden refuse clean-up.

~~((+15))~~ (28) "Reduction" means the elimination of that amount of additional fire hazard necessary to produce a remaining average volume of forest debris no greater than nine tons per acre of material three inches in diameter and less.

~~((+16))~~ (29) "Shovel" means a serviceable, long-handled or "D"-handled, round-point shovel of at least "0" size with a sharpened, solid

and smooth blade. The handle on the shovel shall be hung solid, smooth and straight.

~~((28))~~ (30) "Snag" means a standing dead conifer tree over twenty-five feet in height and sixteen inches and over in diameter, measured at a point four and one-half feet above the average ground level at the base.

~~((29))~~ (31) "Tractor or other mobile machine" means any machine that moves under its own power when performing any portion or phase of harvesting, thinning, site preparation, land clearing, road, railroad and utility right of way clearing or maintenance, mineral or natural resource extraction, or other operation. This definition includes any machine, whether crawler or wheel-type, whether such machine be engaged in yarding or loading, or in some other function during the operation.

(32) "Uncertified electrical fence controller" includes all electrical fence controllers that do not meet the standards for fire safety developed by Underwriters Laboratories (UL) and does not have the UL label on the controller.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-201 WRITTEN BURNING PERMIT REQUIREMENTS AND EXCEPTIONS. Under authority granted in RCW 76.04.015 and 76.04.205, the following regulation is hereby promulgated:

(1) The department is responsible, by law, for the granting of burning permits for certain types of outdoor fire;

(2) The department aids in the protection of air quality under its smoke management program;

(3) Pursuant to its authority and responsibility, the department has studied and determined the effects of such burning on life, property and air quality to be of year-round effect;

(4) Throughout the year, outdoor fire is prohibited within any department forest protection assessment area unless a written burning permit is obtained from the department and signed by the permittee and afterwards, having the permit in possession while burning and complying with the terms of such permit. Except, a written burning permit for an outdoor fire is not required from the department under the following conditions:

(a) In certain geographic areas of the state as designated by the department in this chapter;

(b) When the outdoor fire is:

(i) Contained within a campfire pit, approved by the department, located in a state, county, municipal, or other campground;

(ii) Contained within a camp stove or barbecue situated on bare soil, gravel bars, beaches, green field, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of fire;

~~((iii) Contained in an approved burning barrel complying with WAC 332-24-225;)~~

(c) When the general rules and requirements specified in WAC 332-24-205 and 332-24-211 and the conditions for the protection of life, property and air quality are met.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-211 REQUIREMENTS—RECREATIONAL OR DEBRIS DISPOSAL FIRES. (1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints, or any similar materials that emit dense smoke or create offensive odors when burned, pursuant to RCW 70.94.775(1).

(2) A person capable of extinguishing the fire must attend the fire at all times and the fire must be extinguished before leaving it.

(3) No recreational or debris disposal fires are to be within fifty feet of structures.

(4) A recreational fire shall be in a hand-built pile no larger than four feet in diameter and a written burning permit is not required. A serviceable shovel must be within the immediate vicinity of the fire.

(5) A debris disposal fire requiring a written burning permit has established size limitations based on time of year and the county within which the burning occurs.

(a) From July 1 to October 15 individual pile size shall be ~~((in a pile))~~ limited to no larger than ~~((ten-feet in diameter.))~~ that indicated in the following table:

SUMMER RULES

Burning Permit Required For	Four Foot Piles	Ten Foot Piles
All Fires		
Asotin	Clark	Clallam
Chelan	Cowlitz	Jefferson
Columbia	Grays Harbor	
Ferry	Island	
Garfield	King	
Kittitas	Kitsap	
Klickitat	Lewis	
Lincoln	Mason	
Okanogan	Pacific	
Pend Oreille	Pierce	
Spokane	San Juan	
Stevens	Skagit	
Walla Walla	Skamania	
Yakima	Snohomish	
	Thurston	
	Wahkiakum	
	Whatcom	

(b) From October 16 through June 30 individual pile size is limited to ten feet; except the following counties are limited to four feet:

WINTER RULES

Four Foot Piles

- Island
- King
- Kitsap
- Mason
- Pierce
- San Juan
- Spokane

(c) A serviceable shovel and a minimum of five gallons of water must be within the immediate vicinity of the fire. A bucket is acceptable if the outdoor fire is adjacent to an accessible body of water. A charged garden hose or other adequate water supply may be substituted for the five gallon water requirement.

(6) Only one pile may be burned at any one time and each pile must be extinguished before lighting another.

(7) No outdoor fire is permitted in or within five hundred feet of forest slash without a written burning permit.

(8) The material to be burned must be placed on bare soil, gravel bars, beaches, green fields or other similar area free of flammable material for a sufficient distance adequate to prevent the escape of the fire.

(9) Burning must be done during periods of calm to very light winds. Burning when wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) A landowner or the landowner's designated representative's written permission must be obtained before kindling an outdoor fire on the property of another.

(12) Persons not able to meet the requirements of subsections (1) through (10) of this section must apply for a written burning permit through the department.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-231 BURNING PERMITS—YACOLT BURN IN PORTIONS OF CLARK AND SKAMANIA COUNTIES. (1) Under the authority granted in RCW 76.04.015 and 76.04.205, the department requires, throughout the year, any person wishing to burn flammable material, within the area described, to first obtain a written burning permit from the department and, thereafter, comply with the terms of said permit. The requirements for a written burning permit may be waived if the fire is contained in a suitable device sufficient, in the opinion of the department, to prevent the fire from spreading. This chapter shall be in effect until such time as the department deems it no longer necessary.

(2) The following describes parts of Clark and Skamania counties subject to the requirements of subsection (1) of this section:

Starting at the east quarter corner of Section 12, Township 5 North, Range 4 East, that point lying on the boundary of the Gifford Pinchot

National Forest. Thence, west one mile; north one-half mile; west two miles; (~~south two miles; west one mile; north one mile; west one mile; south one mile; west two miles~~) north three miles to I.P. Road 100. Thence, westerly then southerly following I.P. Road 100 approximately six miles to the west section line of Section 7, Township 6 North, Range 4 East. Thence south approximately one mile to the southwest corner of Section 13, Township 5 North, Range 3 East. Thence, south three miles; east approximately one-quarter of one mile to the north quarter corner of Section 1, Township 4 North, Range 3 East. Thence, south two and one-quarter of a mile; westerly along the county road one and one-half miles; south one-quarter of one mile to the east quarter corner of Section 15, Township 4 North, Range 3 East. Thence, west one mile; south two and one-half miles; east one and one-half miles; south six miles to the south quarter corner of Section 26, Township 3 North, Range 3 East, that point lying on the north boundary of the Camp Bonneville - U.S. Military Reservation. Thence, east one-half of one mile; south one mile; east one mile; south two miles; east approximately one and one-half miles to the Little Washougal River. Thence, southwesterly approximately two and one-quarter miles along the Little Washougal River. Thence, east along the Bonneville Power line five miles. Thence, northeasterly along the county road to the northeast corner of Section 24, Township 2 North, Range 4 East. Thence, north one-half of one mile to a Bonneville Power line. Thence, east one mile to the West Fork of the Washougal River. Thence, southeasterly along said river to the east-west center line of Section 20, Township 2 North, Range 5 East, and then east along said center line to the east quarter corner of said Section 20. Thence, south one-half mile to a Bonneville Power line. Thence, east nine and one-half miles. Thence, south to the Evergreen Highway in the approximate center of Section 25, Township 2 North, Range 6 East, and then along said highway in a northeasterly direction approximately three miles to the northwest city limits of North Bonneville. Thence, north to the Bonneville Power line and northeasterly along it approximately four miles to where it intersects the north-south center line of Section 35, Township 3 North, Range 7 East. Thence, north approximately two and three-quarters mile to the center of Section 23, Township 3 North, Range 7 East. Thence, east one and one-half miles; south approximately one-third mile to the southwest corner of Section 24, Township 3 North, Range 7 and one-half miles east. Thence, east one mile; south one mile to the Bonneville Power line; northeasterly along said power line to the east section line of Section 30, Township 3 North, Range 8 East. Thence, northerly to the northeast corner of Section 18, Township 3 North, Range 8 East. Thence, west two and one-quarter miles to the road running up from Carson Creek; westerly along said road through Section 12 along the south side of Sections 2 and 3, Township 3 North, Range 7 East. Thence, southwesterly across Section 9 to the southwest corner of Section 9, Township 3 North, Range 7 East. Thence, west approximately ten miles to the northwest corner of Section 14, Township 3 North, Range 5 East. Thence, south one mile; west four miles; north thirteen and one-half miles to the point of beginning.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-234 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF OKANOGAN COUNTY. (1) Pursuant to the authority granted in RCW 76.04.205, parts of Okanogan County, described in subsection (2) of this section, are exempt from the requirements of RCW 76.04.205 and permits for the burning of flammable material will not, from the effective date of this chapter, be required in such exempt parts; however nothing herein shall affect the operation and effectiveness of the rules of the rural fire protection district and/or local air pollution control authority in which said lands are located.

(2) The following described parts of Okanogan County, Washington, are exempt from the burning permit requirements of RCW 76.04.205 in accordance with subsection (1) of this section: All lands lying within the following described line:

(a) Starting at the junction of the Canadian-United States boundary and the north end of the Boundary Point Road, thence, southerly along the Boundary Point Road to U.S. Highway 97; southerly along U.S. Highway 97 to the Tom Dull Road; southerly along the Tom Dull Road to 23rd Avenue. Thence, west approximately five hundred feet to the Oroville-Tonasket Reclamation District irrigation ditch. Thence, southerly along the ditch to the siphon across the Similkameen River; southerly along the siphon and/or ditch to the Gunsolley Road (Ellemehan Mountain Road). Thence, northeasterly along the Gunsolley Road to the Golden Road. Thence, southerly along the

Golden Road to the Janis Oroville Westside Road; southerly along the Janis Oroville Westside Road to a point west of the south end of the Janis Bridge on U.S. Highway 97. Thence, northerly along U.S. Highway 97 to the McLoughlin Canyon Road. Thence, easterly along the McLoughlin Canyon Road to the State Frontage Road. Thence, northerly along the State Frontage Road to the Clarkston Mill Road; northerly along the Clarkston Mill Road to the Longnecker Road. Thence, northwesterly along the Longnecker Road to U.S. Highway 97 to the city limits of Tonasket. Thence, along the south, east and north boundary of the Town of Tonasket to U.S. Highway 97. Thence, northerly along U.S. Highway 97 to the O'Neil Road; northerly along the O'Neil Road to U.S. Highway 97; northerly along U.S. Highway 97 to the Eastside Oroville Road; northerly along the Eastside Oroville Road to the northeast end of the Thorndike Loop Road. Thence, west to the east shore of Osoyoos Lake. Thence, northerly along the east shore of Osoyoos Lake to the Canadian-United States boundary to point of beginning.

(b) Beginning at the intersection of U.S. Highway 97 and State Route Number 16, in the Town of (~~Peteros~~) Pateros, thence, proceeding northerly along U.S. Highway 97 to the junction of Paradise Hill Road, within the Town of Brewster; northerly along the Paradise Hill Road to the junction of the Paradise Hill Road and North Star-Paradise Hill Cutoff Road, located within the south one-half of Section 35, Township 31 North, Range 24 East. Thence, northeasterly along the North Star-Paradise Hill Cutoff Road to the intersection at the North Star Road. Thence, south and east along the North Star Road until it intersects with Old Highway 97. Thence, northerly along Old Highway 97 to the junction with the (~~Malott~~) B & O Road within the Town of Malott. Thence, north and east along the (~~Malott~~) B & O Road to the junction of B & O Road West. Thence, northerly along the B & O Road West to the junction of State Route Number 20. Thence, southeasterly along State Route Number 20 to the junction of the (~~Old Loop Loop Highway~~). Thence, east along the Old Loop Loop Highway into the Town of Okanogan) B & O North Road. Thence, northeasterly along the B & O North Road to the junction of the Fletcher Loop Road. Thence, north and east along the Fletcher Loop Road to the junction of the Spring Coulee Road. Thence, northerly along the Spring Coulee Road to the junction of the Dry Coulee Road. Thence, northerly along the Dry Coulee Road to the junction of the East Dry Coulee Road. Thence, easterly along the East Dry Coulee Road to the Town of Okanogan. Thence, from the Town of Okanogan northerly along the Salmon Creek Road to the junction of the Danker Cutoff Road. Thence, easterly along the Danker Cutoff Road to the junction of the Pouge Road. Thence, north and east along the Pouge Road to the junction of the Conconully Highway. Thence, (~~north~~) northerly along the Conconully Highway to the junction of the (~~Ross Canyon~~) Riverside Cutoff Road. Thence, (~~east~~) easterly along the (~~Ross Canyon~~) Riverside Cutoff Road to the (~~junction of the Johnson Creek Road~~). Thence, north along the Johnson Creek Road to the junction of the BIDE-A-WEE Road. Thence, east along the BIDE-A-WEE Road to the junction of Old Highway 97. Thence, north along Old Highway 97 to the junction with the Pharr Road within the) Town of Riverside(~~;~~). Thence, from the Town of Riverside northerly along the Pharr Road to a point on the north line of Section 6, Township 35 North, Range 27 East, W.M. Thence, east along that section line, across the Okanogan River to the Keystone Road. Thence, southerly along the Keystone Road to the Tunk Valley Road; southerly along the Tunk Valley Road into the Town of Riverside at a point where the Tunk Valley Road and the west bank of the Okanogan River intersect. Thence, south along the west bank of the Okanogan River to the Columbia River. Thence, southwesterly along the west bank of the Columbia River to the point of beginning.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-238 EXEMPTION FROM BURNING PERMIT REQUIREMENTS—PARTS OF COWLITZ COUNTY. (1) Pursuant to the authority granted in RCW 76.04.205, the parts of Cowlitz County described in subsection (2) of this section are exempt from the requirements of RCW 76.04.205 and permits for burning flammable material will not, from the effective date of this chapter, be required in such exempt parts; however nothing herein shall affect the operation and effectiveness of the rules of the rural fire protection district and/or local air pollution control authority in which said lands are located.

(2) The following described parts of Cowlitz County, Washington, are exempt from the burning permit requirements of RCW 76.04.205, in accordance with subsection (1) of this section:

An area consisting of all shorelands and uplands lying within the following described boundaries: Beginning at a point where Interstate Highway 5 intersects with the west line of Section 34, Township 6 North, Range 1 West, thence, southeasterly along the west boundary of said Interstate Highway 5 to its junction with the Lewis River; thence, southwesterly along the north bank of the Lewis River to its confluence with the Columbia River; thence, northerly along the east bank of the Columbia River to the south tip of Burke Island; thence, northerly along the west boundary of Burke Island to the southern tip of Martins Island; thence, northerly along the west boundary of Martins Island to the north end thereof; thence, westerly to the boundary line between the states of Oregon and Washington approximately in the center of the Columbia River; thence, northwesterly along the state boundary line, in the center of the Columbia River, to the Town of Stella; thence, easterly along the north shoulder of State Highway 4 approximately four and one-half miles to the junction of the Coal Creek Road; thence, northerly along the west shoulder of the Coal Creek Road to its junction with Pacific Way; thence, easterly along the north shoulder of Pacific Way to its junction with the Lone Oak Road; thence, easterly along the north shoulder of the Lone Oak Road to its junction with the Columbia Heights Road; thence, southerly along the east shoulder of the Columbia Heights Road to the west one-quarter corner of Section 16, Township 8 North, Range 2 ((East)) West, thence east one and one-half miles to the center of Section 15, Township 8 North, Range 2 West; thence, north one and one-half miles to the north one quarter corner of Section 10, Township 8 North, Range 2 West; thence, east along the north line of Section 10, Township 8 North, Range 2 West, to its junction with the east bank of the Cowlitz River; thence, southeasterly along the east bank of the Cowlitz River to its confluence with Ostrander Creek; thence, easterly along the south bank of Ostrander Creek to its intersection with the east shoulder of Interstate Highway 5 in Section 11, Township 8 North, Range 2 West; thence, southerly along the east shoulder of Interstate Highway 5 to the south bank of the Coweeman River; thence, easterly along the south bank of the Coweeman River to the west line of Section 36, Township 8 North, Range 2 West; thence, south approximately one mile to the east shoulder of Interstate Highway 5 in Section 1, Township 7 North, Range 2 West; thence, southeasterly along the east shoulder of Interstate Highway 5 to its junction with the Old Pacific Highway lying in Section 12, Township 7 North, Range 2 West; thence, southerly along the east shoulder of the Old Pacific Highway to its junction with the north city limits of the City of Kalama; thence, west along the north city limits of Kalama to its junction with the east shoulder of Interstate Highway 5 to the beginning point where Interstate Highway 5 intersects with the west line of Section 34, Township 6 North, Range 1 West.

(3) The following described parts of Cowlitz County lying within the area described in subsection (2) of this section, which are exceptions and are not exempt from the requirements of RCW 76.04.150, as amended, and do require permits for the burning of inflammable material; however these requirements do not apply to developed lands situated within these boundaries.

An area known as Mt. Solo, bounded on the west and south by the Mt. Solo Road, bounded on the east by 38th Avenue, bounded on the north by State Highway 4, all situated within Sections 23, 24, 25, 26, Township 8 North, Range 3 West, and Section 30, Township 8 North, Range 2 West.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-301 **INDUSTRIAL RESTRICTIONS.** (1) When in the opinion of the ((area)) regional manager, for the department's administrative ((area)) region, weather conditions arise which present a hazard to lands protected by the department, whereby life and property may be endangered, the ((area)) regional manager, through the authority granted the department in RCW 76.04.015 and 76.04.325, may designate industrial precaution levels thereby regulating logging, land clearing or other industrial operations which may cause a fire to start on or adjacent to forest lands. The restrictions shall be for periods designated and shall only affect those portions of the state under the administrative jurisdiction of the area manager.

(2) In making a decision as to when restrictions or shutdowns should occur, the area manager shall utilize available information as to current and projected fire danger, current and projected weather, current fire activity and available resources for fire suppression.

(3) All persons performing logging, land clearing or other operations which may cause a fire to start on or adjacent to forest lands shall

comply with the restrictions described in the designated industrial precaution level.

(a) The industrial fire precaution levels shall be:

(i) Level 1. Closed season - Fire precaution requirements are in effect. A fire watch/security is required at this and all higher levels unless otherwise waived.

(ii) Level 2. Partial hootowl - The following ~~((are prohibited from 1-8))~~ may operate only between the hours of 8 p.m. and 1 p.m. local time:

- ~~((Use of))~~ Power saws except at loading sites;
- Cable yarding;
- Blasting;
- Welding or cutting of metal.

(iii) Level 3. Partial shutdown - The following are prohibited except as indicated:

● Cable yarding - except that gravity operated logging systems employing nonmotorized carriages may operate between 8 p.m. and 1 p.m. when all block and moving lines, except for the line between the carriage and the chokers, are suspended ten feet above the ground;

● ~~((Use of))~~ Power saws - except power saws may be used at loading sites and on tractor/skidder operations between the hours of 8 p.m. and 1 p.m. local time.

In addition, the following are ~~((prohibited from 1-8))~~ permitted to operate between the hours of 8 p.m. and 1 p.m. local time:

~~((Use of all power saws at loading sites:))~~

- Tractor ((yarding)) /skidder operations;
- Mechanized loading and hauling of any product or material;
- Blasting;
- Welding or cutting of metal;
- Any other spark emitting operation not specifically mentioned.

(iv) Level 4. General shutdown - All operations are prohibited.

(b) The following definitions shall apply to these industrial fire precaution levels:

(i) "Loading sites" means a place where any product or material, including but not limited to logs, firewood, slash, soil, rock, poles, posts, etc., is placed in or upon a truck or other vehicle.

(ii) "Cable yarding systems" means a yarding system employing cables and winches in a fixed position.

(iii) "Low hazard area" means any area where the department has determined the combination of elements reduces the probability of fire starting and/or spreading.

(iv) "Closed season" is that season of the year when a fire hazard exists as declared by the department or other responsible agency.

(v) "Tractor/skidder operations" include a harvesting operation, or portion of a harvesting operation, where tractors, skidders, or other harvesting equipment capable of constructing fireline, are actively yarding forest products and can quickly reach and effectively attack a fire start.

(c) A written waiver may be issued by the department for fire-safe activities in low-hazard areas.

(d) Where hauling involves transit through more than one shutdown/regulate use area, the precaution level at the woods loading site shall govern the level of haul restriction, unless otherwise prohibited by other than the industrial precaution level system.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-405 **SPARK EMITTING EQUIPMENT REQUIREMENTS.** It shall be unlawful for anyone to operate, during the closed season as defined in RCW 76.04.005, any steam, internal combustion, electric engines or any other devices which emit sparks on any forest land or any other place where, in the opinion of the department, fire could be communicated to forest land without first complying with the following requirements for equipment or operations:

- (1) Fixed-position machine:
 - (a) Two fire extinguishers, each of at least a 5 B C rating;
 - (b) An approved exhaust system;
 - (c) An appropriately mounted shovel.
- (2) Logging railroad locomotive or common carrier locomotive:
 - (a) An approved exhaust system;
 - (b) Communications between the train and dispatcher for reporting fires to the responsible protection agency;

(c) Each locomotive shall be followed by a speeder patrol at such times, and in such locations, as designated by the department. The speeder patrol shall be equipped with:

- (i) Two shovels;
- (ii) One pulaski;
- (iii) One adze eye hoe;

- (iv) Two serviceable five gallon backpack pump cans filled with water;
- (v) An approved exhaust system;
- (vi) Communications between the speeder and the dispatcher for reporting fires to the responsible protection agency;
- (vii) One fire extinguisher of at least a 5 B C rating.
- (3) Passenger vehicle used for industrial or commercial operations:
- (a) A fire extinguisher of at least a 5 B C rating;
- (b) An approved exhaust system.
- (4) Portable power saw:
- (a) A chemical fire extinguisher of at least eight ounce capacity, fully charged and in good working order. The fire extinguisher shall be kept in the immediate possession of the operator;
- (b) An approved exhaust system;
- (c) A shovel, which shall be kept within two minutes round-trip of the operator;
- (d) A firewatch (~~shall be required in fire protection Zones C and D west side of the Cascade Mountains. A firewatch may also be required in other areas of the state as may be designated by the department in writing~~).
- (5) Spark-emitting engines used for purposes not specifically mentioned herein, which, in the opinion of the department, may cause a forest fire to start, unless equipped with:
- (a) An approved exhaust system;
- (b) One fire extinguisher of at least a 5 B C rating; however two-wheeled, three-wheeled, and four-wheeled motorcycles shall only be required to have an approved exhaust system.
- (6) Tractor or mobile machine:
- (a) One fire extinguisher of at least a 5 B C rating;
- (b) An approved exhaust system;
- (c) An appropriately mounted shovel.
- (7) Truck or vehicle used for hauling:
- (a) One fire extinguisher of at least a 5 B C rating;
- (b) An approved exhaust system;
- (c) An appropriately mounted shovel.
- (8) During yarding, loading, milling, land clearing and right of way clearing, there must be kept at each landing, yarding tree, mill or other suitable place designated by the department, two serviceable five gallon backpack pump cans filled with water; however such operations (~~in fire protection Zones C and D on the west side of the Cascade Mountains or~~) in other areas of the state as may be designated by the department, in writing, must comply with the following additional requirements:
- (a) A pump truck or pump trailer to be kept on the landing or within five minutes round-trip of the operation;
- (b) A firewatch;
- (c) Adequate facilities to report a fire to the responsible protection agency within fifteen minutes of detection.
- (9) Balloon, skyline and other similar long-line or aerial logging systems with greater than a twelve hundred foot distance between the yarder and tailhold or tailblock unless complying with the following requirements:
- (a) Two serviceable five gallon backpack pump cans filled with water at each landing, yarding tree or other suitable place designated by the department;
- (b) Portable water supply available and equipped in order to supply water to the furthest extremity of the operation within a maximum of ten minutes from the time of detection. The portable water supply shall contain a minimum of three hundred gallons of water and the complement of accessories and equipment identified in the definition of the pump truck or pump trailer. The portable water supply shall be equipped with a pump capable of delivering twenty gallons per minute, at sufficient pressure, using a one-quarter inch nozzle tip through a fifty foot length of one inch or one and one-half inch rubber-lined hose. The pump shall be plumbed with a bypass or pressure relief valve. The water supply shall be located and outfitted for immediate use at the landing, and so that it may also be readily lifted and transported by use of the rigging system or cargo hook. Logging systems which are not capable of lifting the portable water supply and the fire tool kit in one lift must accomplish this in no more than three separate lifts. The fire tool kit shall be packaged and located for ready attachment to the rigging for delivery to the portable water supply while it is in operation. The fire tool kit shall contain:
- (i) Three axes or pulaskis;
- (ii) Six shovels;
- (iii) Six adze eye hoes.
- (c) Firewatch;

(d) Adequate facilities to report a fire to the responsible protection agency within fifteen minutes of detection.

(10) Each helicopter used for yarding, loading and land clearing or slash burning unless equipped and complying with the following:

(a) A VHF radio, maintained in operational use, at frequency 122.9 MHz;

(b) A portable water bucket of the following capacities, with necessary cargo hooks and tripping mechanism for dropping water on a fire, shall be located at the heliport serving the operation;

<u>External Payload of Helicopter</u>	<u>Minimum Required Bucket Size</u>
780 pounds and below	50 gallons
781 pounds - 1600 pounds	100 gallons
1601 pounds - 3900 pounds	200 gallons
3901 pounds and larger	300 gallons

(c) A water source of sufficient capacity readily accessible to allow the bucket to be filled three times without refilling the source. The water source must be located within five minutes round-trip flying time of every part of the operation;

(d) The following sized fire tool kit packaged for ready attachment to the cargo hook and located at the heliport serving the operation:

(i) Two axes or pulaskis;

(ii) Three shovels;

(iii) Three adze eye hoes.

(e) Two fire extinguishers of at least 20 B C rating shall be kept with refueling equipment. They shall be appropriately mounted, suitably marked and available for immediate use.

(11) Railroad track installation and maintenance:

(a) Crews - ten people or less:

(i) A pump truck or pump trailer as defined in WAC 332-24-005(24); however the water capacity of the pump truck or pump trailer may be less than three hundred gallons, but greater than one hundred fifty gallons when the unit is capable of producing department-approved high expansion foam;

(ii) One serviceable five gallon backpack pump can;

(iii) Communications between the crew and dispatcher for reporting fires to the responsible protection agency.

(b) Crews - greater than ten people:

(i) A pump truck or pump trailer as defined in WAC 332-24-005(24) that is also capable of producing department-approved high expansion foam;

(ii) A fire tool box containing a minimum of:

(A) Six pulaskis;

(B) Six adze eye hoes;

(C) Six shovels.

(iii) Communications between the crew and dispatchers for reporting fires to the responsible protection agency.

(c) Track welding, cutting and grinding shall be curtailed by not less than a four foot high canvas type curtain, which completely encloses the operation and prevents the escapement of sparks from welding, cutting or grinding.

(12) Prior to beginning operations, all snags, stubs and dead trees over fifteen feet in height shall be cut within fifty feet of each fixed-position machine which will operate for two consecutive days or more in one position.

The ground shall be initially cleared of all flammable debris under four inches in diameter beneath and within ten feet of each fixed-position machine which will operate for two consecutive days or more in one position.

(13) The area around the tail, corner and haul back blocks must be kept clean of all flammable debris under four inches in diameter for a distance of six feet in all directions. Suitable flame-resistant blanket devices may be substituted for the clearing requirement when the six foot diameter area is covered. Each block must be equipped with one serviceable five gallon backpack pump can filled with water, one shovel and one pulaski. Operations with multiple blocks must have this complement of tools and water within one hundred feet of each block.

(14) It shall be the operator's responsibility to identify points of line rub on cable logging operations during the closed season. If line rub occurs, the operator shall do what is necessary to stop, alleviate or control the line rub in order to prevent fires at these points. Satisfactory means include, but are not limited to:

(a) Removal of the object which the line is rubbing on;

(b) Changing the logging system;

(c) Moving the cable location.

(15) The department may designate certain areas which are known to have rapid fluctuations of extreme fire weather and/or concentrations of additional hazards. Operators in such areas may be required to monitor the humidity and/or wind speed and maintain a daily log of such readings. Relative humidity readings and wind speed must be determined and recorded by instruments and methods approved by the department.

The department may further require the operator in such areas to restrict operations when, in the opinion of the department, the recorded readings or current conditions are such that if a fire starts in that area it would probably spread to conflagration proportions regardless of personnel and equipment available for initial fire suppression.

NEW SECTION

WAC 332-24-409 ELECTRICAL FENCE CONTROLLERS. Electrically caused fires present a hazard to the health and safety of the people of Washington, therefore:

(1) No person shall use or energize any uncertified electrical fence controller on any forest land in the state of Washington except during the months of November, December, January, February, and March: PROVIDED, That this section shall not be construed to mean that the person may not have, establish, install, or erect such an uncertified electrical fence controller which does not contain a current of electricity during the prohibited months.

(2) No person shall sell, offer for sale, or dispose of by gift or otherwise to any consumer or user in the state of Washington, any uncertified electrical fence controller without informing that consumer or user that the electrical fence controller is uncertified.

(3) Certified electrical fence controllers may be maintained, used, sold, offered for sale, disposed of by gift or otherwise without restriction.

(4) The responsibility of presenting sufficient evidence of certification such as the Underwriters Laboratories label, brand name, model number, etc., shall be upon the user.

(5) Failure to present sufficient evidence of certification such as Underwriters Laboratories label, brand name, model number, etc., at an inspection of the usage of electrical fence controllers during the months prohibited by subsection (1) of this section, shall be prima facie evidence of noncompliance with the provision of this regulation.

AMENDATORY SECTION (Amending Order 504, filed 5/8/87)

WAC 332-24-600 FOREST FIRE PROTECTION AND SPECIAL FOREST FIRE SUPPRESSION ACCOUNT MINIMUM ASSESSMENT REFUND PROCEDURE. This section implements the provisions of RCW 76.04.610 and 76.04.630, which provides that an owner of forest land owning two or more parcels, each containing less than ((thirty)) fifty acres in a county, may obtain a refund of the assessments paid on all such parcels over one.

- (1) The forest landowner must:
 - (a) Obtain a forest protection assessment refund form from any department or county treasurer office;
 - (b) Complete refund form per instructions on form;
 - (c) Pay taxes and assessments to county treasurer and obtain treasurer's signature on refund form to verify assessments have been paid in full;
 - (d) Mail refund form before December 31 of the year the assessments are due to: Department of Natural Resources, Fire Control Division, Olympia, WA 98504.

(2) The department's fire control division will complete the refund due the landowner(~~(, prepare a refund voucher)~~) and process for payment through the department's financial services' division. The financial services' division will prepare the refund check and send the check and a copy of the refund (~~(voucher)~~) form to the landowner.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-24-225 BURNING BARRELS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 332-48-010 ELECTRICAL FENCE CONTROLLERS.
WAC 332-48-020 UNAUTHORIZED USE OF COLOCKUM AIRSTRIP.

**WSR 91-15-108
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed July 24, 1991, 3:17 p.m.]

Original Notice.

Title of Rule: WAC 296-17-351 Periodic review of cash deposits; and 296-17-35101 Employer's surety bond in lieu of a cash deposit.

Purpose: To repeal WAC 296-17-351 and 296-17-35101.

Statutory Authority for Adoption: RCW 51.04.020.

Statute Being Implemented: HB 1206.

Summary: Recent legislation has eliminated the requirement for premium deposits.

Reasons Supporting Proposal: To bring WAC in compliance with statutory changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vern Lee, 905 Plum Street S.E., Olympia, WA 98504-4401, (206) 753-4432.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These WAC provisions are no longer applicable due to statutory changes.

Proposal Changes the Following Existing Rules: Proposal repeals WAC sections no longer required due to statutory changes.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Auditorium, 1st Floor, 218 General Administration Building, AX-22, Olympia, WA 98504, on August 27, 1991, at 1:00 p.m.

Submit Written Comments to: Vern Lee, Employer Services, 905 Plum Street S.E., Olympia, WA 98504-4401, by August 20, 1991.

Date of Intended Adoption: September 27, 1991.

July 24, 1991
Joseph A. Dear
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-17-351 PERIODIC REVIEW OF CASH DEPOSIT.
WAC 296-17-35101 EMPLOYER'S SURETY BOND IN LIEU OF A CASH DEPOSIT.

WSR 91-15-109
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 24, 1991, 3:19 p.m., effective July 28, 1991]

Date of Adoption: July 24, 1991.

Purpose: To repeal WAC 296-17-351 and 296-17-35101.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 296-17-351 and 296-17-35101.

Statutory Authority for Adoption: HB 1206.

Other Authority: RCW 51.04.020.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are inconsistent with the statutes due to the elimination of the premium deposit requirement.

Effective Date of Rule: July 28, 1991.

July 24, 1991
 Joseph A. Dear
 Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-17-351 PERIODIC REVIEW OF CASH DEPOSIT.

WAC 296-17-35101 EMPLOYER'S SURETY BOND IN LIEU OF A CASH DEPOSIT.

WSR 91-15-110
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Filed July 24, 1991, 3:27 p.m.]

Original Notice.

Title of Rule: Definition of allowable expense as used in coordination of benefits.

Purpose: To amend WAC 284-51-050 to recognize changes in industry practices and to maximize benefits to consumers.

Other Identifying Information: Insurance Commissioner Matter No. R 91-6.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a), 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.21.200.

Summary: The definition of "allowable expense" is an integral element in the standards for and uniform guidelines for coordination of benefits established in chapter 284-51 WAC. "Allowable expense" is the uniform level at which the costs of health care benefits are reduced or coordinated for persons having coverage under more

than one group disability insurance policy, group health care service contract, or group health maintenance agreement. The definition of allowable expense determines how much out-of-pocket expense a policyholder will be required to pay for a particular health care procedure. The amount of savings, accumulated for the benefit of a policyholder, by secondary carriers is also determined by the definition of allowable expense. The current definition of "allowable expense" has consistently been interpreted to be the highest amount allowed by either primary or secondary carriers. This amendment modifies that interpretation to allow secondary carriers, and indirectly the policyholders, to benefit from price concession agreements which carriers have negotiated with health care providers. Negotiated price concessions by a secondary carrier will be the upper allowable expense for the negotiating secondary carrier.

Reasons Supporting Proposal: In the years since the original adoption of WAC 284-51-050, many carriers have adopted the practice of negotiating with health care providers for a number of price concessions on services provided to the carrier's policyholders. Those price concessions reduce the cost of particular health care services to policyholders, and at the same time reduce the upward pressure on premium rates charged by disability insurance companies, health care service contractors and health maintenance organizations. The prior interpretation of "allowable expense" did not allow the full impact of those price concession negotiations to flow through to the policyholders when their carriers were in a secondary position when coordinating benefits. This amendment will allow the benefits of negotiated price concessions to be passed through to policyholders either in the form of reduced out-of-pocket payments or larger accumulated savings for future health care expenses.

Name of Agency Personnel Responsible for Drafting: Linda Allison, Insurance Building, Olympia, Washington, (206) 586-1002; Implementation: Edward Southon, Howard Nerheim, and Janis LaFlash, Insurance Building, Olympia, Washington, (206) 753-7303; and Enforcement: Edward Southon, Insurance Building, Olympia, Washington, (206) 753-7303.

Name of Proponent: Dick Marquardt, Insurance Commissioner, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This amended rule will allow secondary carriers, in the coordination of benefits, to recognize the carrier's negotiated price concessions with health care providers as the "allowable expense" rather than the higher of the charge recognized by either the primary or secondary carriers. The purpose of the rule is to recognize the changes developed by carriers in the development of price concession contracts with health care providers in order to reduce costs of health care. It is anticipated that this amended rule will allow carriers to more fully pass through to policyholders the benefits of negotiated provider price concession agreements. Those benefits should be recognized in the form of lower out-of-pocket expenses to the policyholder or increased savings for policyholder benefit at a later date.

Proposal Changes the Following Existing Rules: The current interpretation of "allowable expense" as found in WAC 284-51-050 provides for coordination of benefits of the highest allowable expense of either the primary or secondary carriers in the coordination process. This amendment will allow secondary carriers which have negotiated price concession contracts with health care providers to use the negotiated price as the allowable expense for coordination of benefits purposes.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Regulatory Fairness Act (chapter 19.85 RCW) requires that a regulatory agency consider and, to the extent that it can, minimize the impact of a rule on small businesses. RCW 19.85.040 requires the agency, in its small business economic impact statement, to analyze the cost of compliance including costs of equipment, supplies, labor and increased administrative costs and compare these costs for both large and small businesses using one of the following bases: Cost per employee, cost per hour of labor, cost per one hundred dollars of sales, or any combination thereof. The change in the definition of "allowable expense" is not easily measured using these criteria. Only carriers writing group health care coverages and choosing to coordinate benefits will be affected. Businesses purchasing these coverages will be affected, if at all, only indirectly. Costs to carriers writing group health care coverages cannot be measured using the criteria of RCW 19.85.040. Not all carriers writing group health care coverages choose to coordinate benefits. Costs for carriers choosing to coordinate benefits on group health care coverages will be related to changing policy language to reflect a new definition. Those costs vary greatly depending on the size and volume of the carrier and, therefore, cannot be measured by RCW 19.85.040 criteria.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Olympia, Washington, on August 27, 1991, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by August 27, 1991.

Date of Intended Adoption: August 28, 1991.

July 24, 1991
Dick Marquardt
Insurance Commissioner
Edward Southon
Deputy Commissioner
for Company Supervision

AMENDATORY SECTION (Amending Order R 81-2, filed 6/18/81, effective 1/1/82)

WAC 284-51-050 ALLOWABLE EXPENSE. (1) A group contract which provides for coordination of benefits ("COB") shall contain a provision stating what expenses are to be recognized under the coordination provision(;) as ~~((follows:))~~ an allowable expense.

(a) Each such group contract shall include the following definition: ~~(((ALLOWABLE EXPENSE.)))~~ Allowable expense~~(('))~~ means the [usual, customary and reasonable] charge for any necessary~~((, reasonable and customary item of expense at least a portion of which))~~ health care service of supply when the service of supply is covered ~~((under))~~ at least ~~((one))~~ in part under any of the plans ~~((covering the person for whom claim is made))~~ involved. When a plan provides benefits in the form of services or supplies rather than cash payments, the reasonable

cash value of each service rendered or supply provided shall be considered ~~((as both))~~ an allowable expense ~~((and a benefit paid))~~. The difference between the cost of a private hospital room and the cost of a semi-private hospital room is not considered an allowable expense under the above definition unless the covered person's stay in a private hospital room is considered medically necessary under at least one of the plans involved."

(b) Notwithstanding the above definition, health care services or supplies under plans which are limited to providing coverages such as dental care, vision care, prescription drugs or hearing aids may be excluded from the definition of allowable expense. A plan which provides benefits only for any such health care services or supplies may limit its definition of allowable expense to like services or supplies.

(c) When COB is restricted in its use to specific benefits in a contract (for example, major medical or dental benefits, only), the definition of allowable expense must include the corresponding services and supplies to which COB applies.

(2) A plan is not required to include language in its group contracts which is substantially similar to subsections 3 through 9. However, it may not include language which conflicts with subsections 3 through 9. COB adjudication practices must reflect subsections 3 or 4 or 5, and 6 and 7 and 8.

(3) When a plan provides benefits in the form of cash payments rather than services or supplies, the allowable expense may be the lesser of either the provider's charge for a health care service or supply, or the "usual, customary and reasonable" charge for that particular health care service or supply. In lieu of "usual, customary and reasonable," a plan may substitute the terms "usual and prevailing," or "reasonable and customary," or other terms which are commonly understood to be similar in meaning. A plan may only limit allowable expense to the "usual, customary and reasonable" charge if:

(a) that term is reasonably defined in that insurer's group contract. Prior to limiting an allowable expense to a "usual, customary and reasonable" charge, the insurer must be able to support that such a limitation is based upon the application of statistically reliable comparative statistical measures, and is regularly re-evaluated based on data which is current within 12 months of the date the service or supply was provided. When a secondary plan's "usual, customary and reasonable" charge for a particular health care service or supply is less than the primary plan's "usual, customary and reasonable" charge for that same health care service or supply, the secondary plan must coordinate benefits based on no less than the primary plan's "usual, customary and reasonable" charge for that health care service or supply; or

(b) the health care service or supply is a covered benefit under the primary plan and the primary plan limits its allowable expense to the "usual, customary and reasonable" charge in accordance with subsection (3)(a), above, AND PROVIDED FURTHER that the secondary plan excludes that service or supply in the absence of COB. In such case, the secondary plan may coordinate benefits for that service or supply based on the primary plan's "usual, customary and reasonable" charge.

(4)(a) A plan may provide benefits in the form of services or supplies rather than cash payments. Services or supplies may be provided directly by the insurer, or they may be provided through various contractual arrangements between providers and the insurer which involve the payment of negotiated amounts based on fee schedules, percentage discounts off of a provider's usual charge, per diem payments, case price payments, or other substantially similar types of negotiated arrangements.

(b) For the purposes of this subsection (4), when services or supplies are provided through a contractual arrangement between the provider and the insurer in exchange for payment of a negotiated amount to the provider, the "negotiated amount" shall mean the amount set forth in the contractual arrangement in effect at the time of service. Such contractual arrangements must specify that the provider agrees to accept such amount as payment in full for a covered health care service or supply provided to a person enrolled under a group contract issued by that insurer.

(c) If the provider agrees to accept the negotiated amount as payment in full, whether that amount is paid in whole or in part by the covered person, or by that insurer, or by any combination of payors including other insurers which pay before that insurer in the order of benefit determination, then and only then may the insurer which is a party to that contractual arrangement with the provider consider the negotiated amount as the allowable expense. An insurer may not consider amounts negotiated in a contractual arrangement to which it is not a party to be the allowable expense.

(i) When the covered person is not responsible for paying any portion of the negotiated amount, and the insurer pays the entire negotiated amount to the provider, then that insurer may consider the negotiated amount as both an allowable expense and a benefit paid.

(ii) When any portion of the negotiated amount is paid by the covered person in accordance with the group contract issued by the insurer, or is paid by any other person including any other insurer, then the negotiated amount may be considered the allowable expense. The negotiated amount less any amounts payable by other persons, including the covered person, shall be considered the benefit paid.

(5) When services or supplies are provided directly by the insurer, the reasonable cash value of the health care service or supplies shall be considered the allowable expense. When the covered person is not responsible for paying any portion of the allowable expense, that insurer may consider the reasonable cash value of the health care service or supply as both an allowable expense and a benefit paid. When the covered person is responsible for paying any portion of the allowable expense in accordance with the insurer's group contract covering the enrolled person, the reasonable cash value may be considered the allowable expense but the reasonable cash value less any amounts payable by other persons including the covered person shall be considered the benefit paid.

((2)) (6) The inclusion of Medicare or similar governmental benefits in the definition of a plan will not require the definition of allowable expense to recognize governmental benefits other than hospital, medical and surgical benefits.

(7) "Total allowable expenses" shall mean the sum of all allowable expenses for a particular covered person for a particular claim determination period. A secondary plan may reduce its benefits so that the total benefits paid or total services and supplies provided by all plans during a claim determination period are not more than total allowable expenses. The amount by which the secondary plan's benefits have been reduced (that plan's COB savings) shall be used by the secondary plan to pay allowable expenses, not otherwise paid, which were incurred during the claim determination period by the covered person for whom the claim is made. As each claim is submitted, the secondary plan determines its obligation to pay or provide for allowable expenses based on all claims which were submitted up to that point in time during the claim determination period.

(8) When a secondary plan provides a benefit in the form of services or supplies through a contractual arrangement between the provider and the insurer rather than in the form of a cash payment, and that plan's allowable expense is less than the amount of the payment provided by any primary plan for that service or supply, the secondary plan shall not consider the primary plan's benefit to be more than the secondary plan's allowable expense for that service or supply for the purpose of determining total allowable expenses. In no event should a deficit amount be credited to the total allowable expenses because the primary plan's benefit payment exceeded the secondary plan's allowable expense.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 91-15-111
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Medical Examiners)
 [Filed July 24, 1991, 4:00 p.m.]

Original Notice.

Title of Rule: WAC 246-917-020 Board meetings; 246-917-025 Refunds; 246-917-070 Credentialing of physician and surgeons; 246-917-121 Special purpose examination; 246-917-130 License renewal; and 246-918-070 Credentialing of physician assistants.

Purpose: WAC 246-917-020 amends the rule to state the "chair" instead of the "president"; WAC 246-917-025, new section, indicates there will be no refunds; WAC 246-917-070 amends the rule to allow a designee authorized by the board to approve applications; WAC 246-917-121, new section, requires applicants to take the SPEX examination or any other examination deemed appropriate, when the board has concerns with the applicant's ability to practice competently. Also establishes a passing score; WAC 246-917-130 amends the rule to eliminate unnecessary language and to clarify the expiration date of the initial license; and WAC 246-918-070 amends the rule to allow a designee authorized by the board to approve applications.

Statutory Authority for Adoption: RCW 18.71.017.

Summary: See Purpose above.

Reasons Supporting Proposal: The amendments are necessary to eliminate unnecessary language and to correct existing language. The new sections are necessary to apprise applicants there are no refunds and that applicants may be required to take an examination if the board has concerns with their ability to practice competently.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Rathbun, Board of Medical Examiners, Olympia, Washington, 586-8934.

Name of Proponent: Board of Medical Examiners, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-917-020 amends the rule to state "the chair" instead of the "president," no effect; WAC 246-917-025 is a new section which converts a board policy on no refunds to a rule; WAC 246-917-070 and 246-918-070 amends the rule to allow a designee authorized by the board to approve application, no effect; WAC 246-917-130 amends the rule to eliminate unnecessary language and to clarify the expiration date of the initial license, no effect; and WAC 246-917-121 is a new section which will require applicants to take the SPEX examination or any other examination deemed appropriate when the board has concerns with the applicant's ability to practice medicine competently. Also establishes a passing score.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Seattle Airport Hilton, Elliott Room, 17620 Pacific Highway South, Seattle, WA 98168, on September 6, 1991, at 9:30 a.m.

Submit Written Comments to: Patti Rathbun, Program Manager, Board of Medical Examiners, 1300 Quince Street, EY-25, Olympia, WA 98504, by August 30, 1991.

Date of Intended Adoption: September 6, 1991.

July 16, 1991
 Patti L. Rathbun
 Program Manager

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-917-020 BOARD MEETINGS. Regular medical board meetings shall be held at least four times yearly. Additional regular or special meetings may be called at discretion of ~~((president))~~ the chair or quorum of the board.

NEW SECTION

WAC 246-917-025 REFUNDS. Application, registration, or license fees are not refundable or transferable.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-917-070 CREDENTIALING OF PHYSICIAN AND SURGEONS. All completed applications, for both limited and full licensure, must be reviewed by a member of the board or a designee authorized in writing by the board, prior to examination and/or licensure.

NEW SECTION

WAC 246-917-121 SPECIAL PURPOSE EXAMINATION. (1) The board of medical examiners, upon review of an application for licensure by endorsement, may require an applicant to pass the special purpose examination (SPEX) or any other examination deemed appropriate. An applicant may be required to take an examination when the board has concerns with the applicant's ability to practice competently for reasons which may include but are not limited to the following:

- (a) Resolved or pending malpractice suits;
- (b) Pending action by another state licensing authority;
- (c) Actions pertaining to privileges at any institution; or
- (d) Not having practiced for an interval of time.

(2) The minimum passing score on the SPEX examination shall be seventy-five. The passing score for any other examination under this rule shall be determined by the board.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-917-130 LICENSE RENEWAL (~~REGISTRATION DATE AND FEE~~). ~~((+))~~ Effective with the renewal period beginning July 1, 1976, the annual license renewal date will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of June 30, 1976. Licensees desiring to renew their licenses will be required to pay a fee of fifteen dollars plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license renewal to expire on their birth anniversary date during calendar year 1977 or 1978. Example: Licensee's birthdate is September 1, therefore, the fee is computed at fifteen dollars plus three dollars and seventy-five cents for three months, or eighteen dollars and seventy-five cents.

(b) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(c) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered renewal system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to birth anniversary date.

(3) Under the staggered license renewal system the late payment penalty provision will be applied as follows:

(a) The physician and surgeon license shall be renewed annually. The date of renewal shall be the licensee's birth date.

An initial license shall expire on the licensee's next birth date. However, if the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure. Before the expiration date of ~~((the individual's))~~ a license, ~~((as a courtesy, a notice for renewal of license))~~ a courtesy renewal notice will be mailed to the last address on file to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. The licensee is responsible for renewing his or her license prior to the expiration date regardless of whether the licensee receives

the courtesy notice. Should the licensee fail to renew his or her license prior to the expiration date ~~((then))~~, the individual is subject to the statutory penalty fee. If the licensee fails to renew his or her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-070 CREDENTIALING OF PHYSICIAN ASSISTANTS. All completed applications, for both original and transfer licensure, must be reviewed by a member of the board or a designee authorized in writing by the board, prior to ~~((registration))~~ licensure.

WSR 91-15-112

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 184—Filed July 24, 1991, 4:07 p.m.]

Date of Adoption: July 23, 1991.

Purpose: Edit rule to reflect recodification of Title 402 WAC to Title 246 WAC; add standard definitions for several existing terms; correct typographical errors; consolidate text; and correct references to DSHS.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-232-100 and 246-232-110; and amending WAC 246-220-007, 246-220-010, 246-220-050, 246-220-090, 246-220-130, 246-221-001, 246-221-010, 246-221-020, 246-221-030, 246-221-040, 246-221-050, 246-221-060, 246-221-070, 246-221-080, 246-221-110, 246-221-120, 246-221-130, 246-221-140, 246-221-160, 246-221-170, 246-221-190, 246-221-200, 246-221-210, 246-221-220, 246-221-230, 246-221-240, 246-221-250, 246-221-260, 246-221-280, 246-221-300, 246-222-001, 246-222-020, 246-222-030, 246-222-040, 246-222-050, 246-222-060, 246-222-070, 246-222-080, 246-232-001, 246-232-010, 246-232-020, 246-232-040, 246-232-060, 246-232-080, 246-232-090, 246-232-120, 246-232-130, 246-232-990, 246-233-001, 246-233-010, 246-233-020, 246-235-001, 246-235-020, 246-235-040, 246-235-050, 246-235-060, 246-235-080, 246-235-090, 246-235-100, 246-235-110, 246-235-120, 246-235-130, 246-235-140, 246-239-010, 246-239-020, 246-239-030, 246-239-040, 246-239-060, 246-239-080, 246-239-090, 246-239-100, 246-240-020, 246-240-030, 246-240-040, 246-243-020, 246-243-060, 246-243-080, 246-243-090, 246-243-110, 246-243-120, 246-243-130, 246-243-140, 246-243-150, 246-243-160, 246-243-170, 246-243-180, 246-243-200, 246-243-210, 246-243-220, 246-244-001, 246-244-030, 246-244-040, 246-244-060, 246-244-080, 246-244-140, 246-244-150, 246-244-160, 246-244-180, 246-244-220, 246-244-230, and 246-244-240.

Statutory Authority for Adoption: RCW 70.98.050 and 70.98.080.

Pursuant to notice filed as WSR 91-11-081 on May 21, 1991.

Effective Date of Rule: Thirty-one days after filing.

July 23, 1991

Pam Campbell Mead
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-220-007 STATEMENT OF PHILOSOPHY. In accordance with the recommendations of the Environmental Protection Agency, formerly the Federal Radiation Council, approved by the president of the United States of America, persons engaged in activities under licenses issued by the Washington state department of ~~((social and))~~ health ~~((services))~~ pursuant to the Atomic Energy Act of 1954, as amended, shall, in addition to complying with the requirements set forth in chapter ~~((402-24))~~ 246-221 WAC, make every reasonable effort to maintain radiation exposures, and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable. Such persons should make particular efforts to keep the radiation exposure of an embryo or fetus as low as is reasonably achievable during the entire gestation period as recommended by the National Council on Radiation Protection and Measurements. The term "as low as is reasonably achievable" means as low as is readily achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety and in relation to the utilization of nuclear energy, ionizing radiation, and radioactive materials in the public interest.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-220-010 DEFINITIONS. As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain part will be found in that part.

(1) "A₁" means the maximum activity of special form radioactive material permitted to be transported in a Type A package. "A₂" means the maximum activity of normal form radioactive material permitted to be transported in a Type A package. A₁ and A₂ values are assigned to individual radionuclides and are tabulated in Appendix A of WAC ~~((402-12-200))~~ 246-220-110. Methods of calculating values are also given.

(2) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

(3) "Act" means Nuclear energy and radiation, chapter 70.98 RCW.

(4) "Agreement state" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(5) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, mists, vapors, or gases.

(6) "Airborne radioactivity area" means (a) any room, enclosure, or operating area in which airborne radioactive material exists in concentrations in excess of the amounts specified in Appendix A, Table I, Column 1 of chapter ~~((402-24))~~ 246-221 WAC; or (b) any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which, averaged

over the number of hours in any week during which individuals are in the area, exceed twenty-five percent of the amounts specified in WAC ~~((402-24-220))~~ 246-221-290, Appendix A, Table I, Column 1.

(7) "Brachytherapy" means a method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, or interstitial application.

(8) "Byproduct material" means: (a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

~~((8))~~ (9) "Calendar quarter" means not less than twelve consecutive weeks nor more than fourteen consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these regulations except at the beginning of a calendar year.

~~((9))~~ (10) "Calibration" means the determination of (a) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or (b) the strength of a source of radiation relative to a standard.

(11) "CFR" means Code of Federal Regulations.

~~((10))~~ (12) "Controlled area." See "Restricted area."

~~((11))~~ (13) "Curie" means a unit of measurement of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} transformations per second (tps). Commonly used submultiples of the curie are the millicurie and the microcurie. One millicurie (mCi) = 0.001 curie = 3.7×10^7 tps. (Formerly referred to as disintegrations per seconds or dps.) One microcurie (uCi) = 0.000001 curie = 3.7×10^4 tps. One picocurie (pCi) = 10^{-12} Ci. One nanocurie (nCi) = 10^{-9} Ci. One tps = 60 dpm.

~~((12))~~ (14) "Department" means the department of ~~((social and))~~ health ~~((services, office))~~, division of radiation protection, which has been designated as the state radiation control agency.

~~((13))~~ (15) "Depleted uranium" means the source material uranium in which the isotope Uranium-235 is less than 0.711 percent by weight of the total uranium present. Depleted uranium does not include special nuclear material.

~~((14))~~ (16) "dpm" means disintegrations per minute. See also "curie."

~~((15))~~ (17) "Dose" as used in these regulations shall mean absorbed dose or dose equivalent as appropriate.

(a) "Absorbed dose" is the energy imparted to matter by ionizing radiation per unit mass of irradiated material at the place of interest. The special unit of absorbed dose is the rad. (See rad.)

(b) "Dose equivalent" is a quantity that expresses on a common scale for all radiation a measure of the postulated effect on a given organ. It is defined as the absorbed dose in rads times certain modifying factors. The unit of dose equivalent is the rem. (See rem.)

~~((16))~~ (18) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed fifty years.

~~((17))~~ (19) "Exposure" means the quotient of dQ by dm where " dQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having " dm " are completely stopped in air. (The special unit of exposure is the roentgen (R).)*

Note: *When not underlined as above the term 'exposure' has a more general meaning in these regulations.

~~((18))~~ (20) "Exposure rate" means the exposure per unit of time, such as R/min., mR/h, etc.

~~((19))~~ (21) "Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

~~((20))~~ (22) "Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

~~((21))~~ (23) "High radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirems.

~~((22))~~ (24) "Highway route controlled quantity" means a quantity of radioactive material in a single package which exceeds:

(a) 3,000 times the A_1 or A_2 quantity as appropriate; or

(b) 30,000 curies, whichever is least.

~~((23))~~ (25) "Human use" means the intentional internal or external administration of radiation or radioactive material to human beings.

~~((24))~~ (26) "IND" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act (Title 10 CFR).

~~((25))~~ (27) "Individual" means any human being.

~~((26))~~ (28) "Inspection" means an official examination or observation by the department including but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

~~((27))~~ (29) "Irretrievable source" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

~~((28))~~ (30) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

(31) "License" means a license issued by the department in accordance with the regulations adopted by the department.

~~((29))~~ (32) "Licensee" means any person who is licensed by the department in accordance with these regulations and the act.

~~((30))~~ (33) "Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM.

~~((31))~~ (34) "Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in Section 71.4 of 10 CFR Part 71.

(35) "NARM" means any naturally occurring or accelerator-produced radioactive material except source material.

~~((32))~~ (36) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

~~((33))~~ (37) "NDA" means a new drug application which has been submitted to the United States Food and Drug Administration.

~~((34))~~ (38) "Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."

~~((35))~~ (39) "Nuclear waste" as used in WAC ~~((402-19-500))~~ 246-232-090(5) means any quantity of source or byproduct material, (not including radiography sources being returned to the manufacturer) required to be in Type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site. Nuclear waste, as used in these regulations, is a special classification of radioactive waste.

~~((36))~~ (40) "Occupational dose" means exposure of an individual to radiation in a restricted area; or in the course of employment in which the individual's duties involve exposure to radiation: PROVIDED, That occupational dose shall not be deemed to include any exposure of an individual to radiation for the purpose of diagnosis or therapy of such individual.

~~((37))~~ (41) "Ore refineries" means all processors of a radioactive material ore.

~~((38))~~ (42) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

~~((39))~~ (43) "Permittee" means a person who has applied for, and received, a valid site use permit for use of the low-level waste disposal facility at Hanford, Washington.

~~((40))~~ (44) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public

or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing.

((41)) (45) "Personal supervision" means supervision such that the supervisor is physically present at the facility and in such proximity that contact can be maintained and immediate assistance given as required.

((42)) (46) "Personnel monitoring equipment" means devices (e.g., film badges, pocket dosimeters, and thermoluminescent dosimeters) designed to be worn or carried by an individual for the purpose of estimating the dose received by the individual.

((43)) (47) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, and poisons.

((44)) (48) "Physician" means an individual licensed by this state to prescribe and dispense drugs in the practice of medicine.

((45)) (49) "Practitioner" means an individual licensed by the state in the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).

((46)) (50) "Qualified expert" means an individual who has demonstrated to the satisfaction of the department possession of knowledge and training to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs. The department reserves the right to recognize the qualifications of an individual in specific areas of radiation protection.

((47)) (51) "Rad" means the special unit of absorbed dose. One rad equals one-hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue.

((48)) (52) "Radiation" means ionizing radiation, i.e., gamma rays and x-rays, alpha and beta particles, high speed electrons, and other nuclear particles.

((49)) (53) "Radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirems, or in any five consecutive days a dose in excess of 100 millirems.

((50)) (54) "Radiation machine" means any device capable of producing ionizing radiation except those which produce radiation only from radioactive material.

((51)) (55) "Radiation safety officer" means one who has the knowledge, authority, and responsibility to apply appropriate radiation protection regulations and measures.

((52)) (56) "Radiation source." See "Source of radiation."

((53)) (57) "Radioactive material" means any material (solid, liquid, or gas) which emits radiation spontaneously.

((54)) (58) "Radioactive waste" means any radioactive material which is no longer of use and intended for disposal or treatment for the purposes of disposal.

((55)) (59) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

((56)) (60) "Registrable item" means any radiation machine except those exempted by RCW 70.98.180 or exempted by the department pursuant to the authority of RCW 70.98.080.

((57)) (61) "Registrant" means any person who is registered by the department in accordance with these regulations and the act.

((58)) (62) "Registration" means registration with the department in accordance with the regulations adopted by the department.

((59)) (63) "Regulations of the United States Department of Transportation" means the regulations in 49 CFR Parts 170-189, 14 CFR Part 103, and 46 CFR Part 146.

((60)) (64) "Rem" means a measure of the dose of any radiation to body tissue in terms of its estimated biological effect relative to a dose received from an exposure to one roentgen (R) of x-rays. (One millirem (mrem) = 0.001 rem.) For the purpose of these regulations, any of the following is considered to be equivalent to a dose of one rem:

(a) An exposure of 1 R of x, or gamma radiation;

(b) A dose of 1 rad due to x, gamma, or beta radiation;

(c) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

(d) A dose of 0.1 rad due to neutrons or high energy protons.*

(e) A dose of 0.4 rad due to thermal neutrons.

Note: *If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron absorbed dose in rads, one rem of neutron radiation may, for purposes of these regulations, be assumed to be equivalent to fourteen million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one rem may be estimated from the following table:

Neutron Flux Dose Equivalents

Neutron energy (MeV)	Number of neutrons per square centimeter for a dose equivalent of 1 rem (neutrons/cm ²)	Average flux density to deliver 100 millirems in 40 hours (neutrons/cm ² per second)
Thermal	970 x 10 ⁶	670
0.0001	720 x 10 ⁶	500
0.005	820 x 10 ⁶	570
0.02	400 x 10 ⁶	280
0.1	120 x 10 ⁶	80
0.5	43 x 10 ⁶	30
1.0	26 x 10 ⁶	18
2.5	29 x 10 ⁶	20
5.0	26 x 10 ⁶	18
7.5	24 x 10 ⁶	17
10.0	24 x 10 ⁶	17
10 to 30	14 x 10 ⁶	10

((61)) (65) "Research and development" means: (a) Theoretical analysis, exploration, or experimentation; or (b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including

the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

~~((62))~~ (66) "Restricted area" (controlled area) means any area the access to which is controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material. "Restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

~~((63))~~ (67) "Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58×10^{-4} coulombs/kilogram of air (see "Exposure").

~~((64))~~ (68) "Sealed source" means radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

~~((65))~~ (69) "Source material" means: (a) Uranium or thorium, or any combination thereof, in any physical or chemical form, or (b) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

~~((66))~~ (70) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

~~((67))~~ (71) "Source container" means a device in which radioactive material is transported or stored.

~~((68))~~ (72) "Source material milling" means any activity that results in the production of byproduct material as defined in subsection ~~((7))~~ (8)(b) of this section.

~~((69))~~ (73) "Special form radioactive material" means radioactive material which satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can only be opened by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than five millimeters (0.197 inch); and

(c) It satisfies the test requirements of 10 CFR 71.75.

~~((70))~~ (74) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty grams of contained U-235; Uranium-233 in quantities not exceeding two hundred grams; Plutonium in quantities not exceeding two hundred grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed "1" (i.e.,

unity). For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\begin{array}{r} 175(\text{grams contained U-235}) \\ \hline 350 \\ 50(\text{grams U-233}) \\ \hline 200 \\ 50(\text{grams Pu}) \\ \hline 200 \end{array} + < 1$$

~~((71))~~ (75) "State" as used in WAC ~~((402-19-500))~~ 246-232-090(5) means the several states of the union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

~~((72))~~ (76) "Survey" means an evaluation of the production, use, release, disposal, and/or presence of sources of radiation under a specific set of conditions to determine actual or potential radiation hazards. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations and measurements of levels of radiation or concentration of radioactive material present.

~~((73))~~ (77) "Test" means (a) the process of verifying compliance with an applicable regulation, or (b) a method for determining the characteristics or condition of sources of radiation or components thereof.

~~((74))~~ (78) "These regulations" mean all parts of the rules for radiation protection of the state of Washington.

~~((75))~~ (79) "Type A packaging" means packaging designed to retain its integral containment and shielding under normal conditions of transport as demonstrated by tests described in 49 CFR 173.465 or 173.466 as appropriate. The contents are limited to A₁ or A₂ quantities. The package does not require competent authority approval.

~~((76))~~ (80) "Type A quantity" means a quantity of radioactive material less than the A₁ or A₂ value for a single radionuclide, or for which the sum of the fractions does not exceed unity for a mixture of radionuclides.

~~((77))~~ (81) "Type B packaging" means packaging approved by the United States nuclear regulatory commission for the transport of quantities of radioactivity in excess of A₁ or A₂. It is defined in detail in 10 CFR 71.4.

~~((78))~~ (82) "Type B quantity" means a quantity of radioactive material in excess of a Type A quantity. It requires Type B packaging for transportation.

~~((79))~~ (83) "Uncontrolled area." See "Unrestricted area."

~~((80))~~ (84) "United States Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the United States Atomic Energy Commission, its chairman, members, officers and components and transferred to the United States Energy

Research and Development Administration and to the administrator thereof pursuant to sections 104 (b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).

~~((81))~~ (85) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

~~((82))~~ (86) "Unrestricted area" (uncontrolled area) means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters.

~~((83))~~ (87) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

~~((84))~~ (88) "Worker" means an individual engaged in work under a license or registration issued by the department and controlled by a licensee or registrant, but does not include the licensee or registrant. If students of age eighteen years or older are subjected routinely to work involving radiation, then the students are considered to be occupational workers. Individuals of less than eighteen years of age shall meet the requirements of WAC ~~((402-24-035))~~ 246-221-050.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-220-050 EXEMPTIONS. (1) The department may, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of these regulations as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

(2) Any U.S. Department of Energy contractor or subcontractor and any U.S. Nuclear Regulatory Commission contractor or subcontractor of the following categories operating within this state is exempt from these regulations to the extent that such contractor or subcontractor under ~~((his))~~ the applicable contract receives, possesses, uses, transfers or acquires sources of radiation:

(a) Prime contractors performing work for the Department of Energy at U.S. government-owned or controlled sites, including the transportation of sources of radiation to or from such sites and the performance of contract services during temporary interruptions of such transportation;

(b) Prime contractors of the Department of Energy performing research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof;

(c) Prime contractors of the Department of Energy using or operating nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel; and

(d) Any other prime contractor or subcontractor of the Department of Energy or of the Nuclear Regulatory

Commission when the state and the Nuclear Regulatory Commission jointly determine (i) that the exemption of the prime contractor or subcontractor is authorized by law, and (ii) that under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-220-090 COMMUNICATIONS. All communications and reports concerning these regulations, and applications filed thereunder, should be addressed to the Department of ~~((Social and))~~ Health ~~((Services))~~, ~~((Radiation Control Section))~~ Division of Radiation Protection, Mailstop ~~((EF-13))~~ LE-13, Olympia, Washington 98504. The emergency telephone number in Seattle, is 206-682-5327 or 206 (NUCLEAR).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-220-130 APPENDIX C—THE INTERNATIONAL SYSTEM OF UNITS (SI). This appendix does not contain any regulations, but is included for informational purposes only.

The Metric Conversion Act of 1975 (PL 94-168) urges the increasing awareness and use of the International System of Units (SI). This appendix is included to acquaint licensees and/or registrants with selected terms of SI units. Future revisions to ~~((Title 402))~~ chapters 246-220 through 246-255 WAC may use these units.

(1) Absorbed dose. The unit of absorbed dose is the gray (Gy) which is equal to 1 joule per kilogram. One rad is equal to 1×10^{-2} gray. A submultiple is the milligray (mGy).

(2) Dose equivalent. The unit of dose equivalent is the sievert (Sv) which is equal to 1 joule per kilogram as modified by the quality factor. One rem is equal to 1×10^{-2} sievert. A submultiple is the millisievert (mSv).

(3) Exposure. The unit of exposure is the coulombs per kilogram (C/kg). One roentgen is equal to 2.58×10^{-4} coulombs per kilogram of dry air. Multiples of this unit are the millicoulomb per kilogram (mC/kg) and the microcoulomb per kilogram (uC/kg) of dry air at standard temperature and pressure.

(4) Radioactivity. The unit of measurement of radioactivity is the becquerel (Bq) and is equal to one transformation per second. One curie is equal to 3.7×10^{10} becquerels. Multiples are megabecquerel (MBq) and gigabecquerel (GBq).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-001 PURPOSE AND SCOPE. This chapter establishes standards for protection against radiation hazards. Except as otherwise specifically provided, this chapter applies to all licensees or registrants. Nothing in this chapter shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis or therapy. The definitions contained in WAC ~~((402-12-050))~~ 246-220-010 also

apply to this chapter. (~~Chapter 402-10~~) WAC 246-220-007, Statement of philosophy, is directly applicable to this chapter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-010 RADIATION DOSE TO INDIVIDUALS IN RESTRICTED AREAS.* (1) Except as provided in subsection (2) of this section no licensee or registrant shall possess, use, store, receive, or transfer sources of radiation in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from all sources of radiation in the licensee's or registrant's possession a dose in excess of the limits specified in the following table:

REM PER CALENDAR QUARTER

Whole body; head and trunk; active blood-forming organs; lens of eyes; or gonads	1.25
Hands and forearms; feet and ankles	18.75
Skin of whole body	7.5

Note: *For determining the doses specified in this section a dose from x- or gamma rays up to 10 MeV may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.

(2) A licensee or registrant may permit an individual in a restricted area to receive a dose to the whole body greater than that permitted under subsection (1) of this section, provided that:

(a) During any calendar quarter the dose to the whole body from sources of radiation in the licensee's or registrant's possession shall not exceed three rems; and

(b) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed 5(N-18) rems when "N" equals the individual's age in years at the individual's last birthday; and

(c) The licensee or registrant has determined the individual's accumulated occupational dose to the whole body on department Form RHF-4 or on a clear and legible record containing all the information required in that form and has otherwise complied with the requirements of WAC (~~(402-24-024)~~) 246-221-020. As used in subsection (2) of this section "dose to the whole body" shall be deemed to include any dose to the whole body, gonads, active blood-forming organs, head and trunk, or lens of the eye; and

(d) The licensee or registrant has determined that the predicted dose to the whole body is as low as is reasonably achievable and consistent with the statements in WAC (~~(402-10-010)~~) 246-220-007. The licensee or registrant shall perform an evaluation of the expected whole body dose before permitting any individual to receive a whole body dose in excess of the limits specified in subsection (1) of this section.

A written record of the prior evaluation of this exposure shall be retained for inspection by the department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-020 DETERMINATION OF PRIOR ACCUMULATED DOSE. Determination of prior dose. Each licensee or registrant shall require any individual, prior to first entry of the individual into the licensee's or registrant's restricted area during each employment or work assignment under such circumstances that the individual will receive or is likely to receive in any period of one calendar quarter an occupational dose in excess of 25 percent of the applicable standards specified in WAC (~~(402-24-020(1) and 402-24-035)~~) 246-221-010(1) and 246-221-050 to disclose and verify in a written, signed statement, either:

(1) That the individual had no prior occupational dose during the current calendar quarter; or

(2) The nature and amount of any occupational dose which the individual may have received during that specifically identified current calendar quarter from sources of radiation possessed or controlled by other persons. Each licensee shall maintain records of such statements until the department authorizes their disposition.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-030 REQUIREMENTS FOR EXCEEDING OCCUPATIONAL RADIATION DOSES.

(1) Before permitting, pursuant to WAC (~~(402-24-020)~~) 246-221-010(2), any individual in a restricted area to receive an occupational radiation dose in excess of the standards specified in WAC (~~(402-24-020)~~) 246-221-010(1) each licensee or registrant shall:

(a) Obtain a certificate on state of Washington occupational external radiation exposure history (Form RHF-4) or on a clear and legible record containing all the information required in that form, signed by the individual, showing each period of time after the individual attained the age of 18 in which the individual received an occupational dose of radiation; and

(b) Calculate on Form RHF-4 in accordance with the instructions appearing therein, or on a clear and legible record containing all the information required in that form, the previously accumulated occupational dose received by the individual and the additional dose allowed for that individual under WAC (~~(402-24-020)~~) 246-221-010(2).

In the preparation of Form RHF-4, or a clear and legible record containing all the information required in that form, the licensee or registrant shall make a reasonable effort to obtain reports of the individual's previously accumulated occupational dose. For each period for which the licensee or registrant obtains such reports, the dose shown in the report shall be used in preparing the form. In any case where a licensee or registrant is unable to obtain reports of the individual's occupational dose for a previous complete calendar quarter, it shall be assumed that the individual has received the occupational dose specified in whichever of the following columns apply:

Part of Body	Column 1	Column 2
	Assumed Dose in Rems for Calendar Quarters Prior to January 1, 1961	Assumed Dose in Rems for Calendar Quarters Beginning on or After January 1, 1961
Whole body, gonads, active blood-forming organs, head and trunk, lens of eye	3.75	1.25

(2) The licensee or registrant shall retain and preserve records used in preparing Form RHF-4 until the department authorizes their disposition. If calculation of the individual's accumulated occupational dose for all periods prior to January 1, 1961, yields a result higher than the applicable accumulated dose value for the individual as of that date, as specified in WAC ((~~402-24-020~~) 246-221-010) (2)(b) the excess may be disregarded.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-040 EXPOSURE OF INDIVIDUALS TO CONCENTRATIONS OF RADIOACTIVE MATERIALS IN RESTRICTED AREAS. (1) Requirements for exposures to individuals.

(a) No licensee shall possess, use, or transfer radioactive material in such a manner as to permit any individual in a restricted area to inhale a quantity of radioactive material in any period of one calendar quarter greater than the quantity which would result from inhalation for 40 hours per week for 13 weeks at uniform concentrations of radioactive material in air specified in WAC ((~~402-24-220~~) 246-221-290, Appendix A, Table I, Column 1^{1, 2, 3}. If the radioactive material is of such form that intake by absorption through the skin is likely, individual exposures to radioactive material shall be controlled so that the uptake of radioactive material by any organ from either inhalation or absorption or both routes of intake^{4, 5} in any calendar quarter does not exceed that which would result from inhaling such radioactive material for 40 hours per week for 13 weeks at uniform concentrations specified in WAC ((~~402-24-220~~) 246-221-290, Appendix A, Table I, Column 1.

(b) No licensee shall possess, use, or transfer mixtures of U-234, U-235, and U-238 in soluble form in such a manner as to permit any individual in a restricted area to inhale a quantity of such material in excess of the intake limits specified in Appendix A, Table I, Column 1 of this part. If such soluble uranium is of a form such that absorption through the skin is likely, individual exposures to such material shall be controlled so that the uptake of such material by any organ from either inhalation or absorption or both routes of intake⁴ does not exceed that which would result from inhaling such material at the limits specified in WAC ((~~402-24-220~~) 246-221-290, Appendix A, Table I, Column 1 and footnote 4 thereto.

(c) For purposes of determining compliance with the requirements of ((~~WAC 402-24-030~~) this section) the licensee shall use suitable measurements of concentrations of radioactive materials in air for detecting and evaluating airborne radioactivity in restricted areas and in addition, as appropriate, shall use measurements of

radioactivity in the body, measurements of radioactivity excreted from the body, or any combination of such measurements as may be necessary for timely detection and assessment of individual intakes of radioactivity by exposed individuals. It is assumed that an individual inhales radioactive material at the airborne concentration in which he or she is present unless he or she uses respiratory protective equipment pursuant to ((~~WAC 402-24-030~~) this section). When assessment of a particular individual's intake of radioactive material is necessary, intakes less than those which would result from inhalation for 2 hours in any one day or for 10 hours in any one week at uniform concentrations specified in Appendix A, Table I, Column 1 need not be included in such assessment, provided that for any assessment in excess of these amounts the entire amount is included.

(2) (a) The licensee shall, as a precautionary procedure, use process or other engineering controls, to the extent practicable, to limit concentrations of radioactive materials in air to levels below those which delimit an airborne radioactivity area as defined in WAC ((~~402-12-050 (5)(b)~~) 246-220-010.

(b) When it is impracticable to apply process or other engineering controls to limit concentrations of radioactive material in air below those defined in WAC ((~~402-12-050 (5)(b)~~) 246-220-010, other precautionary procedures, such as increased surveillance, limitation of working times, or provision of respiratory protective equipment, shall be used to maintain intake of radioactive material by any individual within any period of seven consecutive days as far below that intake of radioactive material which would result from inhalation of such material for 40 hours at the uniform concentrations specified in Appendix A, Table I, Column 1 as is reasonably achievable. Whenever the intake of radioactive material by any individual exceeds this 40-hour control measure, the licensee shall make such evaluations and take such actions as are necessary to assure against recurrence. The licensee shall maintain records of such occurrences, evaluations, and actions taken in a clear and readily identifiable form suitable for summary review and evaluation.

(3) When respiratory protective equipment is used to limit the inhalation of airborne radioactive material pursuant to ((~~WAC 402-24-030~~) subsection (2)(b) of this section), the licensee may make allowance for such use in estimating exposures of individuals to such materials provided that such equipment is used as stipulated in Regulatory Guide 8.15, "Acceptable Programs for Respiratory Protection."⁶

(4) Notwithstanding the provisions of ((~~WAC 412-24-030~~) subsections (2) and (3) of this section), the department may impose further restrictions:

(a) On the extent to which a licensee may make allowance for use of respirators in lieu of provision of process, containment, ventilation, or other engineering controls, if application of such controls is found to be practicable; and

(b) As might be necessary to assure that the respiratory protective program of the licensee is adequate in limiting exposures of personnel to airborne radioactive materials.

(5) The licensee shall notify, in writing, the department at least 30 days before the date that respiratory protective equipment is first used under the provisions of ~~((WAC 402-24-030))~~ this section.

~~((6) A licensee who was authorized to make allowance for use of respiratory protective equipment prior to the effective date of this regulation shall bring his respiratory protective program into conformance with the requirements of WAC 402-24-030(3) within one year of that date, and is exempt from the requirements of WAC 402-24-030(5).))~~

Notes: ¹Since the concentration specified for tritium oxide vapor assumes equal intakes by skin absorption and inhalation, the total intake permitted is twice that which would result from inhalation alone at the concentration specified in H-3(s) in Appendix A, Table I, Column 1 for 40 hours per week for 13 weeks.

²For radioactive materials designated "sub" in the "isotope" column of the table, the concentration value specified is based upon exposure to the material as an external radiation source. Individual exposures to these materials may be accounted for as part of the limitation on individual dose in WAC ~~((402-24-020))~~ 246-221-010. These materials shall be subject to the precautionary procedures required by ~~((WAC 402-24-030))~~ subsection (2)(a) of this section.

³Multiply the concentration values specified in Appendix A, Table I, Column 1 by 6.3×10^8 ml to obtain the quarterly quantity limit. Multiply the concentration value specified in Appendix A, Table I, Column 1 of this part by 2.5×10^9 ml to obtain the annual quantity limit for Rn-222.

⁴Significant intake by ingestion or injection is presumed to occur only as a result of circumstances such as accident, inadvertence, poor procedure, or similar special conditions. Such intakes must be evaluated and accounted for by techniques and procedures as may be appropriate to the circumstances for the occurrence. Exposures so evaluated shall be included in determining whether the limitation on individual exposures in ~~((WAC 402-24-030))~~ subsection (1)(a) of this section has been exceeded.

⁵Regulatory guidance on assessment of individual intakes of radioactive material is given in Regulatory Guide 8.9, "Acceptable Concepts, Models, Equations and Assumptions for a Bioassay Program," single copies of which are available from the Office of Standards Development, United States Nuclear Regulatory Commission, Washington, D.C. 20555, upon written request.

⁶Single copies of Regulatory Guide 8.15 are available for the Office of Standards Development, United States Nuclear Regulatory Commission, Washington, D.C. 20555, upon written request.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-050 EXPOSURE OF MINORS.*
(1) No licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to cause any individual within a restricted area, who is under 18 years of age, to receive in any period of one calendar quarter from all sources of radiation in such licensee's or registrant's possession a dose in excess of 10 percent of the limits specified in the table in WAC ~~((402-24-020))~~ 246-221-010(1).

(2) No licensee shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under 18 years of age, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in

WAC ~~((402-24-220))~~ 246-221-290, Appendix A, Table II, of this chapter. For purposes of this paragraph, concentrations may be averaged over periods not greater than a week.

(3) The provisions of WAC ~~((402-24-030))~~ 246-221-040 (2)(b) and (3) shall apply to exposures subject to ~~((WAC 402-24-035))~~ subsection (2) of this section except that the references in WAC ~~((402-24-030))~~ 246-221-040 (2)(b) and (3) to Appendix A, Table I, Column 1 shall be deemed to be referenced to Appendix A, Table II, Column 1.

Note: *For determining the doses specified in this section, a dose from x- or gamma rays up to 10 MeV may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-060 PERMISSIBLE LEVELS OF RADIATION FROM EXTERNAL SOURCES IN UNRESTRICTED AREAS.*

Note: *It is the intent of this section to limit radiation levels so that it is unlikely that individuals in unrestricted areas would receive a dose to the whole body in excess of 0.5 rem in any calendar year. If in specific instances, it is determined by the department that this intent is not met, the department may, pursuant to WAC ~~((402-12-170))~~ 246-220-100, impose such additional requirements on the licensee or registrant as may be necessary to meet the intent.

(1) Except as authorized by the department pursuant to subsection (2) of this section, no licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to create in any unrestricted area from such sources of radiation in that person's possession:

(a) Radiation levels which, if an individual were continuously present in the area, could result in the individual's receiving a dose in excess of two millirems in any one hour; or

(b) Radiation levels which, if an individual were continuously present in the area, could result in the individual's receiving a dose in excess of one hundred millirems in any seven consecutive days.

(2) Any person may apply to the department for proposed limits upon levels of radiation in unrestricted areas in excess of those specified in subsection (1) of this section resulting from the applicant's possession or use of sources of radiation. Such applications should include information as to anticipated average radiation levels and anticipated occupancy times for each unrestricted area involved. The department may approve the proposed limits if the applicant demonstrates to the satisfaction of the department that the proposed limits are not likely to cause any individual to receive a dose to the whole body in any period of one calendar year in excess of 0.5 rem and that the proposed limits are consistent with WAC ~~((402-10-010))~~ 246-220-007.

(3) In addition to other requirements of this part, licensees engaged in uranium fuel cycle operations subject to the provisions of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operation," shall comply with that part.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-070 CONCENTRATION IN EFFLUENTS RELEASED TO UNRESTRICTED AREAS. (1) A licensee shall not possess, use, or transfer licensed material so as to release to an unrestricted area radioactive material in concentrations which exceed the limits specified in WAC ((402-24-220)) 246-221-290, Appendix A, Table II, except as authorized pursuant to subsection (2) of this section. For purposes of this section concentrations may be averaged over a period not greater than one calendar year.

(2) An application for a license or amendment may include proposed limits higher than those specified in subsection (1) of this section. The department will approve the proposed limits if the applicant demonstrates:

(a) That the applicant has made a reasonable effort to minimize the radioactivity contained in effluents released to unrestricted areas; and

(b) That it is not likely that radioactive material discharged in the effluent would result in the exposure of an individual to concentrations of radioactive material in air or water exceeding the limits specified in WAC ((402-24-220)) 246-221-290, Appendix A, Table II.

(3) An application for higher limits pursuant to subsection (2) of this section shall include information demonstrating that the applicant has made a reasonable effort to minimize the radioactivity discharged in effluents to unrestricted areas, and shall include, as pertinent:

(a) Information as to flow rates, total volume of effluent, peak concentration of each radionuclide in the effluent, and concentration of each radionuclide in the effluent averaged over a period of one calendar year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(b) A description of the properties of the effluents, including:

(i) Chemical composition,

(ii) Physical characteristics, including suspended solids content in liquid effluents, and nature of gas or aerosol for air effluents,

(iii) The hydrogen ion concentrations (pH) of liquid effluents, and

(iv) The size range of particulates in effluents released into air;

(c) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river or stream, a description of water uses downstream from the point of release of the effluent;

(d) Information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of one calendar year:

(i) In air at any point of human occupancy, or

(ii) In water at points of use downstream from the point of release of the effluent;

(e) The background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;

(f) A description of the environmental monitoring equipment, including sensitivity of the system, and procedures and calculations to determine concentrations of radionuclides in the unrestricted area and possible reconcentrations of radionuclides; and

(g) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release.

(4) For the purposes of this section, the concentration limits in WAC ((402-24-220)) 246-221-290, Appendix A, Table II of this part shall apply at the boundary of the restricted area. The concentration of radioactive material discharged through a stack, pipe or similar conduit may be determined with respect to the point where the material leaves the conduit. If the conduit discharges within the restricted area, the concentration at the boundary may be determined by applying appropriate factors for dilution, dispersion, or decay between the point of discharge and the boundary.

(5) In addition to limiting concentrations in effluent streams, the department may limit quantities of radioactive material released in air or water during a specified period of time if it appears that the daily intake of radioactive material from air, water, or food by a suitable sample of an exposed population group, averaged over a period not exceeding one calendar year, would otherwise exceed the daily intake resulting from continuous exposure to air or water containing one-third the concentration of radioactive material specified in WAC ((402-24-220)) 246-221-290, Appendix A, Table II.

(6) In addition to the limits set in ((WAC 402-24-050)) subsection (1) of this section all radioactive emissions to the atmosphere must meet the requirements of chapter ((402-80)) 246-247 WAC.

(7) The provisions of this section do not apply to disposal of radioactive material into sanitary sewerage systems, which is governed by WAC ((402-24-140)) 246-221-190.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-080 LEAK TESTS. (1) Each sealed radioactive source possessed under the provisions of a specific license, other than hydrogen-3 (tritium), with a half-life greater than thirty days and in any form other than gas, shall be tested and results obtained for leakage and/or contamination prior to initial use and at six-month intervals or as specified by the license. If there is reason to suspect that a sealed source might have been damaged, it shall be tested for leakage and results obtained before further use.

(2) Leak tests shall be capable of detecting the presence of 0.005 microcurie of removable contamination. The results of leak tests made pursuant to ((WAC 402-24-060)) subsection (1) of this section shall be recorded in units of microcuries and shall be maintained for inspection by the department. Any test conducted pursuant to subsection (1) which reveals the presence of 0.005 microcurie or more of removable contamination shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the source from use and shall cause it to be decontaminated and repaired

or to be disposed in accordance with WAC ((402-19-400)) 246-232-080. If a sealed source shows evidence of leaking, a report shall be filed with the department within five days of the test, describing the equipment involved, the test results, and the corrective action taken. Where sealed sources are permanently mounted in devices or equipment, tests for contamination and leakage may be made by wiping appropriate accessible surfaces and measuring these wipes for transferred contamination.

(3) Leak tests are required for sealed radioactive sources that are greater than 100 microcuries for beta and gamma emitters and greater than 10 microcuries for alpha emitters.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

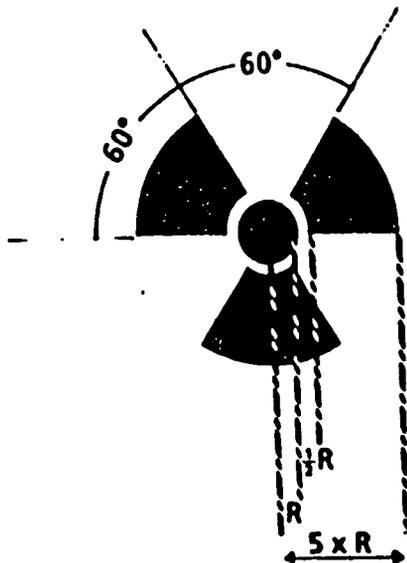
WAC 246-221-110 SURVEYS. Each licensee or registrant shall make or cause to be made such surveys, as defined in WAC ((402-12-050)) 246-220-010, as may be necessary for the licensee or registrant to establish compliance with these regulations and are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. Records of such surveys shall be preserved as specified in WAC ((402-24-170)) 246-221-230. Information on performing surveys may be found in the United States Nuclear Regulatory Commission's Regulatory Guide 8.23.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-120 CAUTION SIGNS, LABELS, AND SIGNALS. (1) General.

(a) Except as otherwise authorized by the department, symbols prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this section is the conventional three-blade design: Radiation symbol

- (i) Cross-hatch area is to be magenta or purple.
- (ii) Background is to be yellow.



(b) The conventional radiation symbol as described in (a) of this subsection shall be used only for:

- (i) Instructing individuals to be cognizant of a potential radiation hazard as prescribed in (c) through (j) of this subsection.
- (ii) Indicating that information presented pertains to the topic of radiation.

(c) In addition to the contents of signs and labels prescribed in this section, a licensee or registrant may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation.

(d) Each radiation area and entrance thereto shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - RADIATION AREA. However, in an exceptionally large room where other activities of a nonradiological nature are conducted the entrance need not be posted provided a conspicuous barricade with an appropriate number of signs is established to delineate the radiation area.

Note: *The word "DANGER" may be substituted for "CAUTION" on signs required by (d) through (h) of this subsection.

(e) High radiation areas.

(i) Each high radiation area and all entrances thereto shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - HIGH RADIATION AREA.

(ii) Each entrance or access point to a high radiation area shall be:

(A) Equipped with a control device which shall cause the level of radiation to be reduced below that at which an individual might receive a dose of one hundred millirems in one hour upon entry into the area; or

(B) Equipped with a control device which shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering the high radiation area and the licensee or a supervisor of the activity are made aware of the entry; or

(C) Maintained locked except during periods when access to the area is required, with positive control over each individual entry.

(iii) The controls required by (e)(ii) of this subsection shall be established in such a way that no individual will be prevented from leaving a high radiation area.

(iv) In the case of a high radiation area established for a period of thirty days or less, direct surveillance to prevent unauthorized entry may be substituted for the controls required by (e)(ii) of this subsection. Direct surveillance requires the continuous physical presence of an individual capable of taking all necessary precautions to prevent unwarranted exposure of individuals.

(v) Any licensee or registrant may apply to the department for approval of methods not included in (e)(ii) and (iv) of this subsection for controlling access to high radiation areas. The department will approve the proposed alternatives if the licensee or registrant demonstrates that the alternative methods of control will prevent unauthorized entry into a high radiation area, and that the requirement of (e)(ii) of this subsection is met.

(vi) Very high radiation areas:

(A) Each area in which there may exist radiation levels in excess of five hundred rems in one hour at one meter from a sealed radioactive source⁷ that is used to irradiate materials shall:

(I) Have each entrance or access point equipped with entry control devices which shall function automatically to prevent any individual from inadvertently entering the area when such radiation levels exist; permit deliberate entry into the area only after a control device is actuated that shall cause the radiation level within the area, from the sealed source, to be reduced below that at which it would be impossible for an individual to receive a dose in excess of one hundred mrem in one hour; and prevent operation of the source if the source would produce radiation levels in the area that could result in a dose to an individual in excess of one hundred mrem in one hour. The entry control devices required by (e)(vi)(A) of this subsection shall be established in such a way that no individual will be prevented from leaving the area.

(II) Be equipped with additional control devices such that upon failure of the entry control devices to function as required by (e)(vi)(A)(I) of this subsection the radiation level within the area, from the sealed source, shall be reduced below that at which it would be possible for an individual to receive a dose in excess of one hundred mrem in one hour; and visible and audible alarm signals shall be generated to make an individual attempting to enter the area aware of the hazard and the licensee or at least one other individual who is familiar with the activity and prepared to render or summon assistance, aware of such failure of the entry control devices;

(III) Be equipped with control devices such that upon failure or removal of physical radiation barriers other than the source's shielded storage container the radiation level from the source shall be reduced below that at which it would be possible for an individual to receive a dose in excess of one hundred mrem in one hour; and visible and audible alarm signals shall be generated to make potentially affected individuals aware of the hazard and the licensee or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier. When the shield for the stored source is a liquid, means shall be provided to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding. Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of (e)(vi)(A)(III) of this subsection;

(IV) Be equipped with devices that will automatically generate visible and audible alarm signals to alert personnel in the area before the source can be put into operation and in sufficient time for any individual in the area to operate a clearly identified control device which shall be installed in the area and which can prevent the source from being put into operation;

(V) Be controlled by use of such administrative procedure and such devices as are necessary to assure that the area is cleared of personnel prior to each use of the source preceding which use it might have been possible for an individual to have entered the area;

(VI) Be checked by a physical radiation measurement to assure that prior to the first individual's entry into the area after any use of the source, the radiation level from the source in the area is below that at which it would be possible for an individual to receive a dose in excess of one hundred mrem in one hour;

(VII) Have entry control devices required in (e)(vi)(A)(I) of this subsection which have been tested for proper functioning prior to initial operation with such source of radiation on any day that operations are not uninterruptedly continued from the previous day or before resuming operations after any unintended interruption, and for which records are kept of the dates, times, and results of such tests of function. No operations other than those necessary to place the source in safe condition or to effect repairs on controls shall be conducted with such source unless control devices are functioning properly. The licensee shall submit an acceptable schedule for more complete periodic tests of the entry control and warning systems to be established and adhered to as a condition of the license;

(VIII) Have those entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through such portals. Exit portals for processed materials shall be equipped to detect and signal the presence of loose radiation sources that are carried toward such an exit and to automatically prevent such loose sources from being carried out of the area.

(B) Licensees with, or applicants for, licenses for radiation sources that are within the purview of (e)(vi)(A) of this subsection, and that must be used in a variety of positions or in peculiar locations, such as open fields or forests, that make it impracticable to comply with certain requirements of (e)(vi)(A) of this subsection, such as those for the automatic control of radiation levels, may apply to the department for approval, prior to use of safety measures that are alternative to those specified in (e)(vi)(C) of this subsection, and that will provide at least an equivalent degree of personnel protection in the use of such sources. At least one of the alternative measures must include an entry-preventing interlock control based on a physical measurement of radiation that assures the absence of high radiation levels before an individual can gain access to an area where such sources are used.

(f) Airborne radioactivity areas. Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - AIRBORNE RADIOACTIVITY AREA.

(g) Additional requirements.

(i) Each area or room in which any radioactive material, other than natural uranium or thorium, is used or stored in an amount exceeding 10 times the quantity of radioactive material specified in Appendix B of this part shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - RADIOACTIVE MATERIAL.

(ii) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding one hundred times the quantity specified in Appendix B of this part shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION* - RADIOACTIVE MATERIAL.

(h) Containers and articles.

(i) Except as provided in this section, each container of radioactive material shall bear a durable, clearly visible label identifying the radioactive contents.

(ii) A label required pursuant to (h)(i) of this subsection shall bear the radiation caution symbol and the words: CAUTION* - RADIOACTIVE MATERIAL. It shall also provide sufficient information to permit individuals handling or using the containers, or working in the vicinity thereof, to take precautions to avoid or minimize exposures.

As appropriate, the information will include radiation levels, kinds of material, estimate of activity, date for which activity is estimated.

(i) Where containers are used for storage, the labels required in this subdivision shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

(j) All radiation machines shall be labeled in a manner which cautions individuals that radiation is produced when the machine is being operated.

(2) Notwithstanding the provisions of subsection (1)(h), (i) of this section labeling is not required:

(a) For laboratory containers, such as beakers, flasks, and test tubes, used transiently in laboratory procedures when the person using such containers is present. For such containers a label identifying the radioactive contents is not required.

(b) For containers that do not contain radioactive material in quantities greater than the applicable quantities listed in WAC ((402-24-230)) 246-221-300, Appendix B.

(c) For containers containing only natural uranium or thorium in quantities no greater than ten times the applicable quantities listed in WAC ((402-24-230)) 246-221-300, Appendix B.

(d) For containers that do not contain radioactive material in concentrations greater than the applicable concentrations listed in WAC ((402-24-220)) 246-221-290, Column 2, Table I, Appendix A.

(e) For containers when they are attended by an individual who takes the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established by the regulations in this part;

(f) For containers when they are in transport and packaged and labeled in accordance with regulations published by the United States Department of Transportation;

(g) For containers which are accessible only to individuals authorized to handle or use them* or to work in the vicinity thereof, provided that the contents are identified to such individuals by a readily available written record;

(h) For manufacturing and process equipment such as piping and tanks.

(3) Each licensee, prior to disposal of an empty container which previously held radioactive material shall properly survey for contamination and remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

⁷This paragraph does not apply to radioactive sources that are used in teletherapy, in radiography, or in completely self-shielded irradiators in which the source is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual. This paragraph also does not apply to sources from which the radiation is incidental to some other use nor to nuclear reactor generated radiation other than radiation from byproduct, source, or special nuclear materials that are used in sealed sources in nonself-shielded irradiators.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-130 EXCEPTIONS FROM POSTING AND LABELING REQUIREMENTS. ((Notwithstanding the provisions of WAC 402-24-090:))

(1) ((Notwithstanding the requirements of WAC 402-36-140:)) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level 30.5 centimeters from the surface of the source container or housing does not exceed five millirem per hour.

(2) Rooms or other areas in hospitals are not required to be posted with caution signs, and control of entrance or access thereto pursuant to WAC ((402-24-090)) 246-221-120 (1)(c) is not required, because of the presence of patients containing less than 30 millicuries of radioactive material ((for whom hospitalization is not otherwise required:)) provided that there are personnel in attendance who will take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the regulations in this chapter.

(3) Caution signs are not required to be posted in areas or rooms containing radioactive material for periods of less than eight hours provided that:

(a) The material is constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in this part; and

(b) Such area or room is subject to the licensee's or registrant's control.

(4) A room or other area is not required to be posted with a caution sign, and control is not required for each entrance or access point to a room or other area which is used solely for the storage of radioactive material prepared for transport and packaged and labeled in accordance with regulations of the United States Department of Transportation.

(5) Rooms with x-ray equipment may not be required to be posted with caution signs provided that access is controlled.

Note: *For example, containers in locations such as water-filled canals, storage vaults, or hot cells.

(6) The interior of a teletherapy room is not required to be posted with caution signs provided such posting is conspicuously placed at the entrance(s) to the rooms.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-140 INSTRUCTION OF PERSONNEL. Instructions required for individuals working in or frequenting any portion of a restricted area are specified in WAC ((~~402-48-020, 402-48-030, and 402-48-040~~)) 246-222-020, 246-222-030, and 246-222-040.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-160 PROCEDURES FOR PICKING UP, RECEIVING, AND OPENING PACKAGES. (1)(a) Each licensee or registrant who expects to receive a package containing quantities of radioactive material in excess of the Type A₁ or A₂ quantities specified in WAC ((~~402-12-200~~)) 246-220-110 shall:

(i) If the package is to be delivered to the licensee's or registrant's facility by the carrier, make arrangements to receive the package when it is offered for delivery by the carrier; or

(ii) If the package is to be picked up by the licensee or registrant at the carrier's terminal, make arrangements to receive immediate notification from the carrier of the arrival of the package.

(b) Each licensee or registrant who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.

(2)(a) Each licensee or registrant, upon receipt of a package of radioactive material, shall monitor the external surfaces of the package for radioactive contamination caused by leakage of the radioactive contents, except:

(i) Packages containing less than one hundred times the quantity of nuclide(s) specified in WAC ((~~402-19-550~~)) 246-232-120, Schedule B;

(ii) Packages containing no more than 10 millicuries of radioactive material consisting solely of tritium, carbon-14, sulfur-35, or iodine-125;

(iii) Packages containing only radioactive material as gases or in special form;

(iv) Packages containing only radioactive material in other than liquid form (including Mo-99/Tc-99m generators) and not exceeding the Type A₁ or A₂ quantity limit specified in WAC ((~~402-12-200~~)) 246-220-110; and

(v) Packages containing only radionuclides with half-lives of less than 30 days and a total quantity of no more than 100 millicuries.

The monitoring shall be performed as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or no later than three hours from the beginning of the next working day if received after normal working hours.

(b) If removable radioactive contamination in excess of 0.01 microcurie (22,200 transformations per minute) per one hundred square centimeters of package surface is found on the external surfaces of the package, the licensee shall immediately notify by telephone, telegraph, mailgram or facsimile, the final delivering carrier, shipper and the department.

(3)(a) Each licensee or registrant, upon receipt of a package containing quantities of radioactive material in excess of the Type A₁ or A₂ quantities specified in WAC ((~~402-24-125(2)~~)) 246-220-110, other than those transported by exclusive use vehicle, shall monitor the radiation levels external to the package. The package shall be monitored as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, and no later than three hours from the beginning of the next working day if received after normal working hours.

(b) If radiation levels are found on the external surface of the package in excess of two hundred millirem per hour, or at one meter from the external surface of the package in excess of ten millirem per hour, the licensee or registrant shall immediately notify, by telephone, telegraph, mailgram or facsimile, the shipper, the final delivering carrier and the department.

(4) Each licensee or registrant shall establish and maintain procedures for safely opening packages in which radioactive material is received, and shall assure that such procedures are followed and that due consideration is given to instructions for the type of package being opened and the monitoring of potentially contaminated packaging material (including packages containing radioactive material in gaseous form) to assure that only background levels of radiation are present prior to disposal of such material as nonradioactive waste. In addition, this shall include a wipe sample of the outside of any inner package which contains a liquid or dispersible radionuclide (radioactive wastes shall be exempted). Copies of such written procedures shall be retained for inspection by the department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-170 WASTE DISPOSAL, GENERAL REQUIREMENT. No licensee shall dispose of any radioactive material except:

(1) By transfer to an authorized recipient as provided in WAC ((~~402-19-400~~)) 246-232-080, or

(2) As authorized pursuant to WAC ((~~402-24-050, 402-24-135, 402-24-140, or 402-24-150~~)) 246-221-070, 246-221-180, 246-221-190, or 246-221-200.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-190 DISPOSAL BY RELEASE INTO SANITARY SEWERAGE SYSTEMS. No licensee shall discharge radioactive material into a sanitary sewerage system unless:

(1) It is readily soluble or dispersible in water;

(2) The quantity of any radioactive material released into the system by the licensee in any one day does not exceed the larger of:

(a) The quantity which, if diluted by the average daily quantity of sewage released into the sewer by the licensee, will result in an average concentration not greater than the limits specified in WAC ((402-24-220)) 246-221-290, Appendix A, Table I, Column 2; or

(b) Ten times the quantity of such material specified in WAC ((402-24-230)) 246-221-300, Appendix B of this part;

(3) The quantity of any radioactive material released in any one month, if diluted by the average monthly quantity of water released by the licensee, will not result in an average concentration exceeding the limits specified in WAC ((402-24-220)) 246-221-290, Appendix A, Table I, Column 2; and

(4) The gross quantity of all radioactive material except hydrogen-3 and carbon-14 released into the sewerage system by the licensee does not exceed one curie (1Ci) per year. The amount released into the sewerage system for hydrogen-3 shall not exceed 5 curies per year and for carbon-14 shall not exceed 1 curie per year.

Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this section: PROVIDED, That the licensee provides for appropriate radiological monitoring whenever any waste line in the licensee's installation which may carry such excreta is opened.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-200 DISPOSAL BY BURIAL IN SOIL. No licensee shall dispose of radioactive material by burial in soil except as specifically approved by the department pursuant to WAC ((402-24-135)) 246-221-180.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-210 DISPOSAL BY INCINERATION. No licensee shall incinerate radioactive material for the purpose of disposal or preparation for disposal except as specifically approved by the department pursuant to WAC ((402-24-050 and 402-24-135)) 246-221-070 and 246-221-180.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-220 DISPOSAL OF SPECIFIC WASTES. Any licensee may dispose of the following licensed material without regard to its radioactivity:

(1) 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of medium, used for liquid scintillation counting; and

(2) 0.05 microcuries or less of hydrogen-3 or carbon-14, per gram of animal tissue averaged over the weight of the entire animal: PROVIDED HOWEVER, Tissue may not be disposed under this section in a manner that

would permit its use either as food for humans or as animal feed; and

(3) Nothing in this section, however, relieves the licensee of maintaining records showing the receipt, transfer and disposal of such byproduct material as specified in WAC ((402-12-080)) 246-220-020; and

(4) Nothing in this section relieves the licensee from complying with other applicable federal, state and local regulations governing any other toxic or hazardous property of these materials.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-230 RECORDS OF SURVEYS, RADIATION MONITORING, AND DISPOSAL. (1) Each licensee or registrant shall maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under WAC ((402-24-070)) 246-221-090. Such records shall be kept on state of Washington current occupational external radiation exposure (Form RHF-5), in accordance with the instructions contained in that form, or on clear and legible records containing all the information required by Form RHF-5. The doses entered on the forms or records shall be for periods of time not exceeding one calendar quarter.

(2) Each licensee or registrant shall maintain records in the same units used in this part, showing the results of surveys required by WAC ((402-24-085)) 246-221-110 monitoring required by WAC ((402-24-125)) 246-221-160, and disposals made under WAC ((402-24-135 through 402-24-165)) 246-221-180, 246-221-190, 246-221-200, 246-221-210, and 246-221-220.

(3)(a) Records of individual exposure to radiation and to radioactive material which must be maintained pursuant to the provisions of subsection (1) of this section and records of bioassays, including results of whole body counting examinations made pursuant to WAC ((402-24-080)) 246-221-100, shall be preserved indefinitely or until the department authorizes their disposal.

(b) Records of the results of surveys and monitoring which must be maintained pursuant to subsection (2) of this section shall be preserved for two years after completion of the survey except that the following records shall be maintained until the department authorizes their disposition:

(i) Records of the results of surveys to determine compliance with WAC ((402-24-030)) 246-221-040;

(ii) In the absence of personnel monitoring data, records of the results of surveys to determine external radiation dose;

(iii) Records of the results of surveys used to evaluate the release of radioactive effluents to the environment.

(4) Records of disposal of licensed material made pursuant to WAC ((402-24-135, 402-24-140, 402-24-150, 402-24-160, or 402-24-165)) 246-221-180, 246-221-190, 246-221-200, 246-221-210, or 246-221-220 shall be maintained until the department authorizes their disposition.

(5) Records which must be maintained pursuant to this part may be the original or a reproduced copy or microform if such reproduced copy or microform is duly

authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by department regulations.

(6) If there is a conflict between the department's regulations in this part, license condition, or other written department approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the regulations in this part for such records shall apply unless the department, pursuant to WAC ((402-12-125)) 246-220-050, has granted a specific exemption from the record retention requirements specified in the regulations in this part.

(7) The discontinuance or curtailment of activities does not relieve the licensee or registrant of responsibility for retaining all records required by this section. A licensee or registrant may, however, request the department to accept such records. The acceptance of the records by the department relieves the licensee or registrant of subsequent responsibility only in respect to their preservation as required in this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-240 **REPORTS OF THEFT OR LOSS OF RADIATION SOURCES.** Each licensee and/or registrant shall report immediately by telephone, 206/682-5327) and confirm promptly by letter to the State Department of ((Social and)) Health ((Services)), ((Office)) Division of Radiation Protection, Mailstop LE-13, Olympia, Washington 98504, the actual or attempted theft or loss as soon as such theft or loss becomes known to the licensee and/or registrant of:

(1) Any radiation-producing machine; or

(2) Any quantity of radioactive material in excess of a quantity exempted under WAC ((402-24-230)) 246-221-300, Appendix B, or any item not exempted in chapter ((402-19)) 246-232 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-250 **NOTIFICATION OF INCIDENTS.** (1) Immediate notification. Each licensee and/or registrant shall immediately notify the State Department of ((Social and)) Health ((Services, Office)), Division of Radiation Protection, Mailstop LE-13, Olympia, Washington 98504, by telephone 206/682-5327) and confirming letter of any incident involving any radiation source which may have caused or threatens to cause:

(a) A dose to the whole body of any individual, or any dosimetry device assigned to any individual, of twenty-five rems or more of radiation; a dose to the skin of the whole body of any individual or any dosimetry device assigned to any individual of one hundred fifty rems or more of radiation; or a dose to the feet, ankles, hands, or forearms of any individual, or any dosimetry device assigned to any individual, of three hundred seventy-five rems or more of radiation; or

(b) The release of radioactive material in concentrations which, if averaged over a period of twenty-four

hours, would exceed five thousand times the limits specified for such materials in WAC ((402-24-220)) 246-221-290, Appendix A, Table II.

(2) Twenty-four hour notification. Each licensee and/or registrant shall within twenty-four hours notify the State Department of ((Social and)) Health ((Services, Office)), Division of Radiation Protection, Mailstop LE-13, Olympia, Washington 98504, by telephone 206/682-5327) and confirming letter of any incident involving any radiation source possessed which may have caused or threatens to cause:

(a) A dose to the whole body of any individual, or any dosimetry device assigned to any individual, of five rems or more of radiation; a dose to the skin of the whole body of any individual or any dosimetry device assigned to any individual of thirty rems or more of radiation; or a dose to the feet, ankles, hands, or forearms or any dosimetry device assigned to any individual, of seventy-five rems or more of radiation; or

(b) The release of radioactive material in concentrations which, if averaged over a period of twenty-four hours, would exceed five hundred times the limits specified for such materials in WAC ((402-24-220)) 246-221-290, Appendix A, Table II(, or

(c) ~~Exposure of any individual or personnel monitoring device(s) to quantities of radiation in excess of limits specified by WAC 402-24-020(1)).~~

(3) For each occurrence, requiring notification pursuant to this section, a prompt investigation of the situation shall be initiated by the licensee/registrant. A written report of the findings of the investigation shall be sent to the department within thirty days.

Any report filed with the department pursuant to this section shall be prepared in the manner described in WAC ((402-24-200)) 246-221-260(2). Telephone notifications that do not involve immediate or twenty-four hour notification shall not be made to the emergency number (Seattle 206/682-5327). Routine calls should be made to the Olympia office (206/753-3468).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-260 **REPORTS OF OVEREXPOSURES AND EXCESSIVE LEVELS AND CONCENTRATIONS.** (1) In addition to any notification required by WAC ((402-24-190)) 246-221-250, each licensee or registrant shall make a report in writing within 30 days to the department of each exposure of an individual to radiation level or concentrations of radioactive material in excess of any applicable limit as set forth in this part or as otherwise approved by the department.

(2) Each report required by ((WAC 402-24-200)) subsection (1) of this section shall describe:

(a) The extent of exposure of individuals to radiation or to radioactive material, including estimates of each individual's dose as required by ((WAC 402-24-200)) subsection (3) of this section;

(b) Levels of radiation and concentrations of radioactive material involved;

(c) The cause of exposure, levels or concentrations; and

(d) Corrective steps taken or planned to assure against a recurrence.

(3) Any report filed with the department pursuant to this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's dose. The report shall be prepared so that this information is stated in a separate part of the report.

(4) Individuals shall be notified of reports in accordance with the requirements of WAC ((402-48-040)) 246-222-040.

(5) In addition to any notification required by WAC ((402-24-190)) 246-221-250, each licensee shall make a report in writing within 30 days to the department of levels of radiation or releases of radioactive material in excess of limits specified by 40 CFR Part 190, "Environmental radiation protection standards for nuclear power operations," or in excess of license conditions related to compliance with 40 CFR Part 190. Each report required under this paragraph shall describe the extent of exposure of individuals to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-280 NOTIFICATIONS AND REPORTS TO INDIVIDUALS. (1) Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in WAC ((402-48-040)) 246-222-040.

(2) When a licensee or registrant is required pursuant to WAC ((402-24-200)) 246-221-260 to report to the department any exposure of an individual or dosimetry device assigned to any individual to radiation from any source, the licensee or registrant shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the department, and shall comply with the provisions of WAC ((402-48-040)) 246-222-040(1).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-221-300 APPENDIX B—QUANTITIES EXEMPT FROM LABELING.

Material	Microcuries
Americium-241	0.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-133	10
Barium-140	10
Bismuth-210	1
Bromine-82	10

Material	Microcuries
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10
Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100
Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 (9.2 h)	100
Europium-152 (13 yr)	1
Europium-154	1
Europium-155	10
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	100
Gold-198	100
Gold-199	100
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100

Material	Microcuries
Manganese-52	10
Manganese-54	10
Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Plutonium-239	0.01
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	0.01
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Selenium-75	10
Silicon-31	100
Silver-105	10
Silver-110m	1
Silver-111	100
Sodium-22	10
Sodium-24	10
Strontium-85	10
Strontium-89	1
Strontium-90	0.1

Material	Microcuries
Strontium-91	10
Strontium-92	10
Sulphur-35	100
Tantalum-182	10
Technetium-96	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural) ¹	100
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural) ²	100
Uranium-233	0.01
Uranium-234 - Uranium-235	0.01
Vanadium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-169	10
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10

Notes: ¹Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.
²Based on alpha disintegration rate of U-238, U-234, and U-235.

Material	Microcuries
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.01

Material	Microcuries
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Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition

0.1

Note: For purposes of WAC (~~(402-24-090 and 402-24-140)~~) 246-221-120 and 246-221-190, where there is involved a combination of isotopes in known amounts, the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity"). Example: For purposes of WAC (~~(402-24-090)~~) 246-221-120 (1)(g), if a particular batch, room, or area contains 200 μCi of Au-198 and 500 μCi of C-14, it may also contain not more than 3 μCi of I-131 and remain unposted. This limit was determined as follows:

$$200 \mu\text{Ci Au-198}/1,000 \mu\text{Ci} + 500 \mu\text{Ci C-14}/1,000 \mu\text{Ci} + 3 \mu\text{Ci I-131}/10 \mu\text{Ci} = 1$$

The denominator in each of the above ratios was obtained by multiplying the figure in the table by 10 as provided in WAC (~~(402-24-090)~~) 246-221-120 (1)(g).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-222-001 PURPOSE AND SCOPE. This chapter establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in work under a license or registration and options available to such individuals in connection with department inspections of licensees or registrants to ascertain compliance with the provisions of the act and regulations, orders and licenses issued thereunder regarding radiological working conditions. The regulations in this chapter apply to all persons who receive, possess, use, own or transfer a source of radiation licensed by or registered with the department pursuant to the regulations in chapters (~~(402-16, 402-19, and 402-22)~~) 246-224, 246-232, and 246-235 WAC. The definitions contained in WAC (~~(402-12-050)~~) 246-220-010 also apply to this chapter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-222-020 POSTING OF NOTICES TO WORKERS. (1) Each licensee or registrant shall post current copies of the following documents:

- (a) The regulations in this chapter and in chapter (~~(402-24)~~) 246-221 WAC;
- (b) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto;
- (c) The operating procedures applicable to work under the license or registration;
- (d) Any notice of noncompliance involving radiological working conditions, proposed imposition of civil penalty, order issued pursuant to chapter (~~(402-12)~~) 246-220 WAC, or any response from the licensee or registrant.

(2) If posting of a document specified in subsection (1)(a), (b), or (c) of this section is not practicable, the

licensee or registrant may post a notice which describes the document and states where it may be examined.

(3) Each licensee or registrant shall conspicuously post pertinent emergency procedures when emergency procedures are required by the department.

(4) Properly completed department Form RHF-3 "Notice to employees," shall be posted by each licensee or registrant wherever individuals work in or frequent any portion of a restricted area.

(5) Documents, notices or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(6) Department documents posted pursuant to subsection (1)(d) of this section shall be posted as specified by subsection (5) of this section within five working days after receipt of the documents from the department; the licensee's or registrant's response, if any, shall be posted for a minimum of five working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five working days or until action correcting the item(s) of noncompliance has been completed, whichever is later.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-222-030 INSTRUCTIONS TO WORKERS. (1) All individuals working in or frequenting any portion of a restricted area:

(a) Shall be kept informed of the storage, transfer, or use of sources of radiation in such portions of the restricted area;

(b) Shall be instructed in the health protection considerations associated with exposure to radiation or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;

(c) Shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of these regulations, department form RHF-3 "Notice to employees," and license conditions for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;

(d) Shall be instructed that any worker or representative of workers who believes that a violation of the regulations, license conditions, or unnecessary exposure to radiation exists or occurred, may request an inspection by the department by oral or written notification. The notification shall set forth specific grounds for the complaint. Any such notification to the department is confidential;

(e) Shall be instructed of their right to notify the department if the individual suspects improper actions by a licensee/registrant, or conditions which may lead to a violation of these regulations, the license/registration, or unnecessary exposure to radiation or radioactive materials;

(f) Shall be instructed that employment discrimination by a licensee/registrant against an employee because of actions described in this chapter is prohibited;

(g) Shall be instructed as to their responsibility to report promptly to the licensee or registrant any condition which may lead to or cause a violation of the act, these regulations, and licenses or unnecessary exposure to radiation or radioactive material;

(h) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and

(i) Shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to WAC ((402-48-040)) 246-222-040.

(2) By July 1, 1984, records of these instructions described in subsection (1) of this section, for all individuals working in, or frequenting any portion of a restricted area shall be maintained for inspection by the department until further notice. These records shall include a copy of ((WAC 402-48-030)) this section, or all the information contained in this section, along with a dated verification signature by the employee stating that the individual is satisfied with the explanation of the instructions contained in this section.

(3) The extent of these instructions shall be commensurate with potential radiological health protection considerations in the restricted area.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-222-040 NOTIFICATIONS AND REPORTS TO INDIVIDUALS. (1) Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to these regulations, orders, and license conditions, as shown in records maintained by the licensee or registrant pursuant to these regulations. Each notification and report shall:

- (a) Be in writing;
- (b) Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's Social Security number;
- (c) Include the individual's exposure information; and
- (d) Contain the following statement:

"This report is furnished to you under the provisions of the Washington state department of ((social and)) health ((services, of-fee)), division of radiation protection, rules and regulations for radiation protection. You should preserve this report for further reference."

(2) Upon request of the worker, each licensee or registrant shall advise each worker annually of the worker's current and accumulated exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to WAC ((402-24-170)) 246-221-230 (1) and (3).

(3) At the request of a worker formerly engaged in work controlled by the licensee or the registrant, each licensee or registrant shall furnish to each worker or former worker a report of the worker's exposure to radiation or radioactive material upon termination. For the purposes of this section, termination means the end of employment with the licensee or the end of a work assignment in the licensee's restricted area(s) in a given calendar quarter without expectation, or specific scheduling, of reentry into such restricted area(s) during the remainder of that calendar quarter. Such report shall be furnished within thirty days from the time the request is made, or within thirty days after the exposure of the individual has been determined by the licensee or registrant, whichever is later; shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive material licensed by, or radiation machines registered with the department; and shall include the dates and locations of work under the license or registration in which the worker participated during this period.

(4) When a licensee or registrant is required pursuant to WAC ((402-24-200)) 246-221-260 to report to the department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a written report on the individual's exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the department.

(5) In addition to the requirements of subsection (3) of this section, at the request of a worker who is terminating employment in a given calendar quarter with the licensee or registrant in work involving radiation exposure, or of a worker who, while employed by another person, is terminating assignment to work involving radiation exposure in the licensee's facility in that calendar quarter, each licensee or registrant shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during that specifically identified calendar quarter or fraction thereof, or provide a written statement of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-222-050 PRESENCE OF REPRESENTATIVES OF LICENSEES OR REGISTRANTS AND WORKERS DURING INSPECTION. (1) Each licensee or registrant shall afford to the department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these regulations.

(2) During an inspection, department inspectors may consult privately with workers as specified in WAC ((402-48-060)) 246-222-060. The licensee or registrant may accompany department inspectors during other phases of an inspection.

(3) If, at the time of inspection, an individual has been authorized by the workers to represent them during department inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(4) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in WAC ((402-48-030)) 246-222-030.

(5) Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(6) With the approval of the licensee or registrant and the workers' representative an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.

(7) Notwithstanding the other provisions of this section, department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-222-060 CONSULTATION WITH WORKERS DURING INSPECTIONS. (1) Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of department regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(2) During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the act, these regulations, or license condition, or any unnecessary exposure of an individual to radiation from licensed radioactive material or a registered radiation machine under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of WAC ((402-48-070)) 246-222-070(1).

(3) The provisions of ((WAC 402-48-060)) subsection (2) of this section shall not be interpreted as authorization to disregard instructions pursuant to WAC ((402-48-030)) 246-222-030.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-222-070 REQUESTS BY WORKERS FOR INSPECTIONS. (1) Any worker or representative of workers who believes that a violation of the act, of these regulations, or of license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Washington state department of ((social and)) health ((services, office)), division of radiation protection. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant by the office of radiation protection no later than at the time of inspection except that, upon the request of the worker giving such notice, his or her name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

(2) If, upon receipt of such notice, the inspector for the office of radiation protection determines that the complaint meets the requirements set forth in subsection (1) of this section, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, the inspector shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(3) No licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these regulations or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of the worker or other workers of any option afforded by this chapter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-222-080 INSPECTIONS NOT WARRANTED—INFORMAL REVIEW. (1) If the department of ((social and)) health ((services, office)), division of radiation protection determines, with respect to a complaint under WAC ((402-48-070)) 246-222-070 that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the office of radiation protection shall notify the complainant in writing of such determination.

(a) If the complaint resulted from activities concerning naturally occurring((-)) or accelerator produced((-)) radioactive materials and/or radiation producing machines: The complainant may obtain review of such determination by submitting a written statement of position to the Assistant Director, Division of Industrial Safety and Health, Mailstop HC-402, Olympia, Washington 98504. Such request for informal review will be processed according to the provisions of WAC

296-350-460 and the provisions of the interagency agreement between the department of labor and industries and the department of ((social and)) health ((services, office)), division of radiation protection, if any.

(b) If the complaint resulted from activities concerning byproduct material, source material, and/or special nuclear material: The complainant may obtain review of such determination by submitting a written statement of position with the Department of ((Social and)) Health ((Services, Health Services)), Division(, Office) of Radiation Protection, Mailstop LE-13, Olympia, Washington 98504 (206/753-3468), who will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the department of ((social and)) health ((services, health services)), division of radiation protection, who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the department of ((social and)) health ((services, health services division;)) may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the department of ((social and)) health ((services, health services division;)) shall affirm, modify, or reverse the determination of the ((office)) division of radiation protection and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

(2) If the ((office)) division of radiation protection determines that an inspection is not warranted because the requirements of WAC ((402-48-070)) 246-222-070(1) have not been met, it shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of WAC ((402-48-070)) 246-222-070(1).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-001 PURPOSE AND SCOPE. (1) This chapter prescribes rules governing licensing of radioactive material. No person shall receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued pursuant to chapters ((402-21 or 402-22)) 246-233 or 246-235 WAC or as otherwise provided in this chapter.

(2) In addition to the requirements of this chapter, or chapters ((402-21 or 402-22)) 246-233 or 246-235 WAC, all licensees are subject to the requirements of chapters ((402-10, 402-12, 402-24, and 402-48)) 246-220, 246-221, 246-222, 246-247, and 246-254 WAC. Licensees engaged in the practice of nuclear medicine are subject to the requirements of chapter ((402-34)) 246-239 WAC, licensees engaged in industrial radiographic operations are subject to the requirements of

chapter ((402-36)) 246-243 WAC, licensees using sealed sources in the healing arts are subject to the requirements of chapter ((402-32)) 246-240 WAC, licensees using radioactive material in well logging and subsurface tracer studies are subject to the requirements of chapter 246-244 WAC, licensees engaged in land disposal of radioactive waste are subject to the requirements of chapter 246-250 WAC, and licensees owning or operating uranium or thorium mills and associated mill tailings are subject to the requirements of chapter((s 402-52 and 402-70)) 246-252 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-010 EXEMPTIONS. (1) Source material.

(a) Any person is exempt from this chapter and chapters ((402-21 and 402-22)) 246-233 and 246-235 WAC to the extent that such person receives, possesses, uses, owns, or transfers source material in any chemical mixture, compound, solution or alloy in which the source material is by weight less than 1/20 of one percent (0.05 percent) of the mixture, compound, solution, or alloy.

(b) Any person is exempt from this chapter and chapters ((402-21 and 402-22)) 246-233 and 246-235 WAC to the extent that such person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material: PROVIDED, That, except as authorized in a specific license, such person shall not refine or process such ore.

(c) Any person is exempt from this chapter and chapters ((402-21 and 402-22)) 246-233 and 246-235 WAC to the extent that such person receives, possesses, uses or transfers:

- (i) Any quantities of thorium contained in:
 - (A) Incandescent gas mantles;
 - (B) Vacuum tubes;
 - (C) Welding rods;
 - (D) Electric lamps for illuminating purposes provided that each lamp does not contain more than fifty milligrams of thorium;
 - (E) Germicidal lamps, sunlamps and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two grams of thorium;
 - (F) Rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these; or
 - (G) Personnel neutron dosimeters, provided each dosimeter does not contain more than 50 milligrams of thorium;

(ii) Source material contained in the following products:

(A) Glazed ceramic tableware: PROVIDED, That the glaze contains not more than twenty percent by weight source material; and

(B) Piezoelectric ceramic containing not more than two percent by weight source material;

(iii) Photographic film, negatives and prints containing uranium or thorium;

(iv) Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys: PROVIDED, That the thorium content of the alloy does not exceed four percent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part;

(v) Depleted uranium contained in counterweights installed in aircraft, rockets, projectiles and missiles, or stored or handled in connection with installation or removal of such counterweights, provided that:

(A) The counterweights are manufactured in accordance with a specific license issued by the United States Nuclear Regulatory Commission authorizing distribution by the licensee pursuant to 10 CFR Part 40;

(B) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM"*;

(C) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED"*; and

(D) The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such counterweight other than repair or restoration of any plating or other covering;

*Note: The requirements specified in ((WAC 402-19-190 (1)))(c)(v)(B) and (C) of this subsection need not be met by counterweights manufactured prior to December 31, 1969: PROVIDED, That such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM," as previously required by the regulations.

(vi) Depleted uranium used as shielding constituting part of any shipping container which is conspicuously and legibly impressed with the legend "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and the uranium metal is encased in mild steel or in an equally fire resistant metal of a minimum wall thickness of 3.2 millimeters.

(vii) Thorium contained in finished optical lenses: PROVIDED, That each lens does not contain more than thirty percent by weight of thorium, and that the exemption contained in this subparagraph shall not be deemed to authorize either:

(A) The shaping, grinding or polishing of such lens or manufacturing processes other than the assembly of such lens into optical systems and devices without alteration of the lens; or

(B) The receipt, possession, use or transfer of thorium contained in contact lenses, or in spectacles, or in eye-pieces in binoculars or other optical instruments;

(viii) Uranium contained in detector heads for use in fire detection units: PROVIDED, That each detector head contains not more than 0.005 microcuries of uranium; or

(ix) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:

(A) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(B) The thorium content in the nickel-thoria alloy does not exceed four percent by weight.

(d) The exemptions in ((WAC 402-19-190 (1)))(c) of this subsection do not authorize the manufacture of any of the products described.

(2) Radioactive material other than source material.

(a) Exempt concentrations.

(i) Except as provided in ((WAC 402-19-190 (2)))(a)(ii) of this subsection any person is exempt from this chapter and chapters ((402-21 and 402-22)) 246-233 and 246-235 WAC to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing radioactive material in concentrations not in excess of those listed in WAC ((402-19-580)) 246-232-130, Schedule C.

(ii) No person may introduce radioactive material into a product or material, knowing or having reason to believe, that it will be transferred to persons exempt under ((WAC 402-19-190 (2)))(a)(i) of this subsection or equivalent regulations of the United States Nuclear Regulatory Commission, any agreement state or licensing state, except in accordance with a specific license issued pursuant to WAC ((402-22-110)) 246-235-100(1) or the general license provided in WAC ((402-19-250)) 246-232-040.

(b) Exempt quantities.

(i) Except as provided in ((WAC 402-19-190 (2)))(b)(ii) and (iii) of this subsection any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in WAC ((402-19-550)) 246-232-120, Schedule B.

(ii) This paragraph, WAC ((402-19-190)) 246-232-010 (2)(b), does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

(iii) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in WAC ((402-19-550)) 246-232-120, Schedule B, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under ((WAC 402-19-190 (2)))(b) of this subsection or equivalent regulations of the United States Nuclear Regulatory Commission or any agreement state or licensing state, except in accordance with a specific license issued by the United States Nuclear Regulatory Commission, pursuant to Section 32.18 of 10 CFR Part 32 or by the department pursuant to WAC ((402-22-110)) 246-235-100(2) which license states that the radioactive material may be transferred by the licensee to persons exempt under ((WAC 402-19-190 (2)))(b) of this subsection or the equivalent regulations of the United States Nuclear Regulatory Commission or any agreement state or licensing state.

(c) Exempt items.

(i) Certain items containing radioactive material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, any person is exempt from these

regulations to the extent that person receives, possesses, uses, transfers, owns or acquires the following products:*

*Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or by-product material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:

- 25 millicuries of tritium per timepiece;
 - 5 millicuries of tritium per hand;
 - 15 millicuries of tritium per dial (bezels when used shall be considered as part of the dial);
 - 100 microcuries of promethium - 147 per watch or 200 microcuries of promethium - 147 per any other timepiece;
 - 20 microcuries of promethium - 147 per watch hand or 40 microcuries of promethium - 147 per other timepiece hand;
 - 60 microcuries of promethium - 147 per watch dial or 120 microcuries of promethium - 147 per other timepiece dial (bezels when used shall be considered as part of the dial);
- The levels of radiation from hands and dials containing promethium - 147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:
- For wrist watches, 0.1 millirad per hour at 1 centimeter from any surface;
 - For pocket watches, 0.1 millirad per hour at 1 centimeter from any surface;
 - For any other timepiece, 0.2 millirad per hour at 10 centimeters from any surface.
- One microcurie of radium-226 per timepiece in timepieces manufactured prior to the effective date of these regulations.

(B) Lock illuminators containing not more than 15 millicuries of tritium or not more than 2 millicuries of promethium - 147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium - 147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

(C) Precision balances containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part.

(D) Automobile shift quadrants containing not more than 25 millicuries of tritium.

(E) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas.

(F) Thermostat dials and pointers containing not more than 25 millicuries of tritium per thermostat.

(G) Electron tubes: PROVIDED, That each tube does not contain more than one of the following specified quantities of radioactive material:

(aa) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

(bb) 1 microcurie of cobalt-60;

(cc) 5 microcuries of nickel-63;

(dd) 30 microcuries of krypton-85;

(ee) 5 microcuries of cesium-137;

(ff) 30 microcuries of promethium-147;

(gg) 1 microcurie of radium-226;

AND PROVIDED FURTHER, That the levels of radiation from each electron tube containing radioactive material does not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.*

*Note: For purposes of this subdivision, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

(H) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of radioactive material not exceeding 0.05 microcuries of americium-241 or the applicable quantity set forth in WAC ((402-19-550)) 246-232-120, Schedule B.

(I) Spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least three gallons (11.4 liters) per hour.

(ii) Self-luminous products containing radioactive material(s).

(A) Tritium, krypton-85 or promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.22 of 10 CFR Part 32, which license authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in ((WAC 402-19-190 (2))) (c)(ii) of this subsection does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments.

(B) Radium-226. Any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers or owns articles containing less than 0.1 microcurie of radium-226 which were manufactured prior to October 1983.

(iii) Gas and aerosol detectors containing radioactive material.

(A) Except for persons who manufacture, process or produce gas and aerosol detectors containing radioactive material, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property

from fires and airborne hazards: PROVIDED, That detectors containing radioactive material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the United States Nuclear Regulatory Commission* or an agreement state, pursuant to Section 32.26 of 10 CFR Part 32, or licensing state pursuant to WAC ((402-22-110)) 246-235-100(3), which authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

*Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or by-product material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state shall be considered exempt under ((WAC 402-19-190 (2)))(c)(iii)(A) of this subsection: PROVIDED, That the device is labeled in accordance with the specific license authorizing distribution of the ((general)) generally licensed device: AND PROVIDED FURTHER, That they meet the requirements of WAC ((402-22-110)) 246-235-100(3).

(C) Gas and aerosol detectors containing naturally occurring and accelerator-produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a licensing state shall be considered exempt under ((WAC 402-19-190 (2)))(c)(iii)(A) of this subsection: PROVIDED, That the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of WAC ((402-22-110)) 246-235-100(3).

(iv) Resins containing scandium-46 and designed for sand consolidation in oil wells. Any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission or shall have been manufactured in accordance with the specifications contained in a specific license issued by the department or any agreement state to the manufacturer of such resins pursuant to licensing requirements equivalent to those in Sections 32.16 and 32.17 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission. This exemption does not authorize the manufacture of any resins containing scandium-46.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-020 TYPES OF LICENSES. Licenses for radioactive materials are of two types: General and specific.

(1) General licenses provided in chapter ((402-21)) 246-233 WAC are effective without the filing of applications with the department or the issuance of licensing documents to the particular persons, although the filing of a certificate with the department may be required by the particular general license. The general licensee is subject to all other applicable portions of these regulations and any limitations of the general license.

(2) Specific licenses require the submission of an application to the department and the issuance of a licensing document by the department. The licensee is subject to all applicable portions of these regulations as well as any limitations specified in the licensing document. (See chapter ((402-22)) 246-235 WAC.)

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-040 RECIPROCAL RECOGNITION OF LICENSES. (1) Subject to these regulations, any person who holds a specific license from the United States Nuclear Regulatory Commission or any agreement state or licensing state, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state for a period not in excess of one hundred eighty days in that twelve month period which commences the date approval is granted, and the appropriate fee received, by the department provided that:

(a) The licensing document does not limit the activity authorized by such document to specified installations or locations;

(b) The out-of-state licensee notifies the department in writing and pays or has paid the appropriate fee (refer to chapter 246-254 WAC ((440-44-057(3)))), at least three days prior to each entry to the state to engage in such activity. The written notification must be sent to the ((Office of Radiation Protection)) Radioactive Materials Section, Department of ((Social and)) Health ((Services)), Mailstop LE-13, Olympia, Washington 98504 and the fee should be sent to Washington State Department of ((Social and)) Health ((Services, Division of Health, Office of Radiation Protection, LE-13)), Revenue Accounting, P.O. Box 1099, Olympia, Washington 98504. Such notification shall indicate the location, period, and type of proposed possession and use within the state, and shall be accompanied by copies of the pertinent licensing documents ((and operations/procedures manual)). If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon telephone application to the department ((206-753-3351)) (206-753-4481), obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications during the remainder of the twelve months following the receipt of the initial notification from a person engaging in activities under the general license provided in this subsection;

(c) The out-of-state licensee complies with all applicable regulations of the department and with all the

terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the department;

(d) The out-of-state licensee supplies such other information as the department may request; and

(e) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this subsection except by transfer to a person:

(i) Specifically licensed by the department or by the United States Nuclear Regulatory Commission, an agreement state or a licensing state to receive such material; or

(ii) Exempt from the requirements for a license for such material under WAC ((402-19-190)) 246-232-010 (2)(a).

(2) Notwithstanding the provisions of subsection (1) of this section, any person who holds a specific license issued by the United States Nuclear Regulatory Commission, an agreement state or a licensing state authorizing the holder to manufacture, transfer, install, or service a device described in WAC ((402-21-050)) 246-233-020(4) within the areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service a device in this state provided that:

(a) Such person shall file a report with the department within thirty days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

(b) The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the United States Nuclear Regulatory Commission, an agreement state or a licensing state;

(c) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and

(d) The holder of the specific license shall furnish to each general licensee to whom such device is transferred or on whose premises such device is installed a copy of the general license contained in WAC ((402-21-050)) 246-233-020(4).

(3) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-060 **TERMINATION OF LICENSES.** (1) Each specific licensee shall immediately notify the department in writing when the licensee decides to permanently discontinue all activities involving

materials authorized under the license and request termination of the license. This notification and request for termination of the license must include the reports and information specified in subsection (3) (c) and (d) of this section. The licensee is subject to the provisions of subsections (3) and (4) of this section, as applicable.

(2) No less than thirty days before the expiration date specified in a specific license, the licensee shall either:

(a) Submit an application for license renewal under WAC ((402-22-055)) 246-235-050; or

(b) Notify the department in writing if the licensee decides not to renew the license.

(3) If a licensee does not submit an application for license renewal under WAC ((402-22-055)) 246-235-050, the licensee shall on or before the expiration date specified in the license:

(a) Terminate use of byproduct material;

(b) Properly dispose of byproduct material;

(c) Submit a completed departmental form "Certificate of disposition of radioactive material"; and

(d) Submit a radiation survey report to confirm the absence of radioactive materials or establish the levels of radioactive contamination, unless the department determines a radiation survey report is not necessary.

(i) If no radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted under this paragraph and subsection (3) (c) and (d) of this section is adequate, the department will notify the licensee in writing that the license is terminated.

(ii) If detectable levels of radioactive contamination attributable to activities conducted under the license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the department notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of subsection (4) of this section. In addition to the information submitted under subsection (3)(c) and (d) of this section, the licensee shall submit a plan for decontamination, if necessary.

(4) Each licensee who possesses residual byproduct material under subsection (3)(d)(ii) of this section, following the expiration of the facility and/or equipment date specified in the license, shall:

(a) Be limited to actions, involving radioactive material related to decontamination and preparation for release for unrestricted use; and

(b) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the department notifies the licensee in writing that the license is terminated. The guidance contained in WAC ((402-19-590)) 246-232-140, Schedule D, shall be used in making this determination.

(5) Each general licensee licensed under the provisions of WAC ((402-21-050)) 246-233-020(8), shall immediately notify the department in writing when the licensee decides to discontinue all activities involving radioactive materials authorized under the general license. Such

notification shall include a description of how the generally licensed material was disposed and the results of facility surveys, if applicable, to confirm the absence of radioactive materials.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-080 TRANSFER OF MATERIAL. (1) No licensee shall transfer radioactive material except as authorized pursuant to this section.

(2) Except as otherwise provided in the license and subject to the provisions of this section, any licensee may transfer radioactive material:

(a) To the department. A licensee may transfer material to the department only after receiving prior approval from the department;

(b) To the United States Department of Energy;

(c) To any person exempt from the regulations in this part to the extent permitted under such exemption;

(d) To any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the department, the United States Nuclear Regulatory Commission, any agreement state or any licensing state, or to any person otherwise authorized to receive such material by the federal government or any agency thereof, the department, any agreement state or any licensing state; or

(e) As otherwise authorized by the department in writing.

(3) Before transferring radioactive material to a specific licensee of the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state, or to a general licensee who is required to register with the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

(4) The following methods for the verification required by ~~((WAC 402-19-400))~~ subsection (3) of this section are acceptable:

(a) The transferor may obtain for possession, and read, a current copy of the transferee's specific license or registration certificate;

(b) The transferor may obtain for possession a written certification from the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date;

(c) For emergency shipments the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date: PROVIDED, That the oral certification is confirmed in writing within ten days;

(d) The transferor may obtain other sources of information compiled by a reporting service from official records of the department, the United States Nuclear Regulatory Commission, the licensing agency of an agreement state or a licensing state as to the identity of licensees and the scope and expiration dates of licenses and registration; or

(e) When none of the methods of verification described in subsection (4) of this section are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the department, the United States Nuclear Regulatory Commission, or the licensing agency of an agreement state or a licensing state that the transferee is licensed to receive the radioactive material.

(5) Preparation for shipment and transport of radioactive material shall be in accordance with the provisions of WAC ~~((402-19-500))~~ 246-232-090.

(6) The requirements of ~~((WAC 402-19-400))~~ subsection (4) of this section notwithstanding, no verification is required when returning used, unused or decayed sources of radiation to the original manufacturer, (e.g., industrial radiography sources, teletherapy sources, portable moisture/density gauge sources, fixed gauge sources, and Mo-99/Tc-99m generators).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-090 TRANSPORTATION. (1) Transportation of radioactive material. No person shall deliver radioactive material to a carrier for transport or transport radioactive material except as authorized in a general or specific license issued by the department or as exempted in ~~((WAC 402-19-500))~~ subsection (2) of this section.

(2) Exemptions.

(a) Common and contract carriers, freight forwarders, and warehousemen who are subject to the rules and regulations of the United States Department of Transportation (49 CFR Parts 170 through 189) or the United States Postal Service (Domestic Mail Manual, Section 124.3 incorporated by reference, 39 CFR 111.11 (1974)) are exempt from ~~((WAC 402-19-500))~~ this section to the extent that they transport or store radioactive material in the regular course of their carriage for another or storage incident thereto. Common and contract carriers who are not subject to the rules and regulations of the United States Department of Transportation or United States Postal Service are subject to ~~((WAC 402-19-500))~~ subsection (1) of this section and other applicable sections of these regulations.

(b) Physicians, as defined in WAC ~~((402-12-050))~~ 246-220-010, are exempt from the requirements of ~~((WAC 402-19-500))~~ this section only to the extent that they transport radioactive material for emergency use in the practice of medicine.

(c) Specific licensees are exempt from ~~((WAC 402-19-500))~~ this section to the extent that they deliver to a carrier for transport packages each of which contains no radioactive material having a specific activity in excess of 0.002 microcurie per gram.

(d) Any licensee who delivers radioactive material to a carrier for transport, where such transport is subject to the regulations of the United States Postal Service, is exempt from the provisions of ~~((WAC 402-19-500))~~ subsection (1) of this section.

(3) General licenses for carriers.

(a) A general license is hereby issued to any common or contract carrier not exempted under ~~((WAC 402-19-500))~~ subsection (2) of this section to receive, possess, transport and store radioactive material in the regular course of their carriage for another or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation.

(b) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the loading and storage of packages, placarding of the transporting vehicle, shipping papers, and incident reporting.¹

(c) Persons who transport radioactive material pursuant to the general licenses in ~~((WAC 402-19-500 (3)))~~(a) or (b) of this subsection are exempt from the requirements of chapters ~~((402-24 and 402-48))~~ 246-221 and 246-222 WAC of these regulations to the extent that they transport radioactive material.

(4) Preparation of radioactive material for transport. A general license is hereby issued to deliver radioactive material to a carrier² for transport provided that:

(a) The licensee complies with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the packaging of radioactive material, to shipping papers, and to the monitoring, marking and labeling of those packages.

(b) The licensee has established procedures for opening and closing packages in which radioactive material is transported to provide safety and to assure that, prior to the delivery to a carrier for transport, each package is properly closed for transport.

(c) Prior to delivery of a package to a carrier for transport, the licensee shall assure that any special instructions needed to safely open the package are sent to or have been made available to the consignee.

(d) In addition to the requirements of the United States Department of Transportation, each package of Type A or Type B quantity radioactive material prepared for shipment must have the innermost container labeled as to the isotope, chemical form, number of curies or subunits thereof, and date of determination of activity and each innermost container shall be tested to assure that the container is properly sealed and that contamination which would cause undue hazard to public health and safety or property is not present prior to transportation. This requirement does not apply to properly packaged shipments of radioactive waste consigned to a commercial low level waste burial facility.

(5) Transport of nuclear waste—Advance notification requirement. Prior to the transport of any nuclear waste

outside of the confines of the licensee's plant or other place of use or storage, or prior to the delivery of any nuclear waste to a carrier for transport, each licensee shall comply with the procedures in this subsection for advance notification to the governor of a state or the governor's designee for the transport of nuclear waste to, through, or across the boundary of the state.

(a) Where, when, and how advance notification must be sent. The notification required by ~~((WAC 402-19-500))~~ subsection (5) of this section must be made in writing to the office of each appropriate governor or governor's designee and to the director of the appropriate Nuclear Regulatory Commission Regional Office. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger must reach the office of the governor or of the governor's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A list of the mailing addresses of the governors and governors' designees is available upon request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the notification shall be retained by the licensee as a record for one year.

(b) Information to be furnished in advance notification of shipment. Each advance notification of shipments of nuclear waste must contain the following information:

(i) The name, address, and telephone number of the shipper, carrier, and receiver of the nuclear waste shipment;

(ii) A description of the nuclear waste contained in the shipment as required by the regulations of the U.S. Department of Transportation in 49 CFR §§ 172.202 and 172.203(d);

(iii) The point of origin of the shipment, and the seven-day period during which departure of the shipment is estimated to occur;

(iv) The seven-day period during which arrival of the shipment at state boundaries is estimated to occur;

(v) The destination of the shipment, and the seven-day period during which arrival of the shipment is estimated to occur; and

(vi) A point of contact with a telephone number for current shipment information.

(c) Revision notice. A licensee who finds that schedule information previously furnished to a governor or governor's designee in accordance with (a) and (b) of this subsection will not be met, shall telephone a responsible individual in the office of the governor of the state or of the governor's designee and inform that individual of the extent of the delay relative to the schedule originally reported in writing under the provisions of (a) and (b) of this subsection. The licensee shall maintain a record of the name of the individual contacted for one year.

(d) Cancellation notice. Each licensee who cancels a nuclear waste shipment for which advance notification has been sent as required by this subsection shall send a cancellation notice to the governor of each state or the governor's designee previously notified and to the director of the appropriate Nuclear Regulatory Commission

Inspection and Enforcement Regional Office. The notice shall state that it is a cancellation and shall identify the advance notification which is being cancelled. A copy of the notice shall be retained by the licensee as a record for one year.

¹Any notification of incidents referred to in those requirements shall be filed with, or made to, the department.

²For the purpose of this regulation, licensees who transport their own licensed material as private carriers are considered to have delivered such material to a carrier for transport.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-120 SCHEDULE B, EXEMPT QUANTITIES OF RADIOACTIVE MATERIALS.
(See also WAC (~~402-19-190~~) 246-232-010 (2)(b).)

Radioactive Material	Microcuries
Antimony-122 (Sb-122)	100
Antimony-124 (Sb-124)	10
Antimony-125 (Sb-125)	10
Arsenic-73 (As-73)	100
Arsenic-74 (As-74)	10
Arsenic-76 (As-76)	10
Arsenic-77 (As-77)	100
Barium-131 (Ba-131)	10
Barium-133 (Ba-133)	10
Barium-140 (Ba-140)	10
Bismuth-210 (Bi-210)	1
Bromine-82 (Br-82)	10
Cadmium-109 (Cd-109)	10
Cadmium-115m (Cd-115m)	10
Cadmium-115 (Cd-115)	100
Calcium-45 (Ca-45)	10
Calcium-47 (Ca-47)	10
Carbon-14 (C-14)	100
Cerium-141 (Ce-141)	100
Cerium-143 (Ce-143)	100
Cerium-144 (Ce-144)	1
Cesium-129 (Cs-129)	100
Cesium-131 (Cs-131)	1,000
Cesium-134m (Cs-134m)	100
Cesium-134 (Cs-134)	1
Cesium-135 (Cs-135)	10
Cesium-136 (Cs-136)	10
Cesium-137 (Cs-137)	10
Chlorine-36 (Cl-36)	10
Chlorine-38 (Cl-38)	10
Chromium-51 (Cr-51)	1,000
Cobalt-57 (Co-57)	100
Cobalt-58m (Co-58m)	10
Cobalt-58 (Co-58)	10
Cobalt-60 (Co-60)	1
Copper-64 (Cu-64)	100
Dysprosium-165 (Dy-165)	10
Dysprosium-166 (Dy-166)	100
Erbium-169 (Er-169)	100
Erbium-171 (Er-171)	100
Europium-152 (Eu-152) 9.2h	100
Europium-152 (Eu-152) 13 yr	1
Europium-154 (Eu-154)	1
Europium-155 (Eu-155)	10

Radioactive Material	Microcuries
Fluorine-18 (F-18)	1,000
Gadolinium-153 (Gd-153)	10
Gadolinium-159 (Gd-159)	100
Gallium-67 (Ga-67)	100
Gallium-72 (Ga-72)	10
Germanium-71 (Ge-71)	100
Gold-198 (Au-198)	100
Gold-199 (Au-199)	100
Hafnium-181 (Hf-181)	10
Holmium-166 (Ho-166)	100
Hydrogen-3 (H-3)	1,000
Indium-111 (In-111)	100
Indium-113m (In-113m)	100
Indium-114m (In-114m)	10
Indium-115m (In-115m)	100
Indium-115 (In-115)	10
Iodine-123 (I-123)	100
Iodine-125 (I-125)	1
Iodine-126 (I-126)	1
Iodine-129 (I-129)	0.1
Iodine-131 (I-131)	1
Iodine-132 (I-132)	10
Iodine-133 (I-133)	1
Iodine-134 (I-134)	10
Iodine-135 (I-135)	10
Iridium-192 (Ir-192)	10
Iridium-194 (Ir-194)	100
Iron-52 (Fe-52)	10
Iron-55 (Fe-55)	100
Iron-59 (Fe-59)	10
Krypton-85 (Kr-85)	100
Krypton-87 (Kr-87)	10
Lanthanum-140 (La-140)	10
Lutetium-177 (Lu-177)	100
Manganese-52 (Mn-52)	10
Manganese-54 (Mn-54)	10
Manganese-56 (Mn-56)	10
Mercury-197m (Hg-197m)	100
Mercury-197 (Hg-197)	100
Mercury-203 (Hg-203)	10
Molybdenum-99 (Mo-99)	100
Neodymium-147 (Nd-147)	100
Neodymium-149 (Nd-149)	100
Nickel-59 (Ni-59)	100
Nickel-63 (Ni-63)	10
Nickel-65 (Ni-65)	100
Niobium-93m (Nb-93m)	10
Niobium-95 (Nb-95)	10
Niobium-97 (Nb-97)	10
Osmium-185 (Os-185)	10
Osmium-191m (Os-191m)	100
Osmium-191 (Os-191)	100
Osmium-193 (Os-193)	100
Palladium-103 (Pd-103)	100
Palladium-109 (Pd-109)	100
Phosphorus-32 (P-32)	10
Platinum-191 (Pt-191)	100
Platinum-193m (Pt-193m)	100
Platinum-193 (Pt-193)	100
Platinum-197m (Pt-197m)	100

Radioactive Material	Microcuries	Radioactive Material	Microcuries
Platinum-197 (Pt-197)	100	Tin-125 (Sn-125)	10
Polonium-210 (Po-210)	0.1	Tungsten-181 (W-181)	10
Potassium-42 (K-42)	10	Tungsten-185 (W-185)	10
Potassium-43 (K-43)	10	Tungsten-187 (W-187)	100
Praseodymium-142 (Pr-142)	100	Vanadium-48 (V-48)	10
Praseodymium-143 (Pr-143)	100	Xenon-131m (Xe-131m)	1,000
Promethium-147 (Pm-147)	10	Xenon-133 (Xe-133)	100
Promethium-149 (Pm-149)	10	Xenon-135 (Xe-135)	100
Radium-226 (Ra-226)	0.1	Ytterbium-169 (Yb-169)	10
Rhenium-186 (Re-186)	100	Ytterbium-175 (Yb-175)	100
Rhenium-188 (Re-188)	100	Yttrium-87 (Y-87)	10
Rhodium-103m (Rh-103m)	100	Yttrium-90 (Y-90)	10
Rhodium-105 (Rh-105)	100	Yttrium-91 (Y-91)	10
Rubidium-81 (Rb-81)	10	Yttrium-92 (Y-92)	100
Rubidium-86 (Rb-86)	10	Yttrium-93 (Y-93)	100
Rubidium-87 (Rb-87)	10	Zinc-65 (Zn-65)	10
Ruthenium-97 (Ru-97)	100	Zinc-69m (Zn-69m)	100
Ruthenium-103 (Ru-103)	10	Zinc-69 (Zn-69)	1,000
Ruthenium-105 (Ru-105)	10	Zirconium-93 (Zr-93)	10
Ruthenium-106 (Ru-106)	1	Zirconium-95 (Zr-95)	10
Samarium-151 (Sm-151)	10	Zirconium-97 (Zr-97)	10
Samarium-153 (Sm-153)	100	Any radioactive material not listed above other than alpha emitting radioactive material	0.1
Scandium-46 (Sc-46)	10		
Scandium-47 (Sc-47)	100		
Scandium-48 (Sc-48)	10		
Selenium-75 (Se-75)	10		
Silicon-31 (Si-31)	100		
Silver-105 (Ag-105)	10		
Silver-110m (Ag-110m)	1		
Silver-111 (Ag-111)	100		
Sodium-22 (Na-22)	10		
Sodium-24 (Na-24)	10		
Strontium-85 (Sr-85)	10		
Strontium-89 (Sr-89)	1		
Strontium-90 (Sr-90)	0.1		
Strontium-91 (Sr-91)	10		
Strontium-92 (Sr-92)	10		
Sulphur-35 (S-35)	100		
Tantalum-182 (Ta-182)	10		
Technetium-96 (Tc-96)	10		
Technetium-97m (Tc-97m)	100		
Technetium-97 (Tc-97)	100		
Technetium-99m (Tc-99m)	100		
Technetium-99 (Tc-99)	10		
Tellurium-125m (Te-125m)	10		
Tellurium-127m (Te-127m)	10		
Tellurium-127 (Te-127)	100		
Tellurium-129m (Te-129m)	10		
Tellurium-129 (Te-129)	100		
Tellurium-131m (Te-131m)	10		
Tellurium-132 (Te-132)	10		
Terbium-160 (Tb-160)	10		
Thallium-200 (Tl-200)	100		
Thallium-201 (Tl-201)	100		
Thallium-202 (Tl-202)	100		
Thallium-204 (Tl-204)	10		
Thulium-170 (Tm-170)	10		
Thulium-171 (Tm-171)	10		
Tin-113 (Sn-113)	10		

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)			
WAC 246-232-130 SCHEDULE C, EXEMPT CONCENTRATIONS. (See WAC ((402-19-190)) 246-232-010 (2)(a).)			
Element (atomic number)	Isotope	Column I Gas concentration $\mu\text{Ci/ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci/ml}^2$
Antimony (51)	Sb-122		3×10^{-4}
	Sb-124		2×10^{-4}
	Sb-125		1×10^{-3}
Argon (18)	Ar-37	1×10^{-3}	
	Ar-41	4×10^{-7}	
Arsenic (33)	As-73		5×10^{-3}
	As-74		5×10^{-4}
	As-76		2×10^{-4}
	As-77		8×10^{-4}
Barium (56)	Ba-131		2×10^{-3}
	Ba-140		3×10^{-4}
Beryllium (4)	Be-7		2×10^{-2}
Bismuth (83)	Bi-206		4×10^{-4}
Bromine (35)	Br-82	4×10^{-7}	3×10^{-3}
Cadmium (48)	Cd-109		2×10^{-3}
	Cd-115m		3×10^{-4}
	Cd-115		3×10^{-4}
Calcium (20)	Ca-45		9×10^{-5}
	Ca-47		5×10^{-4}
Carbon (6)	C-14	1×10^{-6}	8×10^{-3}
Cerium (58)	Ce-141		9×10^{-4}
	Ce-143		4×10^{-4}
	Ce-144		1×10^{-4}
Cesium (55)	Cs-131		2×10^{-2}
	Cs-134m		6×10^{-2}
	Cs-134		9×10^{-5}
Chlorine (17)	Cl-38	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr-51		2×10^{-2}

Element (atomic number)	Isotope	Column I Gas concentration $\mu\text{Ci}/\text{ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci}/\text{ml}^2$	Element (atomic number)	Isotope	Column I Gas concentration $\mu\text{Ci}/\text{ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci}/\text{ml}^2$
Cobalt (27)	Co-57		5×10^{-3}	Radium (88)	Ra-226		1×10^{-7}
	Co-58		1×10^{-3}		Ra-228		3×10^{-7}
	Co-60		5×10^{-4}	Rhenium (75)	Re-183		6×10^{-3}
Copper (29)	Cu-64		3×10^{-3}		Re-186		9×10^{-4}
	Dysprosium (66)	Dy-165			Re-188		6×10^{-4}
Erbium (68)	Dy-166		4×10^{-4}	Rhodium (45)	Rh-103m		1×10^{-1}
	Er-169		9×10^{-4}		Rh-105		1×10^{-3}
Europium (63)	Er-171		1×10^{-3}	Rubidium	Rb-86		7×10^{-4}
	Eu-152 (9.2 h)		6×10^{-4}	Ruthenium (44)	Ru-97		4×10^{-3}
Fluorine (9)	Eu-155		2×10^{-3}		Ru-103		8×10^{-4}
	F-18	2×10^{-6}	8×10^{-3}		Ru-105		1×10^{-3}
Gadolinium (64)	Gd-153		2×10^{-3}	Ru-106		1×10^{-4}	
	Gd-159		8×10^{-4}	Samarium (62)	Sm-153		8×10^{-4}
Gallium (31)	Ga-72		4×10^{-4}		Sc-46		4×10^{-4}
	Germanium (32)	Ge-71		Sc-47		9×10^{-4}	
Gold (79)	Au-196		2×10^{-3}	Sc-48		3×10^{-4}	
	Au-198		5×10^{-4}	Selenium (34)	Se-75		3×10^{-3}
	Au-199		2×10^{-3}		Silicon (14)	Si-31	
Hafnium (72)	Hf-181		7×10^{-4}	Silver (47)	Ag-105		1×10^{-3}
	Hydrogen (1)	H-3	5×10^{-6}	3×10^{-2}	Ag-110m		3×10^{-4}
Indium (49)		In-113m		1×10^{-2}	Ag-111		4×10^{-4}
	In-114m		2×10^{-4}	Sodium (11)	Na-24		2×10^{-3}
Iodine (53)	I-125	3×10^{-9}	2×10^{-5}		Strontium (38)	Sr-85	
	I-126	3×10^{-9}	2×10^{-5}	Sr-89			1×10^{-4}
	I-131	3×10^{-9}	2×10^{-5}	Sr-91		7×10^{-4}	
	I-132	8×10^{-8}	6×10^{-4}	Sr-92		7×10^{-4}	
	I-133	1×10^{-8}	7×10^{-5}	Sulfur (16)	S-35	9×10^{-8}	6×10^{-4}
	I-134	2×10^{-7}	1×10^{-3}		Tantalum (73)	Ta-182	
	Iridium (77)	Ir-190		2×10^{-3}	Technetium (43)	Tc-96m	
Ir-192			4×10^{-4}	Tc-96			1×10^{-3}
Ir-194			3×10^{-4}	Tellurium (52)	Te-125m		2×10^{-3}
Iron (26)	Fe-55		8×10^{-3}		Te-127m		6×10^{-4}
	Fe-59		6×10^{-4}		Te-127		3×10^{-3}
Krypton (36)	Kr-85m	1×10^{-6}			Te-129m		3×10^{-4}
	Kr-85	3×10^{-6}			Te-131m		6×10^{-4}
Lanthanum (57)	La-140		2×10^{-4}	Te-132		3×10^{-4}	
Lead (82)	Pb-203		4×10^{-3}	Terbium (65)	Tb-160		4×10^{-4}
Lutetium (71)	Lu-177		1×10^{-3}		Thallium (81)	Tl-200	
	Manganese (25)	Mn-52		3×10^{-4}	Tl-201		3×10^{-3}
Mn-54			1×10^{-3}	Tl-202		1×10^{-3}	
Mn-56			1×10^{-3}	Tl-204		1×10^{-3}	
Mercury (80)		Hg-197m		2×10^{-3}	Thulium (69)	Tm-170	
Hg-197		3×10^{-3}	Tm-171			5×10^{-3}	
Molybdenum (42)	Hg-203		2×10^{-4}	Tin (50)	Sn-113		9×10^{-4}
	Mo-99		2×10^{-3}		Sn-125		2×10^{-4}
Neodymium (60)	Nd-147		6×10^{-4}	Tungsten (Wolfram) (74)	W-181		4×10^{-3}
	Nd-149		3×10^{-3}		W-187		7×10^{-4}
Nickel (28)	Ni-65		1×10^{-3}	Vanadium (23)	V-48		3×10^{-4}
Niobium (Columbium) (41)	Nb-95		1×10^{-3}		Xenon (54)	Xe-131m	4×10^{-6}
		Nb-97		9×10^{-3}		Xe-133	3×10^{-6}
Osmium (76)	Os-185		7×10^{-4}	Xe-135		1×10^{-6}	
	Os-191m		3×10^{-2}	Ytterbium (70)	Yb-175		1×10^{-3}
	Os-191		2×10^{-3}		Yttrium (39)	Y-90	
	Os-193		6×10^{-4}	Y-91m			3×10^{-2}
Palladium (46)	Pd-103		3×10^{-3}	Y-91			3×10^{-4}
	Pd-109		9×10^{-4}	Y-92			6×10^{-4}
Phosphorus (15)	P-32		2×10^{-4}	Y-93			3×10^{-4}
	Platinum (78)	Pt-191		1×10^{-3}	Zinc (30)	Zn-65	
Pt-193m			1×10^{-2}	Zn-69m			7×10^{-4}
Pt-197m			1×10^{-2}	Zn-69			2×10^{-2}
Pt-197			1×10^{-3}	Zirconium (40)		Zr-95	
Potassium (19)	K-42		3×10^{-3}			Zr-97	
Praseodymium (59)	Pr-142		3×10^{-4}	Beta and/or gamma emitting radioactive material not listed above with half-life less than 3 years			
	Pr-143		5×10^{-4}				
Promethium (61)	Pm-147		2×10^{-3}			1×10^{-10}	1×10^{-6}
	Pm-149		4×10^{-4}				

Notes:

¹Values are given in Column I only for those materials normally used as gases
²μCi/gm for solids

Note 1: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in Schedule C the activity stated is that of the parent isotope and takes into account the daughters.

Note 2: For purposes of WAC ((402-19-190)) 246-232-010(2) where there is involved a combination of isotopes, the limit for the combination should be derived as follows: Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule C for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

Example:

$$\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A} + \text{Concentration of Isotope B in Product}} + \frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} \leq 1$$

Note 3: For the purpose of determining concentration in a product or device, the total quantity of radioactive material present is divided by only that weight or volume of the discrete part or component throughout which the radioactive material is relatively uniformly distributed. If the weight or volume of this part or component cannot be determined then the product or device should be evaluated on the basis of the total quantity of radioactive material present.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-232-990 FEES. Fees are required from all applicants, licensees, or registrants. Chapter ((402-70)) 246-254 WAC specifies fees for ((owners or operators of uranium or thorium mills and their associated mill tailings as authorized pursuant to RCW 70.121.030. Chapter 440-44 WAC specifies fees for all other applicants pursuant to chapter 43.20A RCW)) users of radiation subject to regulation under chapters 246-220 through 246-255 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-232-100 REQUIREMENTS FOR USERS OF THE WASHINGTON COMMERCIAL LOW-LEVEL WASTE DISPOSAL SITE.

WAC 246-232-110 LARGE VOLUMES OF NATURALLY OCCURRING MATERIAL.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-233-001 PURPOSE AND SCOPE. This chapter establishes general licenses for the possession and use of radioactive material contained in certain items and a general license for ownership of radioactive

material. Chapter ((402-19)) 246-232 WAC also contains provisions applicable to the subject matter of this part.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-233-010 GENERAL LICENSES—SOURCE MATERIAL. (1) A general license is hereby issued authorizing use, possession, and transfer of not more than fifteen pounds of source material at any one time by persons in the following categories:

- (a) Pharmacists using the source material solely for the preparation of medicinal compounds;
- (b) Physicians using the source material for medicinal purposes;
- (c) Persons receiving possession of source material from pharmacists and physicians in the form of medicals or drugs;
- (d) Commercial and industrial firms, and research, educational, and medical institutions, and state and local government agencies for research, development, educational, operational, or commercial purposes: AND PROVIDED, That no such person shall, pursuant to this general license, receive more than a total of one hundred fifty pounds of source material in any one calendar year.

(2) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in subsection (1) of this section are exempt from the provisions of chapters ((402-24 and 402-48)) 246-221 and 246-222 WAC to the extent that such receipt, possession, use, or transfer is within the terms of such general license: PROVIDED, HOWEVER, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to chapter ((402-22)) 246-235 WAC.

(3) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use, or transfer source material.

(4) Depleted uranium in industrial products and devices.

(a) A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of paragraphs (4)(b), (c), (d), and (e) of this section, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(b) The general license in paragraph (4)(a) of this section applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to WAC ((402-22-110)) 246-235-100(13) or in accordance with a specific license issued to the manufacturer by the United States Nuclear Regulatory Commission or an agreement state which authorizes manufacture of the products or devices for distribution to persons generally licensed by the United States Nuclear Regulatory Commission or an agreement state.

(c)(i) Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by paragraph (4)(a) of this section shall file department form RHF-20 "Registration certificate - Use of depleted uranium under general license," with the department. The form shall be submitted within thirty days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on department form RHF-20 the following information and such other information as may be required by that form:

(A) Name and address of the registrant;

(B) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in paragraph (4)(a) of this section and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(C) Name and/or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in item (4)(c)(i)(B) of this section.

(ii) The registrant possessing or using depleted uranium under the general license established by paragraph (4)(a) of this section shall report in writing to the department any changes in information previously furnished on the "Registration certificate - Use of depleted uranium under general license." The report shall be submitted within thirty days after the effective date of such change.

(d) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by paragraph (4)(a) of this section:

(i) Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium.

(ii) Shall not abandon such depleted uranium.

(iii) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provision of chapter ~~((402-19))~~ 246-232 WAC. In the case where the transferee receives the depleted uranium pursuant to the general license established by paragraph (4)(a) of this section the transferor shall furnish the transferee a copy of this regulation and a copy of department form RHF-20.

In the case where the transferee receives the depleted uranium pursuant to a general license contained in the United States Nuclear Regulatory Commission's or agreement state's regulation equivalent to paragraph (4)(a) of this section the transferor shall furnish the transferee a copy of this regulation and a copy of department form RHF-20 accompanied by a note explaining that use of the product or device is regulated by the United States Nuclear Regulatory Commission or agreement state under requirements substantially the same as those in this regulation.

(iv) Shall maintain and make available to the department upon request the name and address of the person receiving the depleted uranium pursuant to such transfer.

(v) Shall not export such depleted uranium except in accordance with a license issued by the United States Nuclear Regulatory Commission pursuant to 10 CFR Part 110.

(e) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by paragraph (4)(a) of this section is exempt from the requirements of chapters ~~((402-24 and 402-48))~~ 246-221 and 246-222 WAC of these regulations with respect to the depleted uranium covered by that general license.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-233-020 GENERAL LICENSES*—
RADIOACTIVE MATERIAL OTHER THAN
SOURCE MATERIAL.**

*Note: Different general licenses are issued in this section, each of which has its own specific conditions and requirements.

(1) Certain devices and equipment. A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the United States Nuclear Regulatory Commission for use pursuant to Section 31.3 of 10 CFR Part 31. This general license is subject to the provisions of WAC ~~((402-12-080 through 402-12-140, chapters 402-19, 402-24** and 402-48))~~ 246-220-020, 246-220-030, 246-220-040, 246-220-050, 246-220-060, 246-220-070, chapters 246-232, 246-221** and 246-222 WAC.

(a) Static elimination device. Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of Polonium-210 per device.

(b) Ion generating tube. Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of Polonium-210 per device or a total of not more than 50 millicuries of Hydrogen-3 (tritium) per device.

**Attention is directed particularly to the provisions of chapter ~~((402-24))~~ 246-221 WAC of these regulations which relate to the labeling of containers.

(2) Reserved.

(3) Reserved.

(4) Certain measuring, gauging or controlling devices.

(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and state or local government agencies to own, acquire, receive, possess, use or transfer, in accordance with the provisions of (b), (c), and (d) of this subsection, radioactive material excluding special nuclear material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b) The general license in (a) of this subsection applies only to radioactive material contained in devices which have been manufactured and labeled in accordance with the specifications contained in a specific license issued by the department pursuant to WAC ((402-22-110)) 246-235-100(4) or in accordance with the Nuclear Regulatory Commission, an agreement state or a licensing state, which authorizes distribution of devices to persons generally licensed by the United States Nuclear Regulatory Commission, an agreement state or licensing state**.

*Note: Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 179.21 of 21 CFR Part 179.

(c) Any person who owns, acquires, receives, possesses, uses or transfers radioactive material in a device pursuant to the general license in (a) of this subsection:

(i) Shall assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by such labels;

(ii) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label, however:

(A) Devices containing only krypton need not be tested for leakage of radioactive material; and

(B) Devices containing only tritium or not more than 100 microcuries of other beta and/or gamma emitting material or 10 microcuries of alpha emitting material need not be tested for any purpose. Devices held in storage in the original shipping container prior to initial installation need not be tested until immediately prior to use;

(iii) Shall assure that the tests required by (c)(ii) of this subsection and other testing, ((installation)) installing, servicing, and ((removal)) removing from installation involving the radioactive materials, its shielding or containment, are performed:

(A) In accordance with the instructions provided by the labels; or

(B) By a person holding a specific license from the department or from the United States Nuclear Regulatory Commission or from any agreement state or from a licensing state to perform such activities;

(iv) Shall maintain records showing compliance with the requirements of (c)(ii) and (iii) of this subsection. The records shall show the results of tests. The records also shall show the dates of performance and the names of persons performing, testing, ((installation)) installing, servicing, and ((removal)) removing from installation concerning the radioactive material, its shielding or containment. Records of tests for leakage of radioactive material required by (c)(ii) of this subsection shall be maintained for one year after the next required leak test is performed or the sealed source is transferred or disposed. Records of tests of the on/off mechanism and indicator required by (c)(ii) of this subsection shall be

maintained for one year after the next required test of the on/off mechanism and indicator is performed or the sealed source is transferred or disposed. Records of other testing, installation, servicing, and removal from installation required by (c)(iii) of this subsection shall be maintained for a period of two years from the date of the recorded event or until the device is transferred or disposed;

(v) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on/off mechanism or indicator, or upon the detection of 0.005 microcuries or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license from the department, the United States Nuclear Regulatory Commission, or from an agreement state or a licensing state to repair such devices, or disposed by transfer to a person authorized by a specific license to receive the radioactive material contained in the device and, within thirty days, furnish to the department a written report containing a brief description of the event and the remedial action taken;

(vi) Shall not abandon the device containing radioactive material;

(vii) Except as provided in (c)(viii) of this subsection, shall transfer or dispose the device containing radioactive material only by transfer to a person holding a specific license of the department, the United States Nuclear Regulatory Commission, or an agreement state, or a licensing state whose specific license authorizes the person to receive the device and within thirty days after transfer of a device to a specific licensee shall furnish to the department a report containing identification of the device by manufacturer's name, model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

(viii) Shall transfer the device to another general licensee only:

(A) Where the device remains in use at a particular location. In such case, the transferor shall give the transferee a copy of this subsection and any safety documents identified in the label of the device and within thirty days of the transfer, report to the department the manufacturer's name, model number of device transferred, the name and address of the transferee, and the name and/or position of an individual who may constitute a point of contact between the department and the transferee; or

(B) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee:

(ix) Shall comply with the provisions of WAC ((402-24-180 and 402-24-190)) 246-221-240 and 246-221-250 for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of chapters ((402-24 and 402-48)) 246-221 and 246-222 WAC.

(d) The general license in (a) of this subsection does not authorize the manufacture, import or export of devices containing radioactive material.

(e) The general license provided in this subsection is subject to the provisions of WAC (~~(402-12-080 through 402-12-100, 402-12-130, 402-12-140, 402-12-170, 402-19-300, 402-19-350, 402-19-400, and 402-19-500)~~) 246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-100, 246-232-050, 246-232-070, 246-232-080, and 246-232-090.

(5) Luminous safety devices for aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess and use tritium or Promethium-147 contained in luminous safety devices for use in aircraft, provided:

(i) Each device contains not more than 10 curies of tritium or 300 millicuries of Promethium-147; and

(ii) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the department or any agreement state to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in Section 32.53 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission.

(b) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in this subsection are exempt from the requirements of chapters (~~(402-24 and 402-48)~~) 246-221 and 246-222 WAC except that they shall comply with the provisions of WAC (~~(402-24-180 and 402-24-190)~~) 246-221-240 and 246-221-250.

(c) This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or Promethium-147.

(d) This general license does not authorize the ownership, receipt, acquisition, possession or use of Promethium-147 contained in instrument dials.

(e) This general license is subject to the provisions of WAC (~~(402-12-080 through 402-12-140, 402-12-170, 402-19-300, 402-19-350, 402-19-400, and 402-19-500)~~) 246-220-020, 246-220-030, 246-220-040, 246-220-050, 246-220-060, 246-220-070, 246-220-100, 246-232-050, 246-232-070, 246-232-080, and 246-232-090.

(6) Ownership of radioactive material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this chapter, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.

(7) Calibration and reference sources.

(a) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use and transfer, in accordance with the provisions of (d) and (e) of this subsection, Americium-241 in the form of calibration or reference sources:

(i) Any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material; or

(ii) Any person who holds a specific license issued by the United States Nuclear Regulatory Commission

which authorizes that person to receive, possess, use and transfer special nuclear material.

(b) A general license is hereby issued to own, receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of (d) and (e) of this subsection to any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material.

(c) A general license is hereby issued to own, receive, possess, use and transfer Radium-226 in the form of calibration or reference sources in accordance with the provisions of (d) and (e) of this subsection to any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material.

(d) The general licenses in (a), (b) and (c) of this subsection apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the United States Nuclear Regulatory Commission pursuant to Section 32.57 of 10 CFR Part 32 or Section 70.39 of 10 CFR Part 70 or which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the department or any agreement state or licensing state pursuant to licensing requirements equivalent to those contained in Section 32.57 of 10 CFR Part 32 or Section 70.39 of 10 CFR Part 70 of the regulations of the United States Nuclear Regulatory Commission.

(e) The general licenses provided in (a), (b) and (c) of this subsection are subject to the provisions of WAC (~~(402-12-080 through 402-12-100, 402-12-130, 402-12-140, 402-12-170, 402-19-300, 402-19-350, 402-19-400, 402-19-500, chapters 402-24 and 402-48)~~) 246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-100, 246-232-050, 246-232-070, 246-232-080, 246-232-090, chapters 246-221 and 246-222 WAC.

In addition, persons who own, receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

(i) Shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of Americium-241 and 5 microcuries of plutonium and 5 microcuries of Radium-226 in such sources;

(ii) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label which includes one of the following statements or a substantially similar statement which contains the information called for in the following statement:

(A) The receipt, possession, use and transfer of this source, Model, Serial No., are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a state with which the commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (AMERICIUM-241). (PLUTONIUM)*. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE

.....
Name of manufacturer or importer

*Note: Showing only the name of the appropriate material.

(B) The receipt, possession, use and transfer of this source, Model, Serial No., are subject to a general license and the regulations of any licensing state. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

.....
Name of manufacturer or importer

(iii) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the department, the United States Nuclear Regulatory Commission, or an agreement state or licensing state to receive the source;

(iv) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain Americium-241, Plutonium, or Radium-226/Radon-222 which might otherwise escape during storage; and

(v) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(f) These general licenses do not authorize the manufacture of calibration or reference sources containing Americium-241, Plutonium, or Radium-226.

(8) General license for use of radioactive material for certain in vitro clinical or laboratory testing.*

(a) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of or use, for any of the following stated tests, in accordance with the provisions of (b), (c), (d), (e), and (f) of this subsection the following radioactive materials in prepackaged units:

(i) Iodine-125, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(ii) Iodine-131, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(iii) Carbon-14, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not

involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(iv) Hydrogen-3 (tritium), in units not exceeding 50 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(v) Iron-59, in units not exceeding 20 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(vi) Cobalt-57, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(vii) Selenium-75, in units not to exceed 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(viii) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcurie of Iodine-129 and 0.005 microcurie of Americium-241 each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

*Note: The new drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

(b) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by (a) of this subsection until that person has received a validated copy of department Form RHF-15 "Certificate-in vitro testing with radioactive material under general license." Annual validation requires resubmittal of revised department Form RHF-15 and submittal of the annual fee to the department. The physician, veterinarian, clinical laboratory or hospital shall furnish on department Form RHF-15 the following information and such other information as may be required by that form:

(i) Name and address of the physician, veterinarian, clinical laboratory or hospital;

(ii) The location of use; and

(iii) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in (a) of this subsection and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

(c) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by (a) of this subsection shall comply with the following:

(i) The general licensee shall not possess at any one time, pursuant to the general license in (a) of this subsection at any one location of storage or use, a total

amount of Iodine-125, Iodine-131, Selenium-75, Iron-59, and/or Cobalt-57 in excess of 200 microcuries.

(ii) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

(iii) The general licensee shall use the radioactive material only for the uses authorized by (a) of this subsection.

(iv) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the department, the United States Nuclear Regulatory Commission, any agreement state or licensing state, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

(v) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in (a)(viii) of this subsection as required by WAC ((402-24-130) ~~24-130~~) 246-221-170.

(d) The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to (a) of this subsection:

(i) Except as prepackaged units which are labeled in accordance with the provision of an applicable specific license issued pursuant to WAC ((402-22-110) ~~246-235-100~~(8) or in accordance with the provisions of a specific license issued by the United States Nuclear Regulatory Commission, or any agreement state or licensing state which authorizes the manufacture and distribution of Iodine-125, Iodine-131, Carbon-14, Hydrogen-3 (tritium), Iron-59, Selenium-75, Cobalt-57, or Mock Iodine-125 to persons generally licensed under this subsection or its equivalent; and

(ii) Unless one of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the commission has entered into an agreement for the exercise of regulatory authority.

.....
Name of manufacturer

This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or

laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a licensing state.

.....
Name of manufacturer

(e) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of (a) of this subsection shall report in writing to the department, any changes in the information previously furnished in the "Certificate - in vitro testing with radioactive material under general license," department Form RHF-15. The report shall be furnished within thirty days after the effective date of such change.

(f) This general license is subject to the provisions of WAC ((402-12-080 through 402-12-100, 402-12-130, 402-12-140, 402-12-160 and 402-12-170)) ~~246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-090 and 246-220-100~~. In addition, any person using radioactive material pursuant to the general license of (a) of this subsection is exempt from the requirements of chapters ((402-24 and 402-48)) ~~246-221 and 246-222~~ WAC with respect to radioactive material covered by that general license, except that such persons using the Mock Iodine-125 described in (a)(viii) of this subsection shall comply with the provisions of WAC ((402-24-130, 402-24-180, and 402-24-190)) ~~246-221-170, 246-221-240, and 246-221-250~~ and of these regulations.

(9) Ice detection devices.

(a) A general license is hereby issued to own, receive, acquire, possess, use and transfer Strontium-90 contained in ice detection devices, provided each device contains not more than 50 microcuries of Strontium-90 and each device has been manufactured or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission or each device has been manufactured in accordance with the specifications contained in a specific license issued by the department or any agreement state to the manufacturer of such device pursuant to licensing requirements equivalent to those in Section 32.61 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission.

(b) Persons who own, receive, acquire, possess, use or transfer Strontium-90 contained in ice detection devices pursuant to the general license in (a) of this subsection:

(i) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage and repaired by a person holding a specific license from the United States Nuclear Regulatory Commission or an agreement state to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of these regulations;

(ii) Shall assure that all labels affixed to the device at the time of receipt, and which bear a statement which

prohibits removal of the labels, are maintained thereon; and

(iii) Are exempt from the requirements of chapters ~~((402-24 and 402-48))~~ 246-221 and 246-222 WAC except that such persons shall comply with the provisions of WAC ~~((402-24-130, 402-24-180, and 402-24-190))~~ 246-221-170, 246-221-240, and 246-221-250.

(c) This general license does not authorize the manufacture, assembly, disassembly or repair of Strontium-90 sources in ice detection devices.

(d) This general license is subject to the provisions of WAC ~~((402-12-080 through 402-12-100, 402-12-130, 402-12-140, 402-12-170, 402-19-300, 402-19-350, 402-19-400, and 402-19-500))~~ 246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-100, 246-232-050, 246-232-070, 246-232-080, and 246-232-090.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-001 PURPOSE AND SCOPE. (1) This chapter prescribes requirements for the issuance of specific licenses.

(2) The provisions and requirements of this chapter are in addition to, and not in substitution for, other requirements of these regulations. In particular the provisions of chapter ~~((402-19))~~ 246-232 WAC apply to applications and licenses subject to this chapter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-020 GENERAL REQUIREMENTS FOR THE ISSUANCE OF SPECIFIC LICENSES. A license application will be approved if the department determines that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;

(3) The issuance of the license will not be inimical to the health and safety of the public; and

(4) The applicant satisfies any applicable special requirements in WAC ~~((402-22-070, 402-22-090, 402-22-110, and 402-80-060))~~ 246-235-080, 246-235-090, 246-235-095, 246-235-100, and 246-247-050.

(5) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, source material milling, or for the conduct of any other activity which the agency determines will significantly affect the quality of the environment, the department, before commencement of construction of the plant or facility in which the activity will be conducted, has concluded, after independently weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate

conditions to protect environmental values. Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this paragraph the term "commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

~~((6))~~ Financial surety arrangements:

(a) Pursuant to chapter 70.121 RCW, and except as otherwise provided, financial surety arrangements for site reclamation and long-term surveillance and control which may consist of surety bonds, cash deposits, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, or any combination of the above for source material milling operations shall be established to ensure the protection of the public health and safety in the event of abandonment, default, or other inability of the licensee to meet the requirements of the act and these regulations:

(i) The amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates.

(ii) Self-insurance, or any arrangement which essentially constitutes self-insurance (e.g., a contract with a state or federal agency), will not satisfy the surety requirement since this provides no additional assurance other than that which already exists through license requirements.

(b) The arrangements required in (a) of this subsection shall be established prior to commencement of operations to assure that sufficient funds will be available to carry out decontamination and decommissioning of the facility.

(c) Amendments to licenses in effect on the effective date of this regulation may be issued providing that the required surety arrangements are established within ninety days after the effective date of this subsection.

(d) For source material milling operations, the amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates in an approved plan for (i) decontamination and decommissioning of mill buildings and the milling site to levels which would allow unrestricted use of these areas upon decommissioning, and (ii) the reclamation of tailings and/or waste disposal areas in accordance with the technical criteria delineated in WAC 402-52-100. The license shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives for mitigating these impacts. In addition, the surety shall cover the payment of the charge for long-term surveillance and control required by the department. In establishing specific surety arrangements, the licensee's cost estimates shall take into account total costs that would be incurred if an independent contractor were hired to perform the decommissioning and reclamation work. In

order to avoid unnecessary duplication and expense, the department may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other federal or state agencies and/or local governing bodies for such decommissioning, decontamination, reclamation, and long-term site surveillance, provided such arrangements are considered adequate to satisfy these requirements and that portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge are clearly identified. The licensee's surety mechanism will be reviewed annually by the department to assure that sufficient funds will be available for completion of the reclamation plan if the work had to be performed by an independent contractor. The amount of surety liability should be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability shall be retained until final compliance with the reclamation plan is determined. This will yield a surety that is at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be demonstrated that another arrangement would provide an equivalent level of assurance. This assurance could be provided with a surety instrument which is written for a specified period of time (e.g., five years) yet which must be automatically renewed unless the surety notifies the beneficiary (the state regulatory agency) and the principal (the licensee) some reasonable time (e.g., ninety days) prior to the renewal date of their intention not to renew. In such a situation the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief period of time to allow at least sixty days for the department to collect.

(7) Long-term care requirements. Pursuant to chapter 70.121 RCW, and as otherwise provided in WAC 402-22-070 (6)(d), a long-term care trust fund shall be established by source material milling licensees prior to the issuance of the license.

(8) Continued surveillance requirements for source material mills:

(a) The final disposition of tailings or wastes at source material milling sites should be such that the need for active maintenance is not necessary to preserve isolation. As a minimum, annual site inspections shall be conducted by the government agency retaining ultimate custody of the site where tailings, or wastes are stored to confirm the integrity of the stabilized tailings, or waste systems and to determine the need, if any, for maintenance and/or monitoring and/or environmental sampling. Results of the inspection shall be reported to the United States Nuclear Regulatory Commission within sixty

days following each inspection. The United States Nuclear Regulatory Commission may require more frequent site inspections, if, on the basis of a site-specific evaluation, such a need appears necessary due to the features of a particular tailings or waste disposal system.

(b) A minimum charge of two hundred fifty thousand dollars (1978 United States dollars) accrued as specified in WAC 402-22-070 (6)(d) to cover the costs of long-term surveillance shall be paid by each mill operator to the agency prior to the termination of a uranium or thorium mill license. If site surveillance or control requirements at a particular site are determined, on the basis of a site-specific evaluation, to be significantly greater than those specified in (a) of this subsection (e.g., if fencing is determined to be necessary) variance in funding requirements may be specified by the department. The total charge to cover the costs of long-term surveillance shall be such that, with an assumed one percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance. The charge will be adjusted annually prior to actual payments to recognize inflation. The inflation rate to be used is that indicated by the change in the consumer price index published by the United States Department of Labor, Bureau of Labor Statistics. Contributions by a licensee to the long-term care trust fund pursuant to chapter 70.121 RCW shall be transferred to cover the costs assessed under this criterion.)

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-040 EXPIRATION OF LICENSES. Except as provided in WAC ((402-22-055)) 246-235-050(2), each specific license shall expire at the end of the day, in the month and year stated therein.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-050 RENEWAL OF LICENSE. (1) Applications for renewal of specific licenses shall be filed in accordance with WAC ((402-22-020)) 246-235-010.

(2) In any case in which a licensee, not less than thirty days prior to expiration of the existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing license shall not expire until the application has been finally determined by the department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-060 AMENDMENT OF LICENSES AT REQUEST OF LICENSEE. Applications for amendment of a license shall be filed in accordance with WAC ((402-22-020)) 246-235-010 and shall specify the respects in which the licensee desires the license to be amended and the grounds for such amendment.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-080 SPECIAL REQUIREMENTS FOR ISSUANCE OF CERTAIN SPECIFIC LICENSES FOR RADIOACTIVE MATERIAL. (1) Human use of radioactive material in institutions. In addition to the requirements set forth in WAC ((402-22-040)) 246-235-020 a specific license for human use of radioactive material in institutions will be issued if:

(a) The applicant has appointed a radiation safety committee to coordinate the use of radioactive material throughout that institution and to maintain surveillance over the institution's radiation safety program. Membership of the committee should include a specialist (where applicable a physician) from each department where radioactive material is used, a representative of the institution's management, a representative of the nursing staff, and a person trained in radiation safety. The radiation safety committee shall meet at intervals not to exceed six months. Minutes shall be taken and maintained for two years for inspection by the department;

(b) The applicant possesses adequate facilities for the clinical care of patients. The applicant is advised that construction of new radioisotope facilities and modification of existing facilities must also comply with the requirements of WAC ((248-18-665)) 246-318-660 of the construction review section of the department;

(c) The physician(s) designated on the application as the individual user(s) has (or have) substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients; and

(d) If the application is for a license to use unspecified quantities or multiple types of radioactive material, the applicant's staff has substantial experience in the use of a variety of radioactive materials for a variety of human uses.

(2) Licensing of individual physicians for human use of radioactive material. In addition to the requirements set forth in WAC ((402-22-040)) 246-235-020 a specific license for the human use of radioactive material will be issued to an individual physician if:

(a) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable;

(b) The applicant has extensive experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients;

(c) The application is for use in the applicant's practice in an office outside a medical institution; and

(d) The department will approve an application by an individual physician or group of physicians for a specific license to receive, possess or use radioactive material on the premises of a medical institution only if:

(i) The use of radioactive material is limited to the:

(A) Administration of radiopharmaceuticals for diagnostic or therapeutic purposes;

(B) Performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered;

(C) Performance of in vitro diagnostic studies; or

(D) Calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation and diagnostic instrumentation;

(ii) The physician brings the radioactive material with him or her and removes the radioactive material when he or she departs. (The institution cannot receive, possess or store radioactive material other than the amount of material remaining in the patient); and

(iii) The medical institution does not hold a radioactive material license issued pursuant to the provisions of subsection (1) of this section.

(3) Specific licenses for certain groups of medical uses of radioactive material.

(a) Subject to the provisions of (b), (c) and (d) of this subsection an application for a specific license pursuant to subsection (1), (2) or (4) of this section, or for any medical use or uses of radioactive material specified in one or more of Groups I to VI, inclusive, of WAC ((402-22-200)) 246-235-120, Schedule A, will be approved for all of the uses within the group or groups which include the use or uses specified in the application if:

(i) The applicant satisfies the requirements of subsection (1), (2) or (4) of this section;

(ii) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses included in the group or groups;

(iii) The applicant, or the physicians and all other personnel who will be involved in the preparation and use of the radioactive material, have adequate training and experience in the handling of radioactive material appropriate to their participation in the uses included in the group or groups;

(iv) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses included in the group or groups, specifically:

(A) For Groups I through V, applicant must possess and use a calibrated and operable low-range survey instrument with a thin window (less than 7 mg/cm²) capable of detecting radiation levels of 0.05 milliroentgen per hour up to at least 20 milliroentgens per hour;

(B) For Groups III, V, and VI, applicant must possess a calibrated and operable high-range survey instrument capable of detecting radiation levels up to at least one Roentgen per hour;

(v) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses included in the group or groups.

(b) Any licensee or registrant who is authorized to use radioactive material pursuant to one or more groups in (a) of this subsection and WAC ((402-22-200)) 246-235-120, Schedule A, is subject to the following conditions:

(i) For Groups I, II, IV, and V, no licensee or registrant shall receive, possess or use radioactive material except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC

~~((402-22-110))~~ 246-235-100(10), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.72 of 10 CFR Part 32, or a specific license issued by an agreement state or a licensing state pursuant to equivalent regulations.

(ii) For Group III, no licensee or registrant shall receive, possess or use generators or reagent kits containing radioactive material or shall use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:

(A) Reagent kits not containing radioactive material that are approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state for use by persons licensed pursuant to this subsection and WAC ~~((402-22-200))~~ 246-235-120, Schedule A, or equivalent regulations; or

(B) Generators or reagent kits containing radioactive material that are manufactured, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC ~~((402-22-110))~~ 246-235-100(11), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.73 of 10 CFR Part 32, or a specific license issued by an agreement state or a licensing state pursuant to equivalent regulations.

(iii) For Group VI, no licensee or registrant shall receive, possess or use radioactive material except as contained in a source or device that has been manufactured, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC ~~((402-22-110))~~ 246-235-100(12), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR Part 32, or a specific license issued to the manufacturer by an agreement state or a licensing state pursuant to equivalent regulations.

(iv) For Group III, any licensee or registrant who uses generators or reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with instructions which are approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and are furnished by the manufacturer on the label attached to or in the leaflet or brochure which accompanies the generator or reagent kit.

(v) For Groups I, II and III any licensee using by-product material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:

(A) Chemical and physical form;

(B) Route of administration; and

(C) Dosage range.

(c) Any licensee who is licensed pursuant to (a) of this subsection for one or more of the medical use groups in WAC ~~((402-22-200))~~ 246-235-120, Schedule A, also is authorized, subject to the provisions of (c) and (d) of this subsection to receive, possess and use for calibration and reference standards:

(i) Any radioactive material authorized for use in IND/NDA products under Group I, Group II, or Group III of WAC ~~((402-22-200))~~ 246-235-120, Schedule A,

with a half-life not longer than one hundred days, in amounts not to exceed 15 millicuries total;

(ii) Any radioactive material authorized for use in IND/NDA products under Group I, Group II, or Group III of WAC ~~((402-22-200))~~ 246-235-120, Schedule A, with half-life greater than one hundred days in amounts not to exceed 200 microcuries total;

(iii) Technetium-99m in amounts not to exceed 30 millicuries;

(iv) Any radioactive material excluding Radium-226, in amounts not to exceed three millicuries per source (except Cobalt-57, which may be possessed in amounts not to exceed 5.5 millicuries), contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the department pursuant to WAC ~~((402-22-110))~~ 246-235-100(11), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR Part 32, or a specific license issued to the manufacturer by an agreement state or a licensing state pursuant to equivalent regulations.

(d) Leak tests.

(i) Any licensee or registrant who possesses sealed sources as calibration or reference sources pursuant to (c) of this subsection shall cause each sealed source containing radioactive material, other than Hydrogen-3, with a half-life greater than thirty days in any form other than gas to be tested for leakage and/or contamination at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed sources shall not be used until tested: PROVIDED, HOWEVER, That no leak tests are required when:

(A) The source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material;

(B) The sealed source is stored and is not being used: PROVIDED, That a physical inventory of the source and wipe surveys of the storage area or storage container are conducted.

(ii) The leak test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is mounted or stored on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the department.

(iii) If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee or registrant shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with chapters ~~((402-22 and 402-24))~~ 246-235 and 246-221 WAC. A report shall be filed within five days of the test with the department describing the equipment involved, the test results, and the corrective action taken.

(e) Any licensee or registrant who possesses and uses calibration and reference sources pursuant to (c)(iv) of this subsection shall:

(i) Follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form; and

(ii) Conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include at a minimum the quantities and kinds of radioactive material, location of sources, name of person performing the inventory, and the date of the inventory.

(4) Human use of sealed sources. In addition to the requirements set forth in WAC (~~(402-22-040)~~) 246-235-020, a specific license for human use of sealed sources will be issued only if the applicant or, if the application is made by an institution, the individual user:

(a) Has specialized training in the diagnostic or therapeutic use of the sealed source considered, or has experience equivalent to such training; and

(b) Is a physician.

(5) Use of sealed sources in industrial radiography. In addition to the requirements set forth in WAC (~~(402-22-040)~~) 246-235-020, a specific license for use of sealed sources in industrial radiography will be issued if:

(a) The applicant will have an adequate program for training radiographers and radiographer's assistants and submits to the department a schedule or description of such program which specifies the:

(i) Initial training;

(ii) Periodic training;

(iii) On-the-job training;

(iv) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with department regulations and licensing requirements, and the operating and emergency procedures of the applicant; and

(v) Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant;

(b) The applicant submits to the department and complies with satisfactory written operating and emergency procedures (described in WAC (~~(402-36-110)~~) 246-243-140);

(c) The applicant will have a quarterly internal inspection system, to assure that license provisions, regulations, and the applicant's operating and emergency procedures are followed by radiographers and radiographer's assistants. Records of this management control program shall be maintained for two years;

(d) The applicant submits to the department a description of the applicant's overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program;

(e) The applicant who desires to conduct leak tests has established adequate procedures to be followed in

leak testing sealed sources for possible leakage and contamination and submits to the department a description of such procedures including:

(i) Instrumentation to be used;

(ii) Method of performing tests, e.g., points on equipment to be smeared and method of taking smear; and

(iii) Pertinent experience of the person who will perform the tests;

(f) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important to safety.

(6) Environmentally significant licensing actions. In addition to the requirements set forth in WAC (~~(402-22-040)~~) 246-235-020, a specific license for any activity within the licensing authority of the department which the department determines will significantly affect the radiological quality of the human environment, including those specified in WAC (~~(197-10-175(7)(a))~~) 197-11-845(1) and 246-03-030(1)(a)(ii) (i.e., licenses to operate low level waste burial facilities or licenses to operate or expand beyond the design capacity, mineral processing facilities or their tailings areas, whose products, or byproducts, have concentrations of naturally occurring radioactive material in excess of exempt concentrations as specified in WAC (~~(402-19-580)~~) 246-232-130, Schedule C), will be issued if the following conditions are met:

(a) Environmental impact statement.

(i) The application for a license or license amendment (other than administrative amendments) is accompanied or preceded by a final environmental impact statement or final declaration of nonsignificance completed in accordance with the State Environmental Policy Act (SEPA) procedures and guidelines specified in chapters 197-11 and (~~(248-06)~~) 246-03 WAC. For any uranium or thorium mill in operation on or before the effective date of this regulation for which an environmental impact statement has not been prepared previously, an application for license renewal must be accompanied or preceded by a final environmental impact statement or final declaration of nonsignificance completed in accordance with SEPA guidelines.

Note: No construction shall be commenced until the license has been issued or unless an emergency exemption from SEPA requirements is granted in accordance with WAC (~~(197-10-180)~~) 197-11-880. For the purposes of this subsection, the term "commencement of construction" means any clearing of land, excavation or other substantial action related to a proposed activity for specific licensing that would adversely affect the natural environment of a site; this term does not include changes desirable for the temporary use of the land for public recreational use, limited borings to determine site characteristics as necessary for environmental assessment, or other pre-construction monitoring to establish background information related to suitability of a site or to the protection of environmental values. In the case where an exemption is granted, the applicant shall assume all financial risk for construction activity; waive any claim of entitlement to the issuance of a license based solely upon the grant of the exemption or the commencement of construction pursuant thereto; and furnish, if the circumstances warrant and the department so requires, a financial surety arrangement to insure the protection of the public health, safety and the environment in the event of abandonment, default, or inability of the license applicant to meet the requirements of the act or these regulations.

(ii) In addition to the information required in chapter 197-11 WAC, the following additional areas shall be addressed in the final environmental impact statement:

(A) Alternative sites to those chosen by the applicant shall include all alternative sites, whether or not those sites are under the control or ownership of the applicant.

(B) Long term impacts shall include, but not be limited to, decommissioning, decontamination, reclamation impacts and material management associated with the proposed activities.

(C) Environmental reviews, dose assessments, ecology, construction effects on biota, impact on the environment from the use of chemicals, and socioeconomic effects shall be addressed.

(D) Alternative disposal sites and techniques for disposal shall be evaluated to determine if a site or technique is clearly superior.

(b) For uranium or thorium milling operations, a bond made payable to the department of ~~((social and))~~ health ~~((services))~~ or other acceptable government agency, and in an amount specified by the department, shall be posted to ensure the protection of the public health and safety in the event of abandonment, default or other inability of the licensee to meet the requirements for reclamation and disposal of tailings and for decommissioning the site. The bond, or a copy thereof when the bond is made payable to another government agency, shall be received by the department prior to issuance of the license, or prior to license renewal for mills in operation on or before the effective date of this regulation. Other acceptable surety arrangements in addition to surety bonding include cash deposits, certificates of deposit, deposits of government securities, letters or lines of credit or combinations of the foregoing. The amount and mechanism of the surety arrangement may be reviewed by the department preceding each license renewal and adjustments may be required of the licensee prior to such renewal.

(c) The owner of the proposed uranium or thorium mill and tailings site(s) agrees to transfer or revert to the appropriate state or federal agency upon termination of the license, all lands, buildings and grounds, and any interest therein, necessary to fulfill the purposes of this subsection, except where the lands are held in trust for, or are owned by any Indian tribe. For any uranium or thorium mill in operation on or before the effective date of this regulation, such an agreement will be required prior to license renewal.

(d) For all uranium and thorium milling operations, the owner or operator shall arrange to pay to the department or its designee ~~((on a quarterly basis a charge on each kilogram of uranium or thorium compound which is milled out of the raw ore on or after January 1, 1980.~~

~~(i) The specific charge shall be twenty cents per kilogram on each kilogram of uranium or thorium compound milled out of the raw ore.~~

~~(ii) The specific charge may be increased or decreased as is considered necessary to provide)) a fee in accordance with WAC 246-254-150 for a special security fund for the further maintenance, surveillance or care which may be required after a licensee has ceased to operate.~~

~~((iii) The total charge shall not exceed one million dollars.~~

~~((iv)) A minimum fund of two hundred fifty thousand dollars shall be provided by the licensee payable to the state. If a shortfall exists between the amount of money in the special security fund and the two hundred fifty thousand dollars minimum amount, a surety bond, or other acceptable surety instrument as defined above shall be arranged.~~

(e) The application for a license includes a description of an appropriate program for effluent monitoring, environmental monitoring and data reporting. Such description shall encompass locations, frequency, and types of sampling, analytical plans and procedures, minimum detection levels, sampling equipment and quality assurance programs.

(f) All licensees or registrants required to meet the additional requirements set forth in this subsection shall establish environmental monitoring programs adequate to determine the impact of their activity on the natural environment around the site of their environmentally significant activity. The established environmental and effluent monitoring program shall address all environmentally significant radionuclide releases and external radiation sources caused or threatened to be caused by the licensee's activities.

(i) Effluent and environmental monitoring results shall include the following minimum information as pertinent:

(A) Information as to flow rates, total volume of effluent, peak concentration, concentration of each radionuclide in the effluent averaged over a period of one year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(B) A description of the properties of the effluents, including:

(I) Chemical composition;

(II) Physical characteristics, including suspended solids content in liquid effluents, and nature of gas aerosol for air effluents;

(III) The hydrogen ion concentrations (pH) of liquid effluents; and

(IV) The size range of particulates in effluent released into air;

(C) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river stream a description of water uses downstream from the point of release of the effluent.

(D) Information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of one year:

(I) In air at any point of human occupancy; or

(II) In water at points of use downstream from the point of release of the effluent;

(E) The background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;

(F) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release;

(G) A written description of sampling techniques and sample analysis methods;

(H) A written description of how all calculated results were obtained from sample analysis data. This explanation shall include example calculations and estimates of the precision and sensitivity of monitoring results;

(I) A written description of the licensee's quality control program including specification of control samples and standard samples used.

(ii) The licensee shall submit in writing to the department within sixty days after January 1 and July 1 of each year, reports specifying the quantities of each of the principle radionuclides released to unrestricted areas in liquid and in gaseous effluent during the previous six months of operations. This data shall be reported in a manner that will permit the department to confirm the potential annual radiation doses to the public. All data from the radiological and nonradiological environmental monitoring program will also be submitted for the same time period and frequency as specified above. The data shall be reported in a manner which will allow the department to confirm the potential annual radiation doses to the public.

(g) For land disposal of radioactive material, the provisions of chapter ~~((402-61))~~ 246-250 WAC must also be met.

(h) For operation of mineral processing facilities, the provisions of chapter 246-252 WAC must also be met.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-090 SPECIAL REQUIREMENTS FOR SPECIFIC LICENSES OF BROAD SCOPE. This section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material ("broad licenses") and certain regulations governing holders of such licenses.*

*Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity or other product containing source material or by-product material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(1) The different types of broad licenses are set forth below:

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range.

(b) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in WAC ~~((402-22-250))~~ 246-235-140 Schedule B, for any authorized purpose. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in WAC

~~((402-22-250))~~ 246-235-140 Schedule B, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in WAC ~~((402-22-250))~~ 246-235-140 Schedule B, Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(c) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in WAC ~~((402-22-250))~~ 246-235-140 Schedule B, for any authorized purpose. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in WAC ~~((402-22-250))~~ 246-235-140 Schedule B, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in WAC ~~((402-22-250))~~ 246-235-140 Schedule B, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(2) An application for a Type A specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in WAC ~~((402-22-040))~~ 246-235-020.

(b) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The establishment of a radiation safety committee composed of such persons as a radiation safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;

(ii) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(iii) The establishment of appropriate administrative procedures to assure:

(A) Control of procurement and use of radioactive material;

(B) Completion of safety evaluation of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(C) Review, approval, and recording by the radiation safety committee of safety evaluation of proposed uses prepared in accordance with item (2)(c)(iii)(B) of this section prior to use of the radioactive material.

(3) An application for a Type B specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in WAC (~~(402-22-040)~~) 246-235-020; and

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(ii) The establishment of appropriate administrative procedures to assure:

(A) Control of procurement and use of radioactive material;

(B) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(C) Review, approval, and recording by the radiation safety officer of safety evaluations of proposed uses prepared in accordance with item (3)(b)(ii)(B) of this section prior to use of the radioactive material.

(4) An application for a Type C specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in WAC (~~(402-22-040)~~) 246-235-020.

(b) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of individuals, who have received:

(i) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

(ii) At least forty hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and

(c) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting, and management review necessary to assure safe operations.

(5) Specific licenses of broad scope are subject to the following conditions:

(a) Unless specifically authorized by the department, persons licensed pursuant to this section shall not:

(i) Conduct tracer studies in the environment involving direct release of radioactive material;

(ii) Receive, acquire, own, possess, use or transfer devices containing 100,000 curies or more of radioactive material in sealed sources used for irradiation of materials;

(iii) Conduct activities for which a specific license issued by the department under WAC (~~(402-22-070 or 402-22-110)~~) 246-235-080 or 246-235-100 is required; or

(iv) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product

designed for ingestion or inhalation by, or application to, a human being.

(b) Each Type A specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.

(c) Each Type B specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer.

(d) Each Type C specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (4) of this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-100 SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR, OR DISTRIBUTE COMMODITIES, PRODUCTS, OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL. (1) Licensing the introduction of radioactive material into products in exempt concentrations. In addition to the requirements set forth in WAC (~~(402-22-040)~~) 246-235-020, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt under WAC (~~(402-19-190)~~) 246-232-010 (2)(a) will be issued if:

(a) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer; and

(b) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in WAC (~~(402-19-580)~~) 246-232-130, Schedule C, that reconstruction of the radioactive material in concentrations exceeding those in WAC (~~(402-19-580)~~) 246-232-130, Schedule C, is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to a human being.

(c) Each person licensed under subsection (1) of this section shall file an annual report with the department which shall identify the type and quantity of each

product or material into which radioactive material has been introduced during the reporting period; name and address of the person who owned or possessed the product and material, into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made pursuant to subsection (1) of this section during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within thirty days thereafter.

(2) Licensing the distribution of radioactive material in exempt quantities.*

*Note: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing source material or by-product material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(a) An application for a specific license to distribute naturally occurring and accelerator-produced radioactive material (NARM) to persons exempted from these regulations pursuant to WAC ((402-19-190)) 246-232-010 (2)(b) will be approved if:

(i) The radioactive material is not contained in any food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;

(ii) The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and

(iii) The applicant submits copies of prototype labels and brochures and the department approves such labels and brochures.

(b) The license issued under paragraph (2)(a) of this section is subject to the following conditions:

(i) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantity provided the sum of the fractions shall not exceed unity.

(ii) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to WAC ((402-19-190)) 246-232-010 (2)(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem per hour.

(iii) The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label which:

(A) Identifies the radionuclide and the quantity of radioactivity; and

(B) Bears the words "radioactive material."

(iv) In addition to the labeling information required by item (2)(b)(iii) of this section, the label affixed to the immediate container, or an accompanying brochure, shall:

(A) State that the contents are exempt from licensing state requirements;

(B) Bear the words "Radioactive material—Not for human use—Introduction into foods, beverages, cosmetics, drugs, or medicinals, or into products manufactured for commercial distribution is prohibited—Exempt quantities should not be combined"; and

(C) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.

(c) Each person licensed under paragraph (2)(a) of this section shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under WAC ((402-19-190)) 246-232-010 (2)(b) or the equivalent regulations of a licensing state, and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the department. Each report shall cover the year ending June 30, and shall be filed within thirty days thereafter. If no transfers of radioactive material have been made pursuant to subsection (2) of this section during the reporting period, the report shall so indicate.

(3) Licensing the incorporation of naturally occurring and accelerator-produced radioactive material into gas and aerosol detectors. An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under WAC ((402-19-190)) 246-232-010 (2)(c)(iii) will be approved if the application satisfies requirements equivalent to those contained in Section 32.26 of 10 CFR Part 32.

(4) Licensing the manufacture and distribution of devices to person generally licensed under WAC ((402-21-050)) 246-233-020(4).

(a) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under WAC ((402-21-050)) 246-233-020(4) or equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state will be approved if:

(i) The applicant satisfies the general requirements of WAC ((402-22-040)) 246-235-020;

(ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(A) The device can be safely operated by persons not having training in radiological protection;

(B) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person

will receive in any period of one calendar quarter a dose in excess of ten percent of the limits specified in the table in WAC ((402-24-020)) 246-221-010(1); and

(C) Under accident conditions (such as fire and explosion) associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

- Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye 15 rems
- Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than one square centimeter 200 rems
- Other organs 50 rems

(iii) Each device bears a durable, legible, clearly visible label or labels approved by the department, which contain in a clearly identified and separate statement:

(A) Instructions and precautions necessary to assure safe installation, operation and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information);

(B) The requirement, or lack of requirement, for leak testing, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and

(C) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

(aa) The receipt, possession, use and transfer of this device, Model, Serial No. Note*, are subject to a general license or the equivalent, and the regulations of the United States Nuclear Regulatory Commission or a state with which the United States Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

.....
(Name of manufacturer or distributor)*

(bb) The receipt, possession, use and transfer of this device, Model, Serial No. Note*, are subject to a general license or the equivalent, and the regulations of a licensing state. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

.....
(Name of manufacturer or distributor)*

*Note: The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(b) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, ((he)) the applicant shall include in ((his)) the application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the department will consider information which includes, but is not limited to:

- (i) Primary containment (source capsule);
- (ii) Protection of primary containment;
- (iii) Method of sealing containment;
- (iv) Containment construction materials;
- (v) Form of contained radioactive material;
- (vi) Maximum temperature withstood during prototype tests;
- (vii) Maximum pressure withstood during prototype tests;
- (viii) Maximum quantity of contained radioactive material;
- (ix) Radiotoxicity of contained radioactive material; and
- (x) Operating experience with identical devices or similarly designed and constructed devices.

(c) In the event the applicant desires that the general licensee under WAC ((402-21-050)) 246-233-020(4), or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, ((he)) the applicant shall include in ((his)) the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a calendar quarter dose in excess of ten percent of the limits specified in the table in WAC ((402-24-020)) 246-221-010(1).

(d) Each person licensed under paragraph (4)(a) of this section to distribute devices to generally licensed persons shall:

(i) Furnish a copy of the general license contained in WAC ((402-21-050)) 246-233-020(4) to each person to whom the person directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in WAC ((402-21-050)) 246-233-020(4);

(ii) Furnish a copy of the general license contained in the United States Nuclear Regulatory Commission's,

agreement state's, or licensing state's regulation equivalent to WAC ((402-21-050)) 246-233-020(4), or alternatively, furnish a copy of the general license contained in WAC ((402-21-050)) 246-233-020(4) to each person to whom ((he)), directly or through an intermediate person ((transfers)), is transferred radioactive material in a device for use pursuant to the general license of the United States Nuclear Regulatory Commission, the agreement state or the licensing state. If a copy of the general license in WAC ((402-21-050)) 246-233-020(4) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the United States Nuclear Regulatory Commission, agreement state or licensing state under requirements substantially the same as those in WAC ((402-21-050)) 246-233-020(4);

(iii) Report to the department all transfers of such devices to persons for use under the general license in WAC ((402-21-050)) 246-233-020(4). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under WAC ((402-21-050)) 246-233-020(4) during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within thirty days thereafter.

(iv) Reports to other departments.

(A) Report to the United States Nuclear Regulatory Commission all transfers of such devices to persons for use under the United States Nuclear Regulatory Commission general license in Section 31.5 of 10 CFR Part 31.

(B) Report to the responsible department all transfers of devices manufactured and distributed pursuant to subsection (4) of this section for use under a general license in that state's regulations equivalent to WAC ((402-21-050)) 246-233-020(4).

(C) Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within thirty days after the end of each calendar quarter in which such a device is transferred to the generally licensed person.

(D) If no transfers have been made to United States Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the United States Nuclear Regulatory Commission.

(E) If no transfers have been made to general licensees within a particular state during the reporting period, this information shall be reported to the responsible department upon request of the department.

(v) Keep records showing the name, address and the point of contact for each general licensee to whom the person directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in WAC ((402-21-050)) 246-233-020(4), or equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state. The records shall show the date of each transfer, the radionuclide and the quantity of radioactivity in each device transferred, the identity of any intermediate person, and compliance with the report requirements of paragraph (4)(d) of this section.

(5) Special requirements for the manufacture, assembly or repair of luminous safety devices for use in aircraft. An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft for distribution to persons generally licensed under WAC ((402-21-050)) 246-233-020(5) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements specified in WAC ((402-22-040)) 246-235-020; and

(b) The applicant satisfies the requirements of Sections 32.53, 32.54, 32.55, 32.56, 32.101 of 10 CFR Part 32 or their equivalent.

(6) Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under WAC ((402-21-050)) 246-233-020(7). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 to persons generally licensed under WAC ((402-21-050)) 246-233-020(7) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirement of WAC ((402-22-040)) 246-235-020; and

(b) The applicant satisfies the requirements of Sections 32.57, 32.58, 32.59, 32.102 of 10 CFR Part 32 and Section 70.39 of 10 CFR Part 70 or their equivalent.

(7) Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license. An application for a specific license to manufacture or distribute radioactive material for use under the general license of WAC ((402-21-050)) 246-233-020(8) will be approved if:

(a) The applicant satisfies the general requirements specified in WAC ((402-22-040)) 246-235-020;

(b) The radioactive material is to be prepared for distribution in prepackaged units of:

(i) Iodine-125 in units not exceeding 10 microcuries each;

(ii) Iodine-131 in units not exceeding 10 microcuries each;

(iii) Carbon-14 in units not exceeding 10 microcuries each;

(iv) Hydrogen-3 (tritium) in units not exceeding 50 microcuries each;

(v) Iron-59 in units not exceeding 20 microcuries each;

(vi) Cobalt-57 in units not exceeding 10 microcuries each;

(vii) Selenium-75 in units not exceeding 10 microcuries each;

(viii) Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each.

(c) Each prepackaged unit bears a durable, clearly visible label:

(i) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 50 microcuries of hydrogen-3 (tritium); 20 microcuries of iron-59; or Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each; and

(ii) Displaying the radiation caution symbol described in WAC ((402-24-090)) 246-221-120 (1)(a) and the words, "CAUTION, RADIOACTIVE MATERIAL," and "Not for internal or external use in humans or animals."

(d) One of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

(i) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the commission has entered into an agreement for the exercise of regulatory authority.

.....
Name of manufacturer

(ii) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a licensing state.

.....
Name of manufacturer

(e) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such radioactive material. In the

case of the Mock Iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set out in WAC ((402-24-130)) 246-221-170 of these regulations.

(8) Licensing the manufacture and distribution of ice detection devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under WAC ((402-21-050)) 246-233-020(9) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements of WAC ((402-22-040)) 246-235-020; and

(b) The criteria of Sections 32.61, 32.62, 32.103 of 10 CFR Part 32 are met.

(9) Manufacture and distribution of radiopharmaceuticals containing radioactive material for medical use under group licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to WAC ((402-22-070)) 246-235-080(3) for the uses listed in Group I, Group II, Group IV, or Group V of WAC ((402-22-200)) 246-235-120, Schedule A, will be approved if:

(a) The applicant satisfies the general requirements specified in WAC ((402-22-040)) 246-235-020 of this part;

(b) The applicant submits evidence that:
(i) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the United States Food and Drug Administration (FDA), a biologic product license issued by FDA or a "notice of claimed investigational exemption for a new drug" (IND) that has been accepted by the FDA; or

(ii) The manufacture, compounding and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act;

(c) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by group licensees; and

(d) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, quantity and date of assay, and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the department for distribution to persons licensed pursuant to WAC ((402-22-070)) 246-235-080(3) and ((402-22-200)) 246-235-120 Schedule A, Group I, Group II, Group IV, and Group V, as appropriate, or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state. The labels, leaflets or brochures required by subsection (9) of this section are in addition to the labeling required by the Food

and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

(10) Manufacture and distribution of generators or reagent kits for preparation of radiopharmaceuticals containing radioactive material. An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to WAC ((~~402-22-070~~)) 246-235-080(3) for the uses listed in Group III of WAC ((~~402-22-200~~)) 246-235-120, Schedule A will be approved if:

(a) The applicant satisfies the general requirements specified in WAC ((~~402-22-040~~)) 246-235-020;

(b) The applicant submits evidence that:

(i) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biologic product license issued by FDA, or a "Notice of claimed investigational exemption for a new drug" (IND) that has been accepted by the FDA; or

(ii) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act;

(c) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;

(d) The label affixed to the generator or reagent kit contains information on the radionuclide, quantity, and date of assay; and

(e) The label affixed to the generator or reagent kit, or the leaflet or brochure which accompanies the generator or reagent kit; contains:

(i) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

(ii) A statement that this generator or reagent kit (as appropriate) is approved for use by persons licensed by the department pursuant to WAC ((~~402-22-070~~)) 246-235-080(3) and Group III of WAC ((~~402-22-200~~)) 246-235-120, Schedule A, or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state. The labels, leaflets or brochures required by subsection (10) of this section are in addition to the labeling required by FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

Note: Although the department does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have ((~~this~~)) reagent kits approved by the department for use by persons licensed pursuant to WAC ((~~402-22-070~~)) 246-235-080(3)

and Group III of WAC ((~~402-22-200~~)) 246-235-120 Schedule A may submit the pertinent information specified in subsection (10) of this section.

(11) Manufacture and distribution of sources or devices containing radioactive material for medical use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to WAC ((~~402-22-070~~)) 246-235-080(3) for use as a calibration or reference source or for the uses listed in Group VI of WAC ((~~402-22-200~~)) 246-235-120 Schedule A of this part will be approved if:

(a) The applicant satisfies the general requirements in WAC ((~~402-22-040~~)) 246-235-020 of this part;

(b) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(i) The radioactive material contained, its chemical and physical form and amount;

(ii) Details of design and construction of the source or device;

(iii) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

(iv) For devices containing radioactive material, the radiation profile of a prototype device;

(v) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

(vi) Procedures and standards for calibrating sources and devices;

(vii) Legend and methods for labeling sources and devices as to their radioactive content; and

(viii) Instructions for handling and storing the source or device from the radiation safety standpoint, these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device: PROVIDED, That instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure which is referenced on the label.

(c) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity and date of assay, and a statement that the named source or device is licensed by the department for distribution to persons licensed pursuant to WAC ((~~402-22-070~~)) 246-235-080(3) and Group VI of WAC ((~~402-22-200~~)) 246-235-120 Schedule A or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state: PROVIDED, That such labeling for sources which do not require long term storage (e.g., gold-198 seeds) may be on a leaflet or brochure which accompanies the source.

(d) In the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, the applicant shall include in the application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features

that have a significant bearing on the probability or consequences of leakage of radioactive material from the source.

(e) In determining the acceptable interval for test of leakage of radioactive material, the department will consider information that includes, but is not limited to:

- (i) Primary containment (source capsule);
- (ii) Protection of primary containment;
- (iii) Method of sealing containment;
- (iv) Containment construction materials;
- (v) Form of contained radioactive material;
- (vi) Maximum temperature withstood during prototype tests;
- (vii) Maximum pressure withstood during prototype tests;
- (viii) Maximum quantity of contained radioactive material;
- (ix) Radiotoxicity of contained radioactive material; and
- (x) Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

(12) Requirements for license to manufacture and distribute industrial products containing depleted uranium for mass-volume applications.

(a) An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to WAC ((402-21-030)) 246-233-010(4) or equivalent regulations of the United States Nuclear Regulatory Commission or an agreement state will be approved if:

(i) The applicant satisfies the general requirements specified in WAC ((402-22-040)) 246-235-020;

(ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to provide reasonable assurance that possession, use or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of one calendar quarter a radiation dose in excess of ten percent of the limits specified in WAC ((402-24-020)) 246-221-010(1); and

(iii) The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

(b) In the case of an industrial product or device whose unique benefits are questionable, the department will approve an application for a specific license under subsection (12) of this section only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

(c) The department may deny any application for a specific license under subsection (12) of this section if the end use(s) of the industrial product or device cannot be reasonably foreseen.

(d) Each person licensed pursuant to paragraph (12)(a) of this section shall:

(i) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

(ii) Label or mark each unit to:

(A) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and

(B) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the United States Nuclear Regulatory Commission or of an agreement state;

(iii) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted uranium";

(iv) Furnish to each person to whom depleted uranium in a product or device is transferred for use pursuant to the general license contained in WAC ((402-21-030)) 246-233-010(4) or its equivalent:

(A) A copy of the general license contained in WAC ((402-21-030)) 246-233-010(4) and a copy of department Form RHF-20; or

(B) A copy of the general license contained in the United States Nuclear Regulatory Commission's or agreement state's regulation equivalent to WAC ((402-21-030)) 246-233-010(4) and a copy of the United States Nuclear Regulatory Commission's or agreement state's certificate, or alternatively, furnish a copy of the general license contained in WAC ((402-21-030)) 246-233-010(4) and a copy of department Form RHF-20 with a note explaining that use of the product or device is regulated by the United States Nuclear Regulatory Commission or an agreement state under requirements substantially the same as those in WAC ((402-21-030)) 246-233-010(4).

(v) Report to the department all transfers of industrial products or devices to persons for use under the general license in WAC ((402-21-030)) 246-233-010(4). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under chapter ((402-21)) 246-233 WAC during the reporting period, the report shall so indicate;

(vi) Provide certain other reports as follows:

(A) Report to the United States Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the United States Nuclear

Regulatory Commission general license in Section 40.25 of 10 CFR Part 40;

(B) Report to the responsible department all transfers of devices manufactured and distributed pursuant to subsection (12) of this section for use under a general license in that state's regulations equivalent to WAC ((402-21-030)) 246-233-010(4);

(C) Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person;

(D) If no transfers have been made to United States Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the United States Nuclear Regulatory Commission;

(E) If no transfers have been made to general licensees within a particular agreement state during the reporting period, this information shall be reported to the responsible department; and

(vii) Keep records showing the name, address and point of contact for each general licensee to whom the person transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in WAC ((402-21-030)) 246-233-010(4) or equivalent regulations of the United States Nuclear Regulatory Commission or of an agreement state. The records shall be maintained for a period of two years and shall show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the report requirements of this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-110 SPECIAL REQUIREMENTS FOR ISSUANCE OF SPECIFIC LICENSES FOR SOURCE MATERIAL MILLING. In addition to the requirements set forth in WAC ((402-22-040)) 246-235-020, a specific license for source material milling will be issued if the applicant submits to the department a satisfactory application as described herein and meets the other conditions specified below:

(1) An application for a license to receive title to, receive, possess, and use source material for milling or byproduct material as defined in WAC ((402-12-050(6))) 246-220-010 shall address the following:

(a) Description of the proposed project or action.

(b) Area/site characteristics including geology, demography, topography, hydrology and meteorology.

(c) Radiological and nonradiological impacts of the proposed project or action, including waterway and groundwater impacts.

(d) Environmental effects of accidents.

(e) Tailings disposal and decommissioning.

(f) Site and project alternatives.

(g) Description of how the provisions of chapter ((402-52)) 246-252 WAC shall be met.

(2) Pursuant to WAC ((402-22-040(6))) 246-235-080 (6)(a)(i) the applicant shall not commence construction of the project until the department has weighed the environmental, economic, technical, and other benefits against the environmental costs and has concluded that the issuance of the license is appropriate.

(3) Prior to issuance of a license, a public hearing shall be held. The scope shall extend to the question of license issuance and the adequacy of the reclamation, disposal, decommissioning, and decontamination plans.

(4) At least one full year prior to any major site construction, a preoperational monitoring program shall be conducted to provide complete baseline data on a milling site and its environs. Throughout the construction and operating phases of the mill, an operational monitoring program shall be conducted to measure or evaluate compliance with applicable standards and regulations; to evaluate performance of control systems and procedures; to evaluate environmental impacts of operation; and to detect potential long-term effects.

(5) Prior to issuance of the license, the mill operator shall establish financial surety arrangements consistent with the requirements of WAC ((402-22-040(6))) 246-252-030.

(6) The applicant shall provide procedures describing the means employed to meet the following requirements during the operational phase of any project.

(a) Milling operations shall be conducted so that all effluent releases are reduced to as low as is reasonably achievable below the limits of chapter ((402-24)) 246-221 WAC.

(b) The mill operator shall conduct at least daily inspection of any tailings or waste retention systems. Records of such inspections shall be maintained for review by the department.

(c) The mill operator shall immediately notify the department of the following:

(i) Any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas; and

(ii) Any unusual conditions (conditions not contemplated in the design of the retention system) which if not corrected could lead to failure of the system and result in a release of tailings or waste into unrestricted areas.

(7) An application for a license to own, receive, possess and use byproduct material as defined in WAC ((402-12-050(6)(b))) 246-220-010 shall contain proposed specifications relating to the emissions control and disposition of the byproduct material to achieve the requirements and objectives set forth in the criteria listed in WAC ((402-52-100)) 246-252-030.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-120 SCHEDULE A GROUPS OF MEDICAL USES OF RADIOACTIVE MATERIAL (REF. WAC ((402-22-070(3) AND 402-22-110(9))) 246-235-080(3) AND 246-235-100(9)). (1) Group I. Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include imaging or localization studies.

(a) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution or excretion for which a "Notice of claimed investigational exemption for a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect.

(b) The provisions of (a) of this subsection notwithstanding, no radioactive material in gaseous form or for use as an aerosol is permitted by this subsection except as specifically authorized in a license.

(2) Group II. Use of prepared radiopharmaceuticals for diagnostic imaging and localization studies.

(a) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving imaging or localizing for which a "Notice of claimed investigational exemption for a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect;

(b) The provisions of (a) of this subsection notwithstanding, no radioactive material in gaseous form or for use as an aerosol is permitted by this subsection except as specifically authorized by a license or subsection (3)(b) of this section.

(3) Group III. Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing radioactive material for diagnostic imaging and localization studies.

(a) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material for which generator or reagent kit a "Notice of claimed investigational exemption of a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect.

(b) The provisions of (a) of this subsection notwithstanding, no generator or reagent kit is authorized for preparation of any gaseous form or aerosol of a radioactive material, except Technetium-99m as sodium pentetate as an aerosol for pulmonary function studies when used only with an approved and shielded delivery system, and disposed in accordance with applicable requirements, or as specifically authorized in a license.

(4) Group IV. Use of prepared radiopharmaceuticals for certain therapeutic uses that do not normally require hospitalization for purposes of radiation safety.

(a) Iodine-131 as iodide for treatment of hyperthyroidism and cardiac dysfunction;

(b) Phosphorus-32 as soluble phosphate for treatment of polycythemia vera, leukemia and bone metastases;

(c) Phosphorus-32 as colloidal chromic phosphate for intracavitary treatment of malignant effusions;

(d) Any radioactive material in a radiopharmaceutical and for a therapeutic use not normally requiring hospitalization for purposes of radiation safety for which a "Notice of claimed investigational exemption for a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect.

(5) Group V. Use of prepared radiopharmaceuticals for certain therapeutic uses that normally require hospitalization for purposes of radiation safety.

(a) Gold-198 as colloid for intracavitary treatment of malignant effusions;

(b) Iodine-131 as iodide for treatment of thyroid carcinoma;

(c) Any radioactive material in a radiopharmaceutical and for a therapeutic use normally requiring hospitalization for radiation safety reasons for which a "Notice of claimed investigational exemption for a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect.

(6) Group VI. Use of sources and devices containing radioactive material for certain medical uses.

(a) Americium-241 as a sealed source in a device for bone mineral analysis;

(b) Cesium-137 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(c) Cobalt-60 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(d) Gold-198 as seeds for interstitial treatment of cancer;

(e) Iodine-125 as a sealed source in a device for bone mineral analysis;

(f) Gadolinium-153 as a sealed source in a device for bone mineral analysis;

(g) Iridium-192 as seeds encased in nylon ribbon for interstitial treatment of cancer;

(h) Strontium-90 sealed in an applicator for treatment of superficial eye conditions; and

(i) Iodine-125 as seeds for interstitial treatment of cancer.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-130 APPENDIX—GENERAL LABORATORY RULES FOR SAFE USE OF UNSEALED SOURCES. (1) In addition to the requirements set forth in WAC (~~(402-22-040)~~) 246-235-020, a specific licensee who uses unsealed, unplated and/or liquid sources should (~~(the applicant)~~) possess adequate facilities including ventilation systems which are compatible with the proposed uses; and,

(2) Possess, use, and store, radioactive materials in accordance with, but not limited to, the following:

(a) Receive, handle, and store radioactive materials only at specifically designated locations within the applicant's facility. Vessels containing radioactive material must be labeled as required by chapter (~~(402-24)~~) 246-221 WAC.

(b) Wear disposable gloves at all times when handling dispersible radioactive material or potentially contaminated items.

(c) Wear personnel monitoring devices (film badge and/or TLD), when required, at all times when working with, or in the vicinity of, radioactive materials. Extremity doses shall be considered in evaluating the need for separate extremity dosimeters. Calculations based on whole body badge results for photon emitters may be used in lieu of separate extremity dosimeters. Extremity dosimetry should be worn when working with millicurie

or greater quantities of material (excluding low energy beta emitters and pure alpha emitters). Monitoring devices, when not in use, shall be stored only in a designated low-background area.

(d) Use remote tools, lead shields, lead-glass shields, and/or plexiglass shields as appropriate.

(e) Prohibit eating, chewing, drinking, smoking, and application of cosmetics in any area where radioactive material is used or stored.

(f) Do not store food, drink or personal effects in any area, container, or refrigerator designated for radioactive materials use or storage.

(g) Do not pipette radioactive materials or perform any similar operation by employing mouth suction.

(h) Use disposable absorbent material with impervious backing to cover work surfaces where spillage is possible.

(i) Properly dress and protect open wounds on exposed body surfaces before working with radioactive materials.

(j) Wear laboratory coats when working with radioactive material. Potentially contaminated laboratory coats shall not be worn outside the immediate work area.

(k) Nuclides in volatile form, or with a high potential for volatilization should be used only in areas with ventilation systems which conform to the requirements of WAC ((~~402-24-030~~ and ~~402-24-050~~)) 246-221-040 and 246-221-070.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-235-140 SCHEDULE B, LIMITS FOR BROAD LICENSES. (See also WAC ((~~402-22-090~~)) 246-235-090)

RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Antimony-122	1	0.01
Antimony-124	1	0.01
Antimony-125	1	0.01
Arsenic-73	10	0.1
Arsenic-74	1	0.01
Arsenic-76	1	0.01
Arsenic-77	10	0.1
Barium-131	10	0.1
Barium-140	1	0.01
Beryllium-7	10	0.1
Bismuth-210	0.1	0.001
Bromine-82	10	0.1
Cadmium-109	1	0.01
Cadmium-115m	1	0.01
Cadmium-115	10	0.1
Calcium-45	1	0.01
Calcium-47	10	0.1
Carbon-14	100	1.
Cerium-141	10	0.1
Cerium-143	10	0.1
Cerium-144	0.1	0.001
Cesium-131	100	1.
Cesium-134m	100	1.
Cesium-134	0.1	0.001
Cesium-135	1	0.01
Cesium-136	10	0.1

RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Cesium-137	0.1	0.001
Chlorine-36	1	0.01
Chlorine-38	100	1.
Chromium-51	100	1.
Cobalt-57	10	0.1
Cobalt-58m	100	1.
Cobalt-58	1	0.01
Cobalt-60	0.1	0.001
Copper-64	10	0.1
Dysprosium-165	100	1.
Dysprosium-166	10	0.1
Erbium-169	10	0.1
Erbium-171	10	0.1
Europium-152 (9.2h)	10	0.1
Europium-152 (13 y)	0.1	0.001
Europium-154	0.1	0.001
Europium-155	1	0.01
Fluorine-18	100	1.
Gadolinium-153	1	0.01
Gadolinium-159	10	0.1
Gallium-72	10	0.1
Germanium-71	100	1.
Gold-198	10	0.1
Gold-199	10	0.1
Hafnium-181	1	0.01
Holmium-166	10	0.1
Hydrogen-3	100	1.
Indium-113m	100	1.
Indium-114m	1	0.01
Indium-115m	100	1.
Indium-115	1	0.01
Iodine-125	0.1	0.001
Iodine-126	0.1	0.001
Iodine-129	0.1	0.001
Iodine-131	0.1	0.001
Iodine-132	10	0.1
Iodine-133	1	0.01
Iodine-134	10	0.1
Iodine-135	1	0.01
Iridium-192	1	0.01
Iridium-194	10	0.1
Iron-55	10	0.1
Iron-59	1	0.01
Krypton-85	100	1.
Krypton-87	10	0.1
Lanthanum-140	1	0.01
Lutetium-177	10	0.1
Manganese-52	1	0.01
Manganese-54	1	0.01
Manganese-56	10	0.1
Mercury-197m	10	0.1
Mercury-197	10	0.1
Mercury-203	1	0.01
Molybdenum-99	10	0.1
Neodymium-147	10	0.1
Neodymium-149	10	0.1
Nickel-59	10	0.1
Nickel-63	1	0.01
Nickel-65	10	0.1

RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES	RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Niobium-93m	1	0.01	Tellurium-125m	1	0.01
Niobium-95	1	0.01	Tellurium-127m	1	0.01
Niobium-97	100	1.	Tellurium-127	10	0.1
Osmium-185	1	0.01	Tellurium-129m	1	0.01
Osmium-191m	100	1.	Tellurium-129	100	1.
Osmium-191	10	0.1	Tellurium-131m	10	0.1
Osmium-193	10	0.1	Tellurium-132	1	0.01
Palladium-103	10	0.1	Terbium-160	1	0.01
Palladium-109	10	0.1	Thallium-200	10	0.1
Phosphorus-32	1	0.01	Thallium-201	10	0.1
Platinum-191	10	0.1	Thallium-202	10	0.1
Platinum-193m	100	1.	Thallium-204	1	0.01
Platinum-193	10	0.1	Thulium-170	1	0.01
Platinum-197m	100	1.	Thulium-171	1	0.01
Platinum-197	10	0.1	Tin-113	1	0.01
Polonium-210	0.01	0.0001	Tin-125	1	0.01
Potassium-42	1	0.01	Tungsten-181	1	0.01
Praseodymium-142	10	0.1	Tungsten-185	1	0.01
Praseodymium-143	10	0.1	Tungsten-187	10	0.1
Promethium-147	1	0.01	Vanadium-48	1	0.01
Promethium-149	10	0.1	Xenon-131m	1,000	10.
Radium-226	0.01	0.0001	Xenon-133	100	1.
Rhenium-186	10	0.1	Xenon-135	100	1.
Rhenium-188	10	0.1	Ytterbium-175	10	0.1
Rhodium-103m	1,000	10.	Yttrium-90	1	0.01
Rhodium-105	10	0.1	Yttrium-91	1	0.01
Rubidium-86	1	0.01	Yttrium-92	10	0.1
Rubidium-87	1	0.01	Yttrium-93	1	0.01
Ruthenium-97	100	1.	Zinc-65	1	0.01
Ruthenium-103	1	0.01	Zinc-69m	10	0.1
Ruthenium-105	10	0.1	Zinc-69	100	1.
Ruthenium-106	0.1	0.001	Zirconium-93	1	0.01
Samarium-151	1	0.01	Zirconium-95	1	0.01
Samarium-153	10	0.1	Zirconium-97	1	0.01
Scandium-46	1	0.01	Any radioactive material other than source material, special nuclear material, or alpha emitting radioactive material not listed above.	0.1	0.001
Scandium-47	10	0.1			
Scandium-48	1	0.01			
Selenium-75	1	0.01			
Silicon-31	10	0.1			
Silver-105	1	0.01			
Silver-110m	0.1	0.001			
Silver-111	10	0.1			
Sodium-22	0.1	0.001			
Sodium-24	1	0.01			
Strontium-85m	1,000	10.			
Strontium-85	1	0.01			
Strontium-89	1	0.01			
Strontium-90	0.01	0.0001			
Strontium-91	10	0.1			
Strontium-92	10	0.1			
Sulphur-35	10	0.1			
Tantalum-182	1	0.01			
Technetium-96	10	0.1			
Technetium-97m	10	0.1			
Technetium-97	10	0.1			
Technetium-99m	100	1.			
Technetium-99	1	0.01			

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-010 DEFINITIONS. (1) "Nuclear medicine" means the intentional internal or external administration of unsealed radioactive material to human beings.

(2) "Nuclear medicine technologist" means any individual who performs nuclear medical procedures under the supervision of a physician licensed pursuant to chapter ((402=22)) 246-235 WAC.

(3) "Training" means instruction or experience acquired under the direct supervision of a physician, a certified/registered nuclear medicine technologist, and/or a qualified expert who has the necessary knowledge and training to advise personnel on radiation protection.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-020 RADIATION SAFETY COMMITTEE. (1) Where required by license condition or pursuant to WAC ((402-22-070)) 246-235-080(1), the radiation safety committee, shall meet at least once every six months. Where required by license condition, the committee shall meet at the frequency stated in the license or application. Such meetings shall be documented by written minutes and those minutes shall be maintained for inspection by the department for at least two years.

(2) Evaluation of the adequacy of the licensee's radiation safety program shall be conducted at least once each calendar year. Such evaluations may be performed by the radiation safety officer, a competent outside agent, or by qualified personnel at the licensee's own facility. These evaluations shall be documented, maintained for inspection by the department, and presented to the radiation safety committee for review and approval.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-030 PERSONNEL MONITORING. In addition to the requirements of WAC ((402-24-070)) 246-221-090 and the conditions of the license, extremity monitoring (such as TLD ring badges) shall be provided and used on a monthly exchange basis for those personnel who elute Tc 99^m/Mo 99 generators.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-040 RADIOPHARMACEUTICALS. (1) Radioactive material to be administered to humans shall be the subject of an FDA-approved "new drug application" (NDA) or an FDA-accepted "notice of claimed investigational exemption for a new drug" (IND), unless otherwise stated in the license.

(2) Any licensee using radioactive material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:

- (a) Chemical and physical form;
- (b) Route of administration; and
- (c) Dosage range.

(3) No licensee shall receive, possess, or use radioactive material as a radiopharmaceutical except when it has been:

(a) Manufactured in the form to be administered to the patient, and labeled, packaged, and distributed, in accordance with a specific license; or

(b) Prepared from reagent kits and/or radionuclide generators approved in accordance with WAC ((402-22-070)) 246-235-080 (3)(b) and ((402-22-110)) 246-235-100(10).

(4) The provisions of this part notwithstanding:

(a) No radioactive material in gaseous form or for use as an aerosol is permitted except Technetium-99m pentetate used as an aerosol for lung function studies, or

as specifically authorized by license condition. Radioactive aerosols must be administered with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol; and

(b) No generator or reagent kit is authorized for preparation of any gaseous form or aerosol of the radioactive material, except as specifically authorized by license condition.

(5) Radioactive material to be administered to humans shall be assayed for activity to determine the dose within ten percent accuracy of the prescribed dose prior to being administered to patients.

(a) In the absence of a certificate from a supplier which specifies the activity of each dose, the licensee shall establish written procedures for the personnel to perform assays to an accuracy of ten percent of the prescribed dose prior to being administered to patients.

(b) The licensee shall maintain for inspection by the department, records of the results of each assay performed to determine the activity of each dose administered to a patient. Records shall be maintained for two years following performance of each assay.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-060 LABORATORY SAFETY. In addition to those requirements found in WAC ((402-22-240)) 246-235-130, the licensee shall utilize syringe shields or other shielding devices for all manipulations. Syringe shields should be used for injections whenever practicable.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-080 CALIBRATION AND REFERENCE SOURCES. (1) Any licensee who owns, receives, acquires, possesses, uses, or transfers calibration reference sources pursuant to the general license authorized in WAC ((402-21-050)) 246-233-020(7) shall:

(a) Maintain a file or log identifying such sources, including isotope, amount, model and serial numbers, manufacturer, date of receipt, date of transfer, and to whom transferred (where applicable);

(b) Possess at any one time, and at any one location of storage or use, no more than five uCi of Am-241 and five uCi of Pu and five uCi of Ra-226 in such sources;

(c) Store such source(s), except when the source(s) is being used, in a closed container adequately designed and constructed to contain Americium-241, Plutonium, or Radium 226 which might otherwise escape during storage; and

(d) Not use such source(s) for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(2) Any licensee who receives, possesses, or uses calibration and reference standards pursuant to the group licensing provisions of WAC ((402-22-070)) 246-235-080 (3)(c):

(a) Shall conduct leak tests in accordance with WAC ((402-22-070)) 246-235-080 (3)(d);

(b) Shall follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, and agreement state or a licensing state and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form; and

(c) Shall conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventory shall be maintained for inspection by the department, and shall include, but not be limited to, the quantities and kinds of radioactive material, location of sources, and the date of inventory.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-090 INSTRUMENTATION. (1) Instrumentation used to conduct surveys shall be appropriate for the nuclide(s) and radiation levels present.

(2) Portable and stationary survey instruments shall be calibrated at least once each calendar year, and after any repair using either approved procedures or by a facility specifically licensed to perform calibrations. Records shall be maintained for inspection by the department.

(3) An operational check utilizing an appropriate check source shall be conducted.

(4) Imaging systems shall have a flood performed daily when the system is used. In addition, mobile nuclear medicine services employing imaging systems which are moved from one facility to another shall perform a flood prior to use at each location. Bar phantoms shall be performed weekly. Records of such quality assurance for imaging systems, shall be maintained for inspection by the departments.

(5) Appropriate source(s) for calibration and reference of dose calibrators shall be used. Dose calibrators shall receive:

- (a) Daily constancy checks;
- (b) Quarterly linearity tests;
- (c) Annual tests for accuracy; and
- (d) Geometry tests upon installation and following major repair.

(6) Quality assurance procedures for dose calibrators found in (~~WAC 402-34-190(5)~~) subsection (5) of this section, excluding daily constancy checks shall be conducted by individuals qualified to perform these tests, and shall be documented for future inspection by the department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-239-100 RADIOACTIVE GASES. (1) Licensees utilizing radioactive gases, such as Xenon-133 or Krypton-81m, shall have and use by January 1, 1984 a ventilation system adequate for such use, including an approved trap. Radioactive gas shall be disposed only as specifically authorized by the license.

(2) Licensees utilizing radioactive gases shall maintain emissions in accordance with limits specified in

chapters (~~402-24 and 402-80~~) 246-221 and 246-247 WAC. Verification shall be documented. Such verification may be made by calculation, air samples, or the use of constant monitoring instrumentation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-240-020 INTERSTITIAL, INTRACAVITARY AND SUPERFICIAL APPLICATIONS. (1) Accountability, storage, and handling.

(a) Except as otherwise specifically authorized by the department, each licensee shall provide accountability of sealed sources and shall keep a record of the issue and return of all sealed sources to their place of storage.

(b) Each licensee shall conduct a quarterly physical inventory to account for all sources and devices received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include the quantities and kinds of radioactive material, location of sources and devices, and the date of the inventory.

(c) Each licensee shall follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and furnished by the manufacturer on the label attached to the source, device or permanent container thereof, or in the leaflet or brochure which accompanies the source or device, and maintain such instruction in a legible and conveniently available form.

(d) Each licensee shall assure that needles or standard medical applicator cells containing Radium-226, or Cobalt-60 as wire are not opened while in the licensee's possession unless specifically authorized by license condition.

(2) Testing sealed sources for leakage and contamination.

(a) All sealed sources containing more than 100 microcuries of radioactive material with a half-life greater than thirty days, except Iridium-192 seeds encased in nylon ribbon, shall be tested for contamination and/or leakage at intervals not to exceed six months or at such other intervals as are approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and described by the manufacturer on the label attached to the source, device, or permanent container thereof, or in the leaflet or brochure which accompanies the source or device. Each source or device shall be so tested prior to its first use unless the supplier furnishes a certificate that the source or device has been so tested within six months prior to the transfer.

(b) Leak tests shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample or in the case of radium, the escape of radon at the rate of 0.001 microcurie per twenty-four hours. The test sample shall be taken from the source or from the surfaces of the device in which the source is permanently or semipermanently mounted or stored on which one might expect contamination to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the department.

(c) Any leak test conducted pursuant to (a) of this subsection which reveals the presence of 0.005 microcurie or more of removable contamination or in the case of radium, the escape of radon at the rate of 0.001 microcurie per twenty-four hours, shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the source from use and cause it to be decontaminated and repaired or to be disposed of in accordance with department regulations. A report shall be filed within five days of the test with the department, describing the equipment involved, the test results, and the corrective action taken.

(3) Radiation surveys.

(a) The maximum radiation level at a distance of one meter from the patient in whom brachytherapy sources have been inserted shall be determined by measurement or calculation. This radiation level shall be entered on the patient's chart and other signs as required under subsection (4) of this section.

(b) The radiation levels in the patient's room and the surrounding area shall be determined, recorded, and maintained for inspection by the department.

(c) The licensee shall assure that patients treated with Cobalt-60, Cesium-137, Iridium-192, or Radium-226 or any other nonpermanent implants remain hospitalized until a source count and a radiation survey of the patient and the patient's room confirm that all implants have been removed and are accounted for.

(4) Signs and records.

(a) In addition to the requirements of WAC (~~(402-24-090)~~) 246-221-120, the bed, cubicle, or room of the hospital brachytherapy patient shall be marked with a sign indicating the presence of brachytherapy sources. This sign shall incorporate the radiation symbol and specify the radionuclide, the activity, date, and the individual(s) to contact for radiation safety instructions. The sign is not required provided the exception in WAC (~~(402-24-095)~~) 246-221-130(2) is met.

(b) The following information shall be included for the duration of the patient's treatment in the patient's official hospital medical record/chart:

(i) The radionuclide administered, number of sources, activity in millicuries and time and date of administration;

(ii) The exposure rate at one meter, the time the determination was made, and by whom;

(iii) The radiation symbol; and

(iv) The precautionary instructions necessary to assure that the exposure of individuals does not exceed that permitted under WAC (~~(402-24-020)~~) 246-221-010.

(5) Information required by subsection (4)(b)(i) and (ii) of this section shall be retained for review by the department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-240-030 TELETHERAPY. (1) Equipment.

(a) The housing shall be so constructed that, at one meter from the source, the maximum exposure rate does

not exceed ten milliroentgens per hour when the beam control mechanism is in the "off" position. The average exposure rate measured at a representative number of points about the housing, each one meter from the source, shall not exceed two milliroentgens per hour.

(b) For teletherapy equipment installed after the effective date of these regulations, the leakage radiation measured at one meter from the source when the beam control mechanism is in the "on" position shall not exceed 0.1 percent of the useful beam exposure rate.

(c) Adjustable or removable beam-defining diaphragms shall allow transmission of not more than five percent of the useful beam exposure rate.

(d) The beam control mechanism shall be of a positive design capable of acting in any orientation of the housing for which it is designed to be used. In addition to an automatic closing device, the mechanism shall be designed so that it can be manually returned to the "off" position with a minimum risk of exposure.

(e) The closing device shall be so designed as to return automatically to the "off" position in the event of any breakdown or interruption of the activating force and shall stay in the "off" position until activated from the control panel.

(f) Beam control mechanisms.

(i) When any door to the treatment room is opened, the beam control mechanism shall automatically and rapidly restore the unit to the "off" position and cause it to remain there until the unit is reactivated from the control panel.

(ii) Beam control mechanisms shall be tested at intervals not to exceed three months for proper function. Records of these tests shall be maintained for inspection by the department.

(g) There shall be at the housing and at the control panel a warning device that plainly indicates whether the beam is on or off.

(h) The equipment shall be provided with a locking device to prevent unauthorized use.

(i) The control panel shall be provided with a timer that automatically terminates the exposure after a pre-set time.

(j) Provision shall be made to permit continuous observation of patients during irradiation.

(k) The treatment room shall be equipped with a permanent radiation monitor which shall:

(i) Continuously monitor the condition of the teletherapy beam;

(ii) Provide a continuous visible signal to the teletherapy unit operator and any person entering the treatment room, of a unit malfunction;

(iii) Each radiation monitor must be equipped with an emergency power supply separate from the power supply to the teletherapy unit. This emergency power supply may be a battery system;

(iv) Each radiation monitor must be tested for proper operation each day before the teletherapy unit is used for treatment of patients; and

(v) If a radiation monitor is inoperable for any reason, any person entering the teletherapy room shall use a properly operating portable survey instrument or audible alarm personal dosimeter to monitor for any malfunction

of the source exposure mechanism that may have resulted in an exposed or partially exposed source. Survey instruments or dosimeters must be tested daily before use.

(2) Operation. Except in the emergency condition when a source fails to retract, no individual shall be in the treatment room during irradiation unless that individual is the patient. Mechanical restraining or supporting devices shall be used for positioning the patient, if necessary.

(3) Testing for leakage and contamination. Teletherapy sources shall be tested for leakage and contamination in accordance with the procedures described in WAC ((402-32-020)) 246-240-020(2). Tests of leakage may be made by wiping accessible surfaces of the housing port or collimator while the source is in the "off" position and measuring these wipes for transferred contamination.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-240-040 SPECIAL REQUIREMENTS FOR TELETHERAPY LICENSEES. (1) Requirement to perform full calibration requirements of teletherapy units.

(a) Any licensee authorized under WAC ((402-22-070)) 246-235-080 to use teletherapy units for treating humans shall cause full calibration measurements to be performed on each teletherapy unit:

(i) Prior to the first use of the unit for treating humans;

(A) Whenever spot-check measurements indicate that the output value differs by more than five percent from the value obtained at the last full calibration corrected mathematically for physical decay;

(B) Following replacement of the radiation source or following reinstallation of the teletherapy unit in a new location;

(C) Following any repair of the teletherapy unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and

(D) At intervals not exceeding one year.

(b) Full calibration measurements required by (a) of this subsection shall include determination of:

(i) The exposure rate or dose rate to an accuracy within ± 3 percent for the range of field sizes and for the range of distances (or for the axis distance) used in radiation therapy;

(ii) The congruence between the radiation field and the field indicated by the light beam localizing device;

(iii) The uniformity of the radiation field and its dependence upon the orientation of the useful beam;

(iv) Timer accuracy; and

(v) The accuracy of all distance measuring devices used for treating humans.

(c) Full calibration measurements shall be made in accordance with the procedures recommended by the Scientific Committee on Radiation Dosimetry of the American Association of Physicists in Medicine (Physics in Medicine and Biology, Vol. 16, No. 3, 1971, pp. 379-386).¹

(d) The exposure rate or dose rate values determined in (b)(i) of this subsection shall be corrected mathematically for physical decay for intervals not exceeding one month for units employing a Cobalt-60 source and six months for units employing a Cesium-137 source.

(e) Full calibration measurements required by (a) of this subsection and physical decay corrections required by (d) of this subsection shall be performed by an expert qualified by training and experience in accordance with subsection (4) of this section.

(2) Requirement to perform periodic spot-check measurements of teletherapy units.

(a) Any licensee authorized under WAC ((402-22-070)) 246-235-080(4) to use teletherapy units for treating humans shall cause spot-check measurements to be performed on each teletherapy unit at intervals not exceeding one month.

(b) Spot-check measurements required by (a) of this subsection shall include determination of:

(i) Timer accuracy;

(ii) The congruence between the radiation field and the field indicated by the light beam localizing device;

(iii) The accuracy of all distance measuring devices used for treating humans;

(iv) The exposure rate, dose rate, or a quantity related in a known manner to these rates for one typical set of operating conditions; and

(v) The difference between the measurement made in (b) of this subsection and the anticipated output, expressed as a percentage of the anticipated output (i.e., the value obtained at last full calibration corrected mathematically for physical decay).

(c) Spot-check measurements required by (a) of this subsection shall be performed in accordance with procedures established by an expert qualified by training and experience in accordance with subsection (4) of this section. (A qualified expert need not actually perform the spot-check measurements.) If a qualified expert does not perform the spot-check measurements, the results of the spot-check measurements shall be reviewed by a qualified expert within fifteen days.

(3) Requirement to calibrate instruments used for full calibration and spot-check measurements.

(a) Full calibration measurements required by subsection (1) of this section shall be performed using a dosimetry system that has been calibrated by the National Bureau of Standards or by a Regional Calibration Laboratory accredited by the American Association of Physicists in Medicine. The dosimetry system shall have been calibrated within the previous two years and after any servicing that may have affected system calibration.

(b) Spot-check measurements required by subsection (2) of this section shall be performed using a dosimetry system that has been calibrated in accordance with (a) of this subsection. Alternatively, a dosimetry system used solely for spot-check measurements may be calibrated by direct intercomparison with a system that has been calibrated in accordance with (a) of this subsection. This alternative calibration method shall have been performed within the previous one year and after each servicing that may have affected system calibration. Dosimetry systems calibrated by this alternative method shall

not be used for full calibration measurements. The use of thermoluminescent dosimeter does not satisfy the requirements of this section.

(4) **Qualified expert.** The licensee shall determine if a person is an expert qualified by training and experience to calibrate a teletherapy unit and establish procedures for (and review the results of) spot-check measurements. The licensee shall determine that the qualified expert:

(a) Is certified by the American Board of Radiology in Therapeutic Radiological Physics, Radiological Physics, Roentgen-Ray and Osmin-Ray Physics, or X-ray and Radium Physics; or

(b) Has the following minimum training and experience:

(i) A master's or doctor's degree in physics, biophysics, radiological physics or health physics;

(ii) One year of full-time training in therapeutic radiological physics; and

(iii) One year of full-time experience in a radiotherapy facility including personal calibration and spot-check of at least one teletherapy unit.

Note: The requirements of subsection (4) of this section are in addition to those set forth under "Qualified expert" in WAC (~~402-12-050(4)~~) 246-220-010.

(5) **Records.**

The licensee shall maintain, for inspection by the department, records of the measurements, tests, corrective actions, and instrument calibrations made under subsections (1) and (2) of this section and records of the licensee's evaluation of the qualified expert's training and experience made under subsection (4) of this section.

(a) Records of (i) full calibration measurements and (ii) calibration of instruments used to make these measurements shall be preserved for five years after completion of the full calibration.

(b) Records of (i) spot-check measurements and corrective actions and (ii) calibration of instruments used to make spot-check measurements shall be preserved for two years after completion of the spot-check measurements and corrective actions.

(c) Records of the licensee's evaluation of the qualified expert's training and experience shall be preserved for five years after the qualified expert's last performance of a full calibration of the licensee's teletherapy unit.

(6) **Inspection and servicing of the source exposure mechanism.**

(a) Each teletherapy machine shall be fully inspected and serviced during source replacement or at intervals not to exceed five years, whichever comes first, to assure proper function of the source exposure mechanism. This inspection and servicing must be performed by persons specifically authorized to do so by the department, the United States Nuclear Regulatory Commission, or an agreement state, and a complete written report of the inspection and servicing must be kept on file for review by the department.

(b) The following shall be performed only by persons specifically authorized by the department, the United States Nuclear Regulatory Commission, or an agreement state to perform such services:

(i) Installation, inspection, servicing, relocation, or removal of teletherapy units containing sources.

(ii) Source exchange.

(iii) Any maintenance or repair operations on a teletherapy unit involving work on the source drawer, the shutter, or other mechanism that could expose the source, reduce the shielding around the source or compromise the safety of the unit and result in increased radiation levels.

¹Licensees that have their teletherapy units calibrated by persons who do not meet these criteria for minimum training and experience may require a license amendment excepting them from the requirements of subsection (4) of this section. The request should include the name of the proposed qualified expert, a description of his or her training and experience including information similar to that specified by subsection (4) of this section and a report of at least one calibration and spot-check program based on measurements personally made by the proposed expert within the last ten years and written endorsement of the technical qualifications of the proposed expert from personal knowledge by a physicist certified by the American Board of Radiology in one of the specialties listed therein.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-020 **DEFINITIONS.** As used in this part:

(1) "Enclosed radiography" means industrial radiography employing radiation machines conducted in an enclosed cabinet or room and includes cabinet radiography and shielded room radiography.

(a) "Cabinet radiography" means industrial radiography employing radiation machines conducted in an enclosure or cabinet so shielded that every location at the exterior meets the conditions specified in WAC (~~402-24-040~~) 246-221-060 of these regulations.

(i) "Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure (hereinafter termed "cabinet") which, independently of existing architectural structure except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and in similar facilities. An x-ray tube used within a shielded part of a building, or x-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

(b) "Shielded-room radiography" means industrial radiography conducted in a room so shielded that every location on the exterior meets the conditions specified in WAC (~~402-24-040~~) 246-221-060 of these regulations.

(2) "Industrial radiography" means the examination of the macroscopic structure of materials by nondestructive methods utilizing sources of radiation. Industrial radiography as used in this chapter does not include well logging operations.

(3) "Permanent radiographic installation" means a shielded installation or structure designed or intended

for radiography employing a radiographic exposure device and in which radiography is regularly performed, regardless of ownership.

(4) "Personal supervision" means supervision by a radiographer such that the radiographer is physically present at the radiography site and in such proximity that communication can be maintained and immediate assistance given as required. When a radiographer's assistant is using or handling sources of radiation, the radiographer must maintain direct surveillance.

(5) "Radiographer" means any individual who performs or who, in attendance at the site where sources of radiation are being used, personally supervises industrial radiographic operations and who is responsible to the licensee or registrant for assuring compliance with the requirements of these regulations and all license conditions.

(6) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses sources of radiation, related handling tools, or radiation survey instruments in industrial radiography.

(7) "Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(8) "Shielded position" means the location within the radiographic exposure device or storage container which, by manufacturer's design, is in one proper location for storage of the sealed source.

(9) "Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those also used for transporting and storage of sealed sources.

(10) "Storage container" means a device in which sealed sources are transported or stored.

(11) Temporary job site refers to any location which is not specifically authorized and described in a license or registration.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-060 LOCKING OF RADIOGRAPHIC EXPOSURE DEVICES. (1) Each radiographic exposure device shall be provided with a lock or outerlocked container designed to prevent unauthorized or accidental production of radiation or removal or exposure of a sealed source and shall be locked when returned to the shielded position at all times. In addition, during radiographic operations the sealed source assembly shall be locked in the shielded position each time the source is returned to that position.

(2) Each sealed source storage container and source changer shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. Storage containers and source changers shall be kept locked when containing sealed sources except when under the direct surveillance of a radiographer or a radiographer's assistant.

(3) Radiographic exposure devices, source changers, and storage containers, prior to being moved from one location to another and also prior to being secured at a given location, shall be locked and surveyed to assure that the sealed source is in the shielded position.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-080 RADIATION SURVEY INSTRUMENTS. (1) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this part and chapter ((402-24)) 246-221 WAC. Instrumentation required by this section shall have a range such that two milliroentgens per hour through one roentgen per hour can be measured.

(2) Each radiation survey instrument shall be calibrated:

(a) At energies appropriate for use and at intervals not to exceed three months and after each instrument servicing;

(b) Such that accuracy within ± 20 percent traceable to a national standard can be demonstrated; and

(c) At two or more widely separated points, other than zero, on each scale.

(3) Records shall be maintained of these calibrations for two years after the calibration date for inspection by the department.

(4) The requirements of ((WAC 402-36-060)) this section do not apply to registrants using only radiation machines in enclosed radiographic systems.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-090 LEAK TESTING, REPAIR, TAGGING, OPENING, MODIFICATION, AND REPLACEMENT OF SEALED SOURCES. (1) The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing, repair, tagging, opening, or any other modification of any sealed source shall be performed only by persons specifically authorized to do so by the department, the United States Nuclear Regulatory Commission, or any agreement state.

(2) Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested and results obtained.

(3) The leak test shall be capable of detecting the presence of 0.005 microcurie of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure to be approved pursuant to WAC ((402-22-070)) 246-235-080 (5)(e). Records of leak test results shall be kept in units of microcuries and maintained for inspection by the department for two years after the leak test is performed.

(4) Any test conducted pursuant to subsections (2) and (3) of this section which reveals the presence of 0.005 microcurie or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed ~~((of;))~~ in accordance with regulations of the department. Within five days after obtaining results of the test, the licensee shall file a report with the department describing the involved equipment, the test results, and the corrective action taken.

(5) A sealed source which is not fastened to or contained in a radiographic exposure device shall have permanently attached to it a durable tag at least one inch square bearing the prescribed radiation caution symbol in conventional colors magenta or purple on a yellow background, and at least the instructions: "Danger - Radioactive material - Do not handle - Notify civil authorities if found."

(6) Each radiographic exposure device shall have permanently and conspicuously attached to it a durable label at least two inches square bearing the prescribed radiation caution symbol in conventional colors (magenta or purple on a yellow background), and at a minimum the instructions, "Danger - Radioactive material - Do not handle - Notify civil authorities if found."

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-110 UTILIZATION LOGS. (1) Each licensee and/or registrant shall maintain current logs, which shall be kept available for inspection by the department for two years from the date of the recorded event, at the address specified in the license showing for each radiation exposure device the following information:

(a) A description (or make and model number) of each radiation exposure device or storage container in which the sealed source is located;

(b) The identity of the radiographer to whom assigned; and

(c) Locations where used and dates of use.

(2) The requirements of subsection (1) of this section shall not apply in industrial radiography utilizing radiation machines in enclosed interlocked cabinets or rooms which are not occupied during radiographic operations, which are equipped with interlocks such that the radiation machine will not operate unless all openings are securely closed and which is so shielded that every location on the exterior meets conditions for an unrestricted area, as specified in WAC ~~((402-24-040))~~ 246-221-060.

(3) A separately identified utilization log is not required if the equivalent information is available in records of the licensee or registrant and available at the address specified in the license.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-120 INSPECTION AND MAINTENANCE OF RADIOGRAPHIC EXPOSURE DEVICES, CONTROL CABLES, STORAGE CONTAINERS AND SOURCE CHANGERS. (1) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, control units (to include cables), and source changers at intervals, not to exceed three months or prior to first use thereafter to assure proper functioning of components important to safety. Records of these inspections and maintenance shall be kept for two years.

(2) The licensee shall check for obvious defects in radiographic exposure devices, storage containers, control assemblies, and source changers prior to use each day the equipment is used.

(3) The licensee's program shall include a thorough visual inspection for corrosion, and specific maintenance procedures that address corrosion removal and prevention.

(4) If any inspection conducted pursuant to ~~((WAC 402-36-095))~~ subsections (1) or (2) of this section reveals damage to components critical to radiation safety, the device shall be removed from service until proper repairs have been made.

(5) Any maintenance performed on radiographic exposure devices and accessories shall be in accordance with the manufacturer's specifications.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-130 LIMITATIONS—PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANTS. (1) No licensee or registrant shall permit any individual to act as a radiographer as defined in this chapter until such individual:

(a) Has been instructed in the subjects outlined in WAC ~~((402-36-160))~~ 246-243-230;

(b) Has received copies of and instruction in the regulations contained in chapters ~~((402-10, 402-12, 402-24, 402-36, and 402-48))~~ 246-220, 246-222, 246-221, and 246-243 WAC and the applicable sections of appropriate license(s), and the licensee's or registrant's operating and emergency procedures, and shall have demonstrated understanding thereof;

(c) Has demonstrated competence to use the source of radiation, related handling tools, and radiation survey instruments which will be employed in the individual's assignment; and

(d) Has demonstrated understanding of the instructions in this paragraph by successful completion of written test and a field examination on the subjects covered.

(2) No licensee or registrant shall permit any individual to act as a radiographer's assistant as defined in this part until such individual:

(a) Has received copies of and instruction in the licensee's or registrant's operating and emergency procedures;

(b) Has demonstrated competence to use under the personal supervision of the radiographer the sources of radiation, related handling tools, and radiation survey instruments which will be employed in the individual's assignment;

(c) Has demonstrated understanding of the instructions in this paragraph by successfully completing a written or oral test and a field examination on the subjects covered; and

(d) Records of the above training including copies of written tests and dates of oral tests and field examinations shall be maintained for three years.

(3) Each licensee or registrant shall maintain, for inspection by the department, records of training and testing which demonstrate that the requirements of (~~WAC 402-36-100~~) subsections (1) and (2) of this section and (~~402-22-070~~) 246-235-080 (5)(a) are met.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-140 OPERATING AND EMERGENCY PROCEDURES. The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

(1) The handling and use of sources of radiation to be employed such that no individual is likely to be exposed to radiation doses in excess of the limits established in chapter (~~402-24~~) 246-221 WAC Standards for protection against radiation;

(2) Methods and occasions for conducting radiation surveys;

(3) Methods for controlling access to radiographic areas;

(4) Methods and occasions for locking and securing sources of radiation;

(5) Personnel monitoring and the use of personnel monitoring equipment including steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off-scale;

(6) Transportation to field locations, including packing of sources of radiation in the vehicles, posting of vehicles, and control of sources of radiation during transportation;

(7) Minimizing exposure of individuals in the event of an accident;

(8) The procedure for notifying proper personnel in the event of a theft, loss, overexposure or accident involving sources of radiation;

(9) Maintenance of records; and

(10) The inspection and maintenance of radiographic exposure devices and storage containers.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-150 PERSONNEL MONITORING CONTROL. (1) No licensee or registrant shall permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such individual shall wear a

film or TLD badge and a direct reading pocket dosimeter. Pocket dosimeters shall be capable of measuring doses from zero to at least 200 milliroentgens. A film or TLD badge shall be assigned to and worn by only one individual.

(2) Pocket dosimeters shall be read and doses recorded daily. Pocket dosimeters shall be charged at the beginning of each working day. Pocket dosimeters shall be checked at periods not to exceed one year for correct response to radiation. Acceptable dosimeters shall read within plus or minus 30 percent of the true radiation exposure. A film or TLD badge shall be immediately processed if a pocket dosimeter is discharged beyond its range during normal use. The film or TLD badge reports received from the film or TLD badge processor and records of pocket dosimeter readings shall be maintained for inspection by the department until it authorizes their disposal.

(3) The requirements for use of pocket dosimeter or pocket chamber shall not apply in industrial radiography utilizing radiation machines in enclosed interlocked cabinets or rooms which are not occupied during radiographic operations, which are equipped with interlocks such that the radiation machine will not operate unless all openings are securely closed and which are so shielded that every location on the exterior meets conditions for an unrestricted area, as specified in WAC (~~402-24-040~~) 246-221-060.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-160 SUPERVISION OF RADIOGRAPHERS' ASSISTANTS. Whenever a radiographer's assistant uses radiographic exposure devices, uses sealed sources or related source handling tools, or conducts radiation surveys required by WAC (~~402-36-150~~) 246-243-190 (2), (3), or (4) to determine that the sealed source has returned to the shielded position after an exposure, he or she shall be under the personal supervision of a radiographer, as defined in WAC (~~402-36-025(4)~~) 246-243-020. Personal supervision shall include (1) the radiographer's personal presence at the site where the sealed sources are being used, (2) the ability of the radiographer to communicate and give immediate assistance if required, and (3) the radiographer's ability to observe the performance of his/her assistant during the operations referred to in this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-170 SECURITY—PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS. (1) During each radiographic operation, the radiographer or radiographer's assistant shall maintain a direct surveillance of the operation to protect against unauthorized entry into a high radiation area, as defined in chapter (~~402-12~~) 246-220 WAC except:

(a) Where the high radiation area is equipped with a control device or alarm system as described in WAC (~~402-24-090~~) 246-221-120 (1)(e)(ii) or

(b) Where the high radiation area is locked to protect against unauthorized or accidental entry.

(2) When not in operation or when not under direct surveillance, portable radiation exposure devices and mobile or portable radiation machines shall be physically secured to prevent removal by unauthorized personnel.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-180 POSTING. Notwithstanding any provisions in paragraph WAC ((402-24-095)) 246-221-130 areas in which radiography is being performed or in which a radiographic exposure device is being stored shall be conspicuously posted and access to the area shall be controlled as required by WAC ((402-24-090)) 246-221-120.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-200 RECORDS REQUIRED AT TEMPORARY JOB SITES. Each licensee or registrant conducting industrial radiography at a temporary site shall have the following records available at that site for inspection by the department:

- (1) Appropriate license;
- (2) Operating and emergency procedures;
- (3) Applicable regulations;
- (4) Survey records required pursuant to WAC ((402-36-150)) 246-243-190 for the period of operation at the site;
- (5) Daily pocket dosimeter records for the period of operation at the site;
- (6) The latest instrument calibration and leak test record for specific devices in use at the site.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-210 SPECIAL REQUIREMENTS FOR ENCLOSED RADIOGRAPHY. (1) Systems for enclosed radiography designed to allow admittance of individuals during x-radiation generation shall:

(a) Comply with all applicable requirements of chapter ((402-36)) 246-243 WAC and WAC ((402-24-040)) 246-221-060 of these regulations.

(b) Be evaluated at intervals not to exceed one year to assure compliance with the applicable requirements as specified in ((WAC 402-36-155(1))) (a) of this subsection. Records of these evaluations shall be maintained for inspection by the department for a period of two years after the evaluation.

(c) Interlocks are required on all enclosed radiographic systems, such that the exposure will terminate if a door or port accessible to individuals is opened during the exposure, except for those systems employing conveyor belts or sample ports.

(2) Cabinet x-ray systems designed to exclude individuals during x-radiation are exempt from the requirements of chapter ((402-36)) 246-243 WAC except that:

(a) Operating personnel must be provided with either a film badge or a thermoluminescent dosimeter and reports of the results must be maintained for inspection by the department.

(b) No registrant shall permit any individual to operate a cabinet x-ray system until such individual has received a copy of and instruction in the operating procedures for the unit and has demonstrated competence in its use. Records which demonstrate compliance with this subparagraph shall be maintained for inspection by the department until disposition is authorized by the department.

(c) Tests for proper operation of high radiation area control devices or alarm systems, where applicable, must be conducted at the beginning of each day of use and recorded.

(d) The registrant shall perform an evaluation, at intervals not to exceed one year, to determine conformance with WAC ((402-24-040)) 246-221-060 of these regulations.

Records of these evaluations shall be maintained for inspection by the department for a period of two years after the evaluation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-220 SPECIAL REQUIREMENTS FOR PERMANENT RADIOGRAPHIC INSTALLATION. Permanent radiographic installations having high radiation area entrance controls of the types described in WAC ((402-24-090)) 246-221-120 (1)(e)(ii) or where the high radiation area is locked to protect against unauthorized or accidental entry, shall also meet the following special requirements.

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation to which this section applies shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be actuated by radiation whenever the source is exposed. The audible signal shall be actuated when an attempt is made to enter the installation while the source is exposed.

(2) Both visible and audible alarm systems are required and shall be tested prior to the first use of a source in the installation and thereafter at intervals not to exceed three months. Records of the tests shall be kept for two years.

(3) The department shall review and approve, in advance of construction, plans for permanent radiographic installations whose construction had not commenced by the effective date of these regulations. Construction of the permanent facility shall be in accordance with the plans approved by the department.

(4) A physical radiation survey shall be conducted and results recorded following construction or major modification of the facility to be used in the installation. Radiography shall not be conducted if exposure levels in unrestricted areas are greater than 2 mR in any hour. Any increase in source strength will require resurvey of the installation prior to the conduct of industrial radiography.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-001 PURPOSE. This chapter establishes radiation safety requirements for persons using sources of radiation for wireline service operations including mineral logging, radioactive markers, and/or subsurface tracers studies. The requirements of this chapter are in addition to, and not in substitution for, requirements of chapters ((~~402-10, 402-12, 402-19, 402-22, 402-24, and 402-48~~)) 246-220, 246-221, 246-222, 246-232, and 246-235 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-030 PROHIBITIONS. No licensee shall perform wireline service operations with a sealed source(s) or conduct subsurface tracer studies with sources of radiation unless, prior to commencement of the operation, the licensee has a written agreement with the well operator, well owner, drilling contractor, or land owner that:

(1) In the event a sealed source is lodged downhole every reasonable effort at recovery will be made;

(2) Potentially contaminated equipment or areas will not be released until an acceptable and documented survey is performed;

(3) Specific types of recovery operations which could endanger the integrity of the sealed source encapsulation will not be permitted or conducted; and

(4) In the event a decision is made to abandon the sealed source downhole, requirements of WAC ((~~402-38-500~~)) 246-244-240 shall be met.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-040 LIMITS ON LEVELS OF RADIATION. Sources of radiation shall be used, stored, and transported in such a manner that the transportation requirements of WAC ((~~402-19-500~~)) 246-232-090 and the dose limitation requirements of chapter ((~~402-24~~)) 246-221 WAC are met.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-060 TRANSPORT PRECAUTIONS. (1) Transport containers shall be physically secured to the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal.

(2) Transport of radioactive material shall be in accordance with applicable provisions of the United States Department of Transportation, as required by WAC ((~~402-19-500~~)) 246-232-090.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-080 LEAK TESTING OF SEALED SOURCES. Each licensee utilizing sealed sources of radioactive material shall have the sources tested for leakage and/or contamination in accordance with WAC ((~~402-24-060~~)) 246-221-080.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-140 TRAINING REQUIREMENTS. (1) The licensee may not permit an individual to act as a logging supervisor until that person:

(a) Has completed at least forty hours of formal training in a course recognized by the department, the United States Nuclear Regulatory Commission, an agreement state, or a licensing state covering the subjects outlined in subsection (5) of this section;

(b) Has received copies of and instruction in:

(i) Washington state regulations contained in this chapter and in the applicable chapters ((~~402-10, 402-12, 402-24, and 402-48~~)) 246-220, 246-221, and 246-222 WAC or their equivalent;

(ii) The license under which the logging supervisor will perform well-logging operations; and

(iii) The licensee's operating, recordkeeping, and emergency procedures.

(c) Has completed three months of on-the-job training and demonstrated competence in the use of licensed materials, remote handling tools, and radiation survey instruments by a field evaluation; and

(d) Has demonstrated understanding of the requirements in (a) and (b) of this subsection by successfully completing a closed book written test.

(2) The licensee may not permit an individual to act as a logging assistant until that person:

(a) Has received copies of and instruction in the licensee's operating and emergency procedures;

(b) Has demonstrated understanding of the materials listed in subsection (1)(a) and (b) of this section by successfully completing a closed book written test; and

(c) Has received instructions in the use, under the personal supervision of the logging supervisor, of tracer material, sealed sources, remote handling tools, and radiation survey instruments, as appropriate.

(3) Each licensee shall provide for documented refresher training of logging supervisors and logging assistants at intervals not to exceed twelve months.

(4) Each licensee shall maintain a record of each logging supervisor's and logging assistant's training, including copies and dates of written tests for a minimum of three years following the termination of employment.

(5) Each licensee shall include the following subjects in the formal training required by this chapter:

(a) Fundamentals of radiation safety:

(i) Characteristics of radiation;

(ii) Units of radiation dose and quantity of radioactivity;

(iii) Hazards of exposure to radiation;

(iv) Levels of radiation from licensed material;

(v) Methods of controlling radiation dose:

(A) Working time;

(B) Working distances;

(C) Shielding;

(D) Radiation safety practices, including prevention and contamination and methods of decontamination;

(b) Radiation detection instrumentation to be used:

(i) Use of radiation survey instruments:

(A) Operation;

- (B) Calibration;
- (C) Limitations;
- (ii) Survey techniques;
- (iii) Use of personnel monitoring equipment;
- (c) Equipment to be used:
 - (i) Handling equipment and remote handling tools;
 - (ii) Licensed materials;
 - (iii) Storage, control, and disposal of equipment and licensed material;
 - (iv) Operation and control of equipment and licensed materials;
 - (v) Maintenance of equipment;
- (d) Requirements of pertinent state and federal regulations;
- (e) Case histories and potential consequences of accidents in well-logging operations.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-150 OPERATING AND EMERGENCY PROCEDURES. The licensee's operating and emergency procedures shall include instruction in at least the following:

- (1) Handling and use of sources of radiation to be employed such that no individual is likely to be exposed to radiation doses in excess of the standards established in chapter ~~((402-24))~~ 246-221 WAC;
- (2) Methods and occasions for conducting radiation surveys;
- (3) Methods and occasions for locking and securing sources of radiation;
- (4) Personnel monitoring and the use and care of personnel monitoring equipment;
- (5) Transportation of sources of radiation to temporary job sites and field stations, including the marking, labeling, packaging, and placing of sources of radiation in vehicles, shipping papers, placarding of vehicles, and physical securing of sources of radiation to transport vehicles during transportation to prevent accidental loss, tampering, or unauthorized removal;
- (6) Minimizing personnel exposure, including that from inhalation and ingestion of licensed material, during well-logging operations and in the event of an accident;
- (7) Procedure for notifying proper personnel in the event of an accident;
- (8) Maintenance of records;
- (9) Inspection and maintenance of source holders, logging tools, source handling tools, storage containers, transport containers, and injection tools;
- (10) Procedures to be followed in the event a sealed source is lodged downhole or ruptured;
- (11) Procedures to be used for picking up, receiving, and opening packages containing radioactive material;
- (12) The procedure and the use of tools for remote handling of sealed sources and radioactive tracer material, except low activity calibration sources;
- (13) The procedure to use for detecting contamination and for preventing the spread of contamination; and
- (14) The procedure to be used to decontaminate the environment, equipment, and/or personnel if any or all are contaminated.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-160 PERSONNEL MONITORING. (1) The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during well-logging operations, either a film badge or thermoluminescent dosimeter (TLD). Each film badge or TLD must be assigned to and worn by only one individual. The film badge must be exchanged and analyzed at least monthly and TLD badges exchanged and analyzed at least every three months. The licensee shall have each badge or TLD processed in a timely fashion.

(2) The licensee shall provide appropriate bioassay services to individuals using licensed materials for subsurface tracer studies.

(3) The licensee shall keep reports received from the badge or TLD processor and from the bioassay service laboratory for inspection until the department authorizes disposition or terminates the license.

(4) Personnel monitoring devices and equipment shall monitor for beta, gamma, and neutron radiation as appropriate.

(5) Each licensee shall adhere to the requirements of the ~~((United States Nuclear Regulatory Commission))~~ department's Regulatory Guide 8.20 ~~((Applications of))~~ Bioassay Program Criteria for I-125 and I-131.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-180 SECURITY. During each logging or tracer application, the logging supervisor or other designated employee shall maintain direct surveillance of the operation to protect against unauthorized and/or unnecessary entry into the restricted area (as defined in WAC ~~((402-12-050))~~ 246-220-010).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-220 DOCUMENTS AND RECORDS REQUIRED AT FIELD STATIONS. Each licensee shall maintain for inspection by the department the following documents and records for the specific devices and sources at the field station:

- (1) Appropriate license or equivalent documents;
- (2) Operating and emergency procedures;
- (3) Applicable regulations;
- (4) Records of the latest survey instrument calibrations required pursuant to WAC ~~((402-38-120))~~ 246-244-070;
- (5) Records of the latest leak test results required pursuant to WAC ~~((402-38-140))~~ 246-244-080;
- (6) Records of inventories required pursuant to WAC ~~((402-38-160))~~ 246-244-090;
- (7) Utilization records required pursuant to WAC ~~((402-38-180))~~ 246-244-100;
- (8) Records of inspection and maintenance required pursuant to WAC ~~((402-38-240))~~ 246-244-130;
- (9) Survey records required pursuant to WAC ~~((402-38-400))~~ 246-244-210; and

(10) Training records required pursuant to WAC ((402-38-260)) 246-244-140.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-230 DOCUMENTS AND RECORDS REQUIRED AT TEMPORARY JOB SITES. Each licensee conducting operations at a temporary job site shall have the following documents and records available at all times at that site for inspection by the department:

- (1) Current operating and emergency procedure(s);
- (2) Survey records required pursuant to WAC ((402-38-400)) 246-244-210 for the period of operation at the site;
- (3) Actual current calibration certificates (or photocopies) for the radiation survey instruments used at the site;
- (4) When operating in the state of Washington under reciprocity, a copy of the appropriate license, and the Washington state rules and regulations for radiation protection;
- (5) Records of current leak tests for all sealed sources which require such tests at the job site;
- (6) Use logs required pursuant to WAC ((402-38-180)) 246-244-100;
- (7) Current United States Department of Transportation shipping papers and transport container certifications for the material transported; and
- (8) Records of spotmarker inventories made prior to arrival required pursuant to WAC ((402-38-160)) 246-244-090.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-244-240 NOTIFICATION OF INCIDENTS, ABANDONMENT, AND LOST SOURCES.

- (1) Notification of incidents and sources lost in other than downhole logging operations shall be made in accordance with appropriate provisions of chapter ((402-24)) 246-221 WAC.
- (2) The licensee shall immediately notify the state of Washington ((office)) division of radiation protection by telephone (206/753-3468) and subsequently within five days by confirmatory letter if:
 - (a) Licensed material has been lost in or near a fresh water aquifer; or
 - (b) A sealed source has been ruptured. This notice must designate the well or other location and describe the magnitude and extent of licensed materials, assess the consequences of the loss or rupture, and explain efforts planned or being taken to mitigate these consequences.
- (3) Whenever a sealed source or device containing radioactive material is lodged downhole, the licensee shall:
 - (a) Monitor the surface for the presence of radioactive contamination with an appropriate radiation survey instrument (not the logging tool itself) during logging tool recovery operations; and

(b) Notify the department immediately by telephone if radioactive contamination is detected at the surface or if the source appears to be damaged.

(4) When it becomes apparent that efforts to recover the radioactive source will not be successful, the licensee shall:

(a) Advise the well operator or owner, as appropriate, of the regulations of the state of Washington regarding abandonment, and an appropriate method of abandonment. The licensee shall ensure that such abandonment procedures are implemented within thirty days after the sealed source has been classified as irretrievable. Such abandonment procedures shall include:

- (i) Immobilization and sealing in place of the radioactive source with a cement plug;
- (ii) The setting of a whipstock or deflection device; and
- (iii) The mounting of a permanent identification plaque at the surface of the well, containing the appropriate information required by subsection (5) of this section;

(b) Immediately notify the department by telephone (206/753-3468), giving the circumstances of the loss, and request and receive approval of the proposed abandonment procedures; and

(c) File a written report with the department within thirty days of the abandonment, setting forth the following information:

- (i) Date and time of occurrence and a brief description of attempts to recover the source;
- (ii) A description of the radioactive source(s) involved, including radionuclide, quantity, make, model and serial number, and chemical and physical form;
- (iii) Surface location and identification of well;
- (iv) Results of efforts to immobilize and seal the source in place;
- (v) Depth of the radioactive source in meters or feet;
- (vi) Depth to the top of cement plug in meters or feet;
- (vii) Depth of the well in meters or feet; and
- (viii) Information contained on the permanent identification plaque.

(5) Whenever a sealed source containing radioactive material is not recovered and is abandoned downhole, the licensee shall provide a permanent plaque at least eighteen centimeters square for posting the well or well bore (see Appendix A). This plaque shall:

- (a) Be constructed of long lasting material, such as stainless steel or monel; and
- (b) Contain the following information permanently and conspicuously engraved on its face:
 - (i) The word "CAUTION (OR DANGER)";
 - (ii) The radiation symbol(s) with or without the conventional color requirement;
 - (iii) The date of abandonment (month/day/year);
 - (iv) The name of the well operator or well owner;
 - (v) The well name and well identification number(s) or other designation;
 - (vi) The sealed source(s) by radionuclide and quantity of activity (if more than one source is involved, information for each source shall be included);
 - (vii) The source depth and the depth to the top of the plug in meters or feet; and

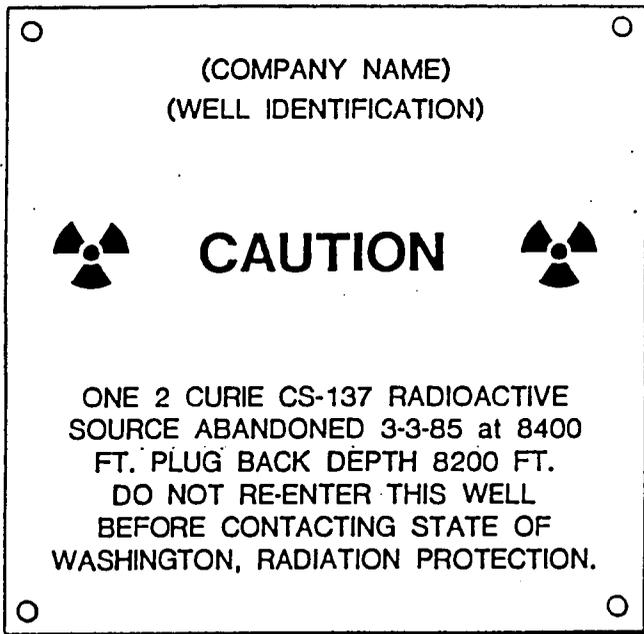
(viii) An appropriate warning, depending on the specific circumstances of each abandonment.¹

(6) The department may, at its own discretion, impose such other requirements as it may deem necessary.

¹ An example of a suggested plaque is shown in Appendix A of this section. Appropriate warnings may include:
 (a) "Do not drill below plug back depth";
 (b) "Do not enlarge casing"; and/or
 (c) "Do not reenter the hole before contacting the state of Washington division of radiation ((control-section)) protection."

APPENDIX A

Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole



The size of the plaque should be convenient for use on active or inactive wells, and shall be at least eighteen centimeters square. Letter size of the word "CAUTION" or "DANGER" shall be approximately twice the letter size of the rest of the information, e.g., one-half inch and one-fourth inch letter size, respectively.

WSR 91-15-113
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed July 24, 1991, 4:42 p.m.]

Please withdraw WSR 91-15-082 filed on July 23, 1991, which pertains to fees for chiropractors and chiropractic assistants. The department has made substantive changes and will propose the revised rule for adoption shortly.

Kristine M. Gebbie
 Secretary

WSR 91-15-114
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed July 24, 1991, 4:50 p.m.]

Original Notice.

Title of Rule: WAC 246-806-990 Chiropractic fees.

Purpose: The renewal fee of a chiropractor's license must be increased in order to support newly adopted legislation for peer review. Chiropractic assistant fees need to be adopted for new legislation which requires that chiropractic assistants be regulated.

Statutory Authority for Adoption: RCW 43.70.250.

Summary: During the 1991 legislative session chiropractic peer review and chiropractic assistant legislation was passed. It is necessary to increase the chiropractic renewal fee to support peer review. It is necessary to adopt fees in order to establish chiropractic assistants.

Reasons Supporting Proposal: Each profession must be self-supporting and the fees will enable us to support the new legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 S.E. Quince Street, Olympia, WA, 586-1931.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To increase the renewal fee for chiropractor's from \$200.00 per year to \$300.00 per year. The increase will help fund the recently adopted peer review legislation. To adopt fees to regulate chiropractic assistants. This will correspond with the new legislation adopted in 1991.

Proposal Changes the Following Existing Rules: Sets fees for chiropractic assistants. Increases renewal fees for chiropractors.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Natural Resources, 1st Floor Conference Room, 1102 South Quince, Olympia, WA 98504, on August 27, 1991, at 9:00 a.m.

Submit Written Comments to: Connie Glasgow, 1300 S.E. Quince Street, EY-21, Olympia, WA 98504, by August 23, 1991.

Date of Intended Adoption: August 27, 1991.

July 24, 1991
 Mimi L. Fields
 for Kristine M. Gebbie
 Secretary

AMENDATORY SECTION (Amending Order 136, filed 2/12/91, effective 3/15/91)

WAC 246-806-990 CHIROPRACTIC FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application/full examination or reexamination	\$300.00
Original license	200.00
License renewal	((200.00)) 300.00
Late renewal penalty	150.00

Title of Fee	Fee
Inactive license renewal	100.00
Duplicate	15.00
Certification	25.00
Chiropractic assistant application	25.00
Chiropractic assistant original license	25.00
Renewal	40.00
Late renewal penalty	25.00
Duplicate	15.00
Certification	25.00

WSR 91-15-115
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 91-53—Filed July 24, 1991, 4:53 p.m.]

Date of Adoption: July 24, 1991.
 Purpose: Amend commercial fishing rules.
 Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-24-02000D; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.
 Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fishing fleet, and these rules are adopted at the recommendation of the Pacific Fisheries Management Council.

Effective Date of Rule: Immediately.

July 24, 1991
 Joseph R. Blum
 Director

NEW SECTION

WAC 220-24-02000E COMMERCIAL SALMON TROLL SEASONS. Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020, and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in waters west of the Bonilla-Tatoosh line, the Pacific Ocean, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1)(a) Waters north of 48°00'15" N. and west of a line from 48°00'15" N., 125°19'15" W. to 48°03'40" N., 125°17'15" W. to 48°07'45" N., 125°11'15" W. to 48°05'00" N., 125°01'00" W. to 48°13'00" N., 124°57'30" W. to 48°16'30" N., 124°58'00" W. to 48°23'00" N., 124°50'00" W. to 48°30'15" N., 124°50'00" W., open on the following days:

- August 16 through August 19,
- August 23 through August 26,
- August 30 through September 2,
- September 6 through September 9, and
- September 13 through September 15, 1991.

(b) All salmon caught during the four-day fishery periods provided for in this subsection must be sold within 24 hours of the closing date of each fishery and must be sold in the area caught or in an adjacent closed area. No fishing vessel may land more than 80 coho salmon per four-day fishery period.

(c) Terminal gear during the fishing periods provided for in this subsection is restricted to barbless bare blue or pink single shank single point hooks; pink hootchies not more than 3 inches in length may be used; flashers may be used.

(2)(a) Waters south of a line projected true west from Leadbetter Point to the Oregon-Washington boundary excluding a conservation zone at the mouth of the Columbia River bounded by a line projected six miles due west from North Head along 46°18'00" N. to 46°18'00" N., 124°13'18" W., thence southerly 167° true to 46°11'06" N., 124°11'00" W. (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken are open on the following days:

- August 10 through August 12,
- August 16 through August 18,
- August 22 through August 24, and
- August 28 through August 30, 1991

(b) All salmon caught during the three-day fishery periods provided for in this subsection and any salmon taken in Pacific Ocean waters north of Cape Falcon, Oregon, on the days provided for in this subsection must be sold within 24 hours of the closing date of each fishery and must be sold in the area caught or in an adjacent closed area. No fishing vessel may land more than 150 coho salmon per three-day fishery period.

(c) Terminal gear during the fishing periods provided for in this subsection is restricted to barbless single shank single point hooks; flashers and bait or artificial lures may be used.

(3)(a) Waters south of a line projected true west from Copalis Head to the Oregon-Washington boundary excluding a conservation zone at the mouth of the Columbia River bounded by a line projected six miles due west from North Head along 46°18'00" N. to 46°18'00" N., 124°13'18" W., thence southerly 167° true to 46°11'06" N., 124°11'00" W. (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken are open on the following days:

- September 1 through September 4,
- September 8 through September 11,
- September 15 through September 18,
- September 22 through September 25,
- September 29 through October 2,
- October 6 through October 9,
- October 13 through October 16,
- October 20 through October 23, and
- October 27 through October 30, 1991.

(b) All salmon caught during the four-day fisheries provided for in this subsection and any salmon taken in Pacific Ocean waters north of Cape Falcon, Oregon, on the days provided for in this subsection must be sold

within 24 hours of the closing date of each fishery and must be sold in the area caught or in an adjacent closed area. No fishing vessel may land more than 200 coho salmon per four-day period.

c) Terminal gear during the fishing periods provided for in this subsection is restricted to barbless single shank single point hooks; flashers and bait or artificial lures may be used.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000D COMMERCIAL—SALMON TROLL.

Reviser's note: The typographical error in the above repealer occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Table of WAC Sections Affected

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16-80-047	NEW-P	91-05-076	16-230-190	AMD-P	91-04-078	16-231-530	AMD	91-06-019
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16-80-050	NEW	91-08-027	16-230-400	AMD	91-06-019	16-231-605	AMD-P	91-02-106
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16-154-020	REP-P	91-15-067	16-230-475	REP	91-06-019	16-231-715	AMD-P	91-02-106
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16-333-220	NEW	91-08-015	16-482-040	REP	91-07-016	16-487-040	AMD-P	91-15-097
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16-354-020	AMD-P	91-04-067	16-484-030	REP-P	91-07-037	16-487-250	NEW-P	91-15-097
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16-354-040	AMD	91-08-016	16-484-050	REP	91-11-053	16-487-335	NEW-P	91-15-097
16-354-070	AMD-P	91-04-067	16-484-080	REP-P	91-07-037	16-494-001	AMD-P	91-04-066
16-354-070	AMD	91-08-016	16-484-080	REP	91-11-053	16-494-001	AMD	91-08-017
16-354-100	AMD-P	91-04-067	16-484-090	REP-P	91-07-037	16-494-010	AMD-P	91-04-066
16-354-100	AMD	91-08-016	16-484-090	REP	91-11-053	16-494-010	AMD	91-08-017
16-403-141	AMD-P	91-03-093	16-484-100	REP-P	91-07-037	16-494-012	NEW-P	91-04-066
16-403-141	AMD-W	91-07-015	16-484-100	REP	91-11-053	16-494-012	NEW	91-08-017
16-470-010	AMD-P	91-15-100	16-484-200	NEW-E	91-06-035	16-494-013	NEW-P	91-04-066
16-470-015	AMD-P	91-15-100	16-484-200	NEW-P	91-10-095	16-494-013	NEW	91-08-017
16-470-100	AMD	91-03-115	16-484-200	NEW	91-13-026	16-494-015	REP-P	91-04-066
16-470-500	AMD-P	91-15-100	16-484-205	NEW-E	91-06-035	16-494-015	REP	91-08-017
16-470-510	AMD-P	91-15-100	16-484-205	NEW-P	91-10-095	16-494-020	AMD-P	91-04-066
16-470-520	AMD-P	91-15-100	16-484-205	NEW	91-13-026	16-494-020	AMD	91-08-017
16-470-530	AMD-P	91-15-100	16-484-210	NEW-E	91-06-035	16-494-030	AMD-P	91-04-066
16-470-533	NEW-P	91-15-100	16-484-210	NEW-P	91-10-095	16-494-030	AMD	91-08-017
16-470-535	NEW-P	91-15-100	16-484-210	NEW	91-13-026	16-494-042	AMD-P	91-04-066
16-471-010	NEW	91-03-046	16-484-220	NEW-E	91-06-035	16-494-042	AMD	91-08-017
16-471-015	NEW	91-03-046	16-484-220	NEW-P	91-10-095	16-494-043	NEW-P	91-04-066
16-471-020	NEW	91-03-046	16-484-220	NEW	91-13-026	16-494-043	NEW	91-08-017
16-471-030	NEW	91-03-046	16-484-230	NEW-E	91-06-035	16-494-044	AMD-P	91-04-066
16-471-040	NEW	91-03-046	16-484-230	NEW-P	91-10-095	16-494-044	AMD	91-08-017
16-471-050	NEW	91-03-046	16-484-230	NEW	91-13-026	16-494-045	NEW-P	91-04-066
16-471-060	NEW	91-03-046	16-484-240	NEW-E	91-06-035	16-494-045	NEW	91-08-017

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
113-10-010	DECOD	91-05-095	131-16-030	REP	91-13-048	132H-160-250	REP-P	91-15-020
113-10-020	DECOD	91-05-095	131-16-031	NEW-P	91-09-036	132H-160-250	REP-P	91-15-050
113-10-030	DECOD	91-05-095	131-16-031	NEW-E	91-12-030	132H-160-250	REP-W	91-15-058
113-10-040	DECOD	91-05-095	131-16-031	NEW	91-13-048	132H-160-260	AMD-P	91-15-020
113-10-050	DECOD	91-05-095	131-16-040	AMD-P	91-09-036	132H-160-260	AMD-P	91-15-050
113-10-060	DECOD	91-05-095	131-16-040	AMD-E	91-12-030	132H-160-260	AMD-W	91-15-058
113-10-070	DECOD	91-05-095	131-16-040	AMD	91-13-048	132H-160-290	REP-P	91-15-020
113-10-090	DECOD	91-05-095	131-16-050	AMD-P	91-09-036	132H-160-290	REP-P	91-15-050
113-10-100	DECOD	91-05-095	131-16-050	AMD-E	91-12-030	132H-160-290	REP-W	91-15-058
113-10-110	DECOD	91-05-095	131-16-050	AMD	91-13-048	132H-160-300	REP-P	91-15-020
113-12-010	DECOD	91-05-095	131-16-055	NEW-P	91-09-036	132H-160-300	REP-P	91-15-050
113-12-075	DECOD	91-05-095	131-16-055	NEW-E	91-12-030	132H-160-300	REP-W	91-15-058
113-12-080	DECOD	91-05-095	131-16-055	NEW	91-13-048	132H-160-310	REP-P	91-15-020
113-12-085	DECOD	91-05-095	131-16-060	AMD-P	91-09-036	132H-160-310	REP-P	91-15-050
113-12-087	DECOD	91-05-095	131-16-060	AMD-E	91-12-030	132H-160-310	REP-W	91-15-058
113-12-101	DECOD	91-05-095	131-16-060	AMD	91-13-048	132H-160-410	REP-P	91-15-020
113-12-101	REP-P	91-06-090	131-16-061	AMD-P	91-09-036	132H-160-410	REP-P	91-15-050
113-12-103	DECOD	91-05-095	131-16-061	AMD-E	91-12-030	132H-160-410	REP-W	91-15-058
113-12-104	DECOD	91-05-095	131-16-061	AMD	91-13-048	132H-160-420	REP-P	91-15-020
113-12-115	DECOD	91-05-095	131-16-062	NEW-P	91-09-036	132H-160-420	REP-P	91-15-050
113-12-120	DECOD	91-05-095	131-16-062	NEW-E	91-12-030	132H-160-420	REP-W	91-15-058
113-12-150	DECOD	91-05-095	131-16-062	NEW	91-13-048	132H-160-450	REP-P	91-15-020
113-12-165	DECOD	91-05-095	131-16-065	AMD-P	91-09-036	132H-160-450	REP-P	91-15-050
113-12-170	DECOD	91-05-095	131-16-065	AMD-E	91-12-030	132H-160-450	REP-W	91-15-058
113-12-175	DECOD	91-05-095	131-16-065	AMD	91-13-048	132H-160-460	REP-P	91-15-020
113-12-180	DECOD	91-05-095	131-16-066	AMD-P	91-09-036	132H-160-460	REP-P	91-15-050
113-12-190	DECOD	91-05-095	131-16-066	AMD-E	91-12-030	132H-160-460	REP-W	91-15-058
113-12-195	DECOD	91-05-095	131-16-066	AMD	91-13-048	132H-160-470	REP-P	91-15-020
113-12-197	DECOD	91-05-095	131-16-069	REP-P	91-09-036	132H-160-470	REP-P	91-15-058
113-12-200	DECOD	91-05-095	131-16-069	REP-E	91-12-030	132H-160-470	REP-W	91-15-020
113-12-210	DECOD	91-05-095	131-16-069	REP	91-13-048	132H-160-490	REP-P	91-15-050
113-12-220	DECOD	91-05-095	131-16-070	AMD-P	91-15-094	132H-160-490	REP-P	91-15-058
113-12-230	DECOD	91-05-095	131-16-080	AMD-P	91-15-094	132H-160-490	REP-W	91-15-020
113-12-300	DECOD	91-05-095	131-16-091	AMD-P	91-15-094	132H-160-510	REP-P	91-15-050
113-12-310	DECOD	91-05-095	131-16-092	AMD-P	91-15-094	132H-160-510	REP-P	91-15-058
113-12-320	DECOD	91-05-095	131-16-093	AMD-P	91-15-094	132H-160-510	REP-W	91-15-020
113-12-330	DECOD	91-05-095	131-16-094	AMD-P	91-15-094	132K-16-110	NEW-E	91-03-084
113-12-340	DECOD	91-05-095	131-16-095	NEW-P	91-15-094	132K-16-110	NEW-P	91-03-150
113-12-350	DECOD	91-05-095	131-16-095	NEW-E	91-13-001	132K-16-110	NEW	91-09-027
114-12-011	DECOD	91-05-026	131-16-500	AMD-P	91-15-092	132K-16-120	NEW-E	91-03-084
114-12-021	DECOD	91-05-026	131-28-026	AMD-P	91-15-093	132K-16-120	NEW-P	91-03-150
114-12-031	DECOD	91-05-026	131-32-050	NEW-E	91-06-075	132K-16-120	NEW	91-09-027
114-12-041	DECOD	91-05-026	131-32-050	NEW-P	91-15-091	132K-16-130	NEW-E	91-03-084
114-12-115	DECOD	91-05-026	132B-120-010	AMD-P	91-05-033	132K-16-130	NEW-P	91-03-150
114-12-126	DECOD	91-05-026	132B-120-010	AMD	91-11-102	132K-16-130	NEW	91-09-027
114-12-132	DECOD	91-05-026	132B-120-045	NEW-P	91-05-033	132K-16-140	NEW-E	91-03-084
114-12-136	DECOD	91-05-031	132B-120-045	NEW	91-11-102	132K-16-140	NEW-P	91-03-150
114-12-150	DECOD	91-05-026	132B-120-060	AMD-P	91-05-033	132K-16-140	NEW	91-09-027
114-12-155	DECOD	91-05-026	132B-120-060	AMD	91-11-102	132K-16-150	NEW-E	91-03-084
114-12-164	DECOD	91-05-026	132B-120-090	AMD-P	91-05-033	132K-16-150	NEW-P	91-03-150
114-12-170	DECOD	91-05-026	132B-120-090	AMD	91-11-102	132K-16-150	NEW	91-09-027
114-12-180	DECOD	91-05-026	132B-120-100	AMD-P	91-05-033	132K-16-160	NEW-E	91-03-084
114-12-190	DECOD	91-05-026	132B-120-100	AMD	91-11-102	132K-16-160	NEW-P	91-03-150
114-12-200	DECOD	91-05-026	132B-120-120	AMD-P	91-05-033	132K-16-160	NEW	91-09-027
131-16-005	AMD-P	91-09-036	132B-120-120	AMD	91-11-102	132K-16-170	NEW-E	91-03-084
131-16-005	AMD-E	91-12-030	132B-120-140	AMD-P	91-05-033	132K-16-170	NEW-P	91-03-150
131-16-005	AMD	91-13-048	132B-120-140	AMD	91-11-102	132K-16-170	NEW	91-09-027
131-16-010	AMD-P	91-09-036	132B-120-160	AMD-P	91-05-033	132K-16-180	NEW-E	91-03-084
131-16-010	AMD-E	91-12-030	132B-120-160	AMD	91-11-102	132K-16-180	NEW-P	91-03-150
131-16-010	AMD	91-13-048	132B-120-170	AMD-P	91-05-033	132K-16-180	NEW	91-09-027
131-16-011	AMD-P	91-09-036	132B-120-170	AMD	91-11-102	132K-16-190	NEW-E	91-03-084
131-16-011	AMD-E	91-12-030	132B-120-180	AMD-P	91-05-033	132K-16-190	NEW-P	91-03-150
131-16-011	AMD	91-13-048	132B-120-180	AMD	91-11-102	132K-16-190	NEW	91-09-027
131-16-015	AMD-P	91-09-036	132B-120-190	AMD-P	91-05-033	132K-16-190	NEW-E	91-03-084
131-16-015	AMD-E	91-12-030	132B-120-190	AMD	91-11-102	132K-16-200	NEW-P	91-03-150
131-16-015	AMD	91-13-048	132H-160-210	REP-P	91-15-020	132K-16-200	NEW	91-09-027
131-16-020	REP-E	91-06-069	132H-160-210	REP-P	91-15-050	132K-16-210	NEW-E	91-03-084
131-16-020	REP-P	91-09-036	132H-160-210	REP-W	91-15-058	132K-16-210	NEW-P	91-03-150
131-16-020	REP-E	91-12-030	132H-160-220	REP-P	91-15-020	132K-16-210	NEW	91-09-027
131-16-020	REP	91-13-048	132H-160-220	REP-P	91-15-050	132K-16-220	NEW-E	91-03-084
131-16-021	NEW-E	91-06-069	132H-160-220	REP-W	91-15-058	132K-16-220	NEW-P	91-03-150
131-16-021	AMD-E	91-09-008	132H-160-230	REP-P	91-15-020	132K-16-220	NEW	91-09-027
131-16-021	NEW-P	91-09-036	132H-160-230	REP-P	91-15-050	132K-16-230	NEW-E	91-03-084
131-16-021	NEW-E	91-12-030	132H-160-230	REP-W	91-15-058	132K-16-230	NEW-P	91-03-150
131-16-021	NEW	91-13-048	132H-160-240	REP-P	91-15-020	132K-16-230	NEW	91-09-027
131-16-030	REP-P	91-09-036	132H-160-240	REP-P	91-15-050	132K-16-240	NEW-E	91-03-084
131-16-030	REP-E	91-12-030	132H-160-240	REP-W	91-15-058	132K-16-240	NEW-P	91-03-150

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132K-16-240	NEW	91-09-027	132K-16-510	NEW-E	91-03-084	143-06-130	AMD	91-07-033
132K-16-250	NEW-E	91-03-084	132K-16-510	NEW-P	91-03-150	154-300-005	NEW-P	91-02-098
132K-16-250	NEW-P	91-03-150	132K-16-520	NEW-E	91-03-084	154-300-005	NEW	91-05-084
132K-16-250	NEW	91-09-027	132K-16-520	NEW-P	91-03-150	154-300-010	NEW-P	91-02-098
132K-16-260	NEW-E	91-03-084	132K-16-530	NEW-E	91-03-084	154-300-010	NEW	91-05-084
132K-16-260	NEW-P	91-03-150	132K-16-530	NEW-E	91-03-150	154-300-020	NEW-P	91-02-098
132K-16-260	NEW	91-09-027	132K-16-540	NEW-E	91-03-084	154-300-020	NEW	91-05-084
132K-16-270	NEW-E	91-03-084	132K-16-540	NEW-P	91-03-150	154-300-030	NEW-P	91-02-098
132K-16-270	NEW-P	91-03-150	132K-16-550	NEW-E	91-03-084	154-300-030	NEW	91-05-084
132K-16-270	NEW	91-09-027	132K-16-550	NEW-P	91-03-150	154-300-040	NEW-P	91-02-098
132K-16-280	NEW-E	91-03-084	132K-16-560	NEW-E	91-03-084	154-300-040	NEW	91-05-084
132K-16-280	NEW-P	91-03-150	132K-16-560	NEW-P	91-03-150	154-300-050	NEW-P	91-02-098
132K-16-280	NEW	91-09-027	132K-16-560	NEW-P	91-03-150	154-300-050	NEW	91-05-084
132K-16-290	NEW-E	91-03-084	132N-156-300	AMD-P	91-15-071	154-300-050	NEW	91-05-084
132K-16-290	NEW-P	91-03-150	132N-156-310	AMD-P	91-15-071	154-300-060	NEW-P	91-02-098
132K-16-290	NEW	91-09-027	132N-156-320	AMD-P	91-15-071	154-300-060	NEW	91-05-084
132K-16-300	NEW-E	91-03-084	132N-156-330	AMD-P	91-15-071	154-300-070	NEW-P	91-02-098
132K-16-300	NEW-P	91-03-150	132N-156-400	AMD-P	91-15-071	154-300-070	NEW	91-05-084
132K-16-300	NEW	91-09-027	132N-156-420	AMD-P	91-15-071	154-300-080	NEW-P	91-02-098
132K-16-310	NEW-E	91-03-084	132N-156-430	AMD-P	91-15-071	154-300-080	NEW	91-05-084
132K-16-310	NEW-P	91-03-150	132N-156-440	AMD-P	91-15-071	154-300-090	NEW-P	91-02-098
132K-16-310	NEW	91-09-027	132N-156-450	AMD-P	91-15-071	154-300-090	NEW	91-05-084
132K-16-320	NEW-E	91-03-084	132N-156-460	AMD-P	91-15-071	154-300-100	NEW-P	91-02-098
132K-16-320	NEW-P	91-03-150	132N-156-500	AMD-P	91-15-071	154-300-100	NEW	91-05-084
132K-16-320	NEW	91-09-027	132N-156-530	AMD-P	91-15-071	154-300-110	NEW-P	91-02-098
132K-16-330	NEW-E	91-03-084	132N-156-550	AMD-P	91-15-071	154-300-110	NEW	91-05-084
132K-16-330	NEW-P	91-03-150	132N-156-560	AMD-P	91-15-071	154-300-120	NEW-P	91-02-098
132K-16-330	NEW	91-09-027	132N-156-570	AMD-P	91-15-071	154-300-120	NEW	91-05-084
132K-16-340	NEW-E	91-03-084	132N-156-580	NEW-P	91-15-071	173-16-064	NEW-P	91-04-069
132K-16-340	NEW-P	91-03-150	132N-156-610	AMD-P	91-15-071	173-16-064	NEW-W	91-05-042
132K-16-340	NEW	91-09-027	132N-156-620	AMD-P	91-15-071	173-16-064	NEW	91-10-033
132K-16-340	NEW-E	91-03-084	132N-156-630	AMD-P	91-15-071	173-19-120	AMD-W	91-02-112
132K-16-340	NEW-P	91-03-150	132N-156-640	AMD-P	91-15-071	173-19-120	AMD-P	91-14-054
132K-16-350	NEW	91-09-027	132N-156-650	AMD-P	91-15-071	173-19-220	AMD-P	91-09-054
132K-16-350	NEW-E	91-03-084	132N-156-700	AMD-P	91-15-071	173-19-2207	AMD-P	91-03-144
132K-16-350	NEW-P	91-03-150	132N-156-730	AMD-P	91-15-071	173-19-2207	AMD	91-12-053
132K-16-350	NEW	91-09-027	132N-156-740	AMD-P	91-15-071	173-19-230	AMD	91-03-145
132K-16-360	NEW-E	91-03-084	132N-156-750	AMD-P	91-15-071	173-19-250	AMD	91-03-149
132K-16-360	NEW-P	91-03-150	132N-156-760	AMD-P	91-15-071	173-19-2516	AMD-P	91-14-053
132K-16-360	NEW	91-09-027	132N-168-010	REP-P	91-15-072	173-19-2519	AMD-W	91-12-036
132K-16-370	NEW-E	91-03-084	132N-168-020	REP-P	91-15-072	173-19-280	AMD-P	91-03-141
132K-16-370	NEW-P	91-03-150	132Q-03-005	NEW-P	91-14-057	173-19-280	AMD-W	91-11-088
132K-16-370	NEW	91-09-027	132Q-03-010	NEW-P	91-14-057	173-19-280	AMD-P	91-14-100
132K-16-380	NEW-E	91-03-084	132Q-03-020	NEW-P	91-14-057	173-19-3203	AMD	91-03-147
132K-16-380	NEW-P	91-03-150	132Q-03-030	NEW-P	91-14-057	173-19-3204	AMD-P	91-14-052
132K-16-380	NEW	91-09-027	132Q-06-016	NEW-P	91-14-060	173-19-3205	AMD	91-03-146
132K-16-390	NEW-E	91-03-084	132Q-108-010	NEW-P	91-14-058	173-19-3208	AMD	91-03-148
132K-16-390	NEW-P	91-03-150	132Q-108-020	NEW-P	91-14-058	173-19-3209	AMD	91-04-070
132K-16-390	NEW	91-09-027	132Q-108-030	NEW-P	91-14-058	173-19-3210	AMD	91-04-071
132K-16-400	NEW-E	91-03-084	132Q-108-040	NEW-P	91-14-058	173-19-350	AMD-P	91-03-143
132K-16-400	NEW-P	91-03-150	132Q-108-050	NEW-P	91-14-058	173-19-350	AMD	91-12-052
132K-16-400	NEW	91-09-027	132Q-108-060	NEW-P	91-14-058	173-19-360	AMD	91-04-072
132K-16-410	NEW-E	91-03-084	132Q-108-070	NEW-P	91-14-058	173-19-360	AMD-P	91-05-063
132K-16-410	NEW-P	91-03-150	132Q-108-080	NEW-P	91-14-058	173-19-360	AMD-C	91-06-094
132K-16-410	NEW	91-09-027	132Q-108-090	NEW-P	91-14-058	173-19-360	AMD	91-12-054
132K-16-420	NEW-E	91-03-084	132Q-108-100	NEW-P	91-14-058	173-19-420	AMD-P	91-14-051
132K-16-420	NEW-P	91-03-150	132Q-135-050	NEW-P	91-14-059	173-19-4205	AMD-P	91-04-079
132K-16-420	NEW	91-09-027	132S-30-036	AMD-P	91-02-101	173-19-4205	AMD	91-09-055
132K-16-430	NEW-E	91-03-084	132S-30-036	AMD	91-08-001	173-160-040	AMD-E	91-04-073
132K-16-430	NEW-P	91-03-150	132Y-100-066	NEW-P	91-12-016	173-160-040	AMD-P	91-12-039
132K-16-440	NEW	91-09-027	132Y-100-072	AMD-P	91-12-016	173-160-040	AMD-E	91-12-041
132K-16-440	NEW-E	91-03-084	132Y-100-104	AMD-P	91-12-016	173-160-040	AMD-C	91-15-104
132K-16-440	NEW-P	91-03-150	132Y-400-010	NEW	91-05-012	173-166	AMD-C	91-02-099
132K-16-450	NEW	91-09-027	132Y-400-020	NEW	91-05-012	173-166	AMD	91-03-081
132K-16-450	NEW-E	91-03-084	132Y-400-030	NEW	91-05-012	173-166-010	AMD	91-03-081
132K-16-450	NEW-P	91-03-150	132Y-400-040	NEW	91-05-012	173-166-020	AMD	91-03-081
132K-16-460	NEW	91-09-027	137-12A-010	AMD	91-10-018	173-166-030	AMD	91-03-081
132K-16-460	NEW-E	91-03-084	137-12A-020	AMD	91-10-018	173-166-040	AMD	91-03-081
132K-16-460	NEW-P	91-03-150	137-12A-030	AMD	91-10-018	173-166-050	AMD	91-03-081
132K-16-470	NEW	91-09-027	137-12A-050	AMD	91-10-018	173-166-060	AMD	91-03-081
132K-16-470	NEW-E	91-03-084	137-12A-060	AMD	91-10-018	173-166-070	AMD	91-03-081
132K-16-470	NEW-P	91-03-150	137-12A-070	AMD	91-10-018	173-166-080	NEW	91-03-081
132K-16-480	NEW	91-09-027	137-12A-090	AMD	91-10-018	173-166-090	NEW	91-03-081
132K-16-480	NEW-E	91-03-084	139-05-230	AMD-P	91-10-089	173-166-100	NEW	91-03-081
132K-16-480	NEW-P	91-03-150	139-05-230	AMD	91-14-011	173-166-110	NEW	91-03-081
132K-16-490	NEW	91-09-027	139-10-212	AMD-P	91-10-088	173-166-120	NEW	91-03-081
132K-16-490	NEW-E	91-03-084	139-10-212	AMD	91-14-010	173-166-130	NEW	91-03-081
132K-16-500	NEW-P	91-03-150	143-06-130	AMD-P	91-04-090	173-166-140	NEW	91-03-081

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173-181-010	NEW-P	91-14-110	173-203-080	NEW-P	91-11-089	173-270-020	NEW	91-11-091
173-181-020	NEW-P	91-14-110	173-203-090	NEW-P	91-09-056	173-270-030	NEW-P	91-04-091
173-181-030	NEW-P	91-14-110	173-203-090	NEW-W	91-10-048	173-270-030	NEW	91-11-091
173-181-035	NEW-P	91-14-110	173-203-090	NEW-P	91-11-089	173-270-040	NEW-P	91-04-091
173-181-040	NEW-P	91-14-110	173-203-100	NEW-P	91-09-056	173-270-040	NEW	91-11-091
173-181-045	NEW-P	91-14-110	173-203-100	NEW-W	91-10-048	173-270-050	NEW-P	91-04-091
173-181-050	NEW-P	91-14-110	173-203-100	NEW-P	91-11-089	173-270-050	NEW	91-11-091
173-181-060	NEW-P	91-14-110	173-203-110	NEW-P	91-09-056	173-270-060	NEW-P	91-04-091
173-181-065	NEW-P	91-14-110	173-203-110	NEW-W	91-10-048	173-270-060	NEW	91-11-091
173-181-070	NEW-P	91-14-110	173-203-110	NEW-P	91-11-089	173-270-070	NEW-P	91-04-091
173-181-075	NEW-P	91-14-110	173-203-120	NEW-P	91-09-056	173-270-070	NEW	91-11-091
173-181-080	NEW-P	91-14-110	173-203-120	NEW-W	91-10-048	173-270-080	NEW-P	91-04-091
173-181-085	NEW-P	91-14-110	173-203-120	NEW-P	91-11-089	173-270-080	NEW	91-11-091
173-181-090	NEW-P	91-14-110	173-203-130	NEW-P	91-09-056	173-270-090	NEW-P	91-04-091
173-181-092	NEW-P	91-14-110	173-203-130	NEW-W	91-10-048	173-270-090	NEW	91-11-091
173-181-094	NEW-P	91-14-110	173-203-130	NEW-P	91-11-089	173-270-100	NEW-P	91-04-091
173-181-096	NEW-P	91-14-110	173-203-140	NEW-P	91-09-056	173-270-100	NEW	91-11-091
173-181-098	NEW-P	91-14-110	173-203-140	NEW-W	91-10-048	173-300-070	AMD-P	91-09-053
173-201-010	REP-P	91-09-056	173-203-140	NEW-P	91-11-089	173-300-070	AMD	91-12-040
173-201-010	REP-W	91-10-048	173-203-150	NEW-P	91-09-056	173-303	PREP	91-15-105
173-201-010	REP-P	91-11-089	173-203-150	NEW-W	91-10-048	173-303-016	AMD	91-07-005
173-201-025	REP-P	91-09-056	173-203-150	NEW-P	91-11-089	173-303-017	AMD	91-07-005
173-201-025	REP-W	91-10-048	173-203-160	NEW-P	91-09-056	173-303-040	AMD	91-07-005
173-201-025	REP-P	91-11-089	173-203-160	NEW-W	91-10-048	173-303-045	AMD	91-07-005
173-201-035	REP-P	91-09-056	173-203-160	NEW-P	91-11-089	173-303-070	AMD	91-07-005
173-201-035	REP-W	91-10-048	173-203-170	NEW-P	91-09-056	173-303-071	AMD	91-07-005
173-201-035	REP-P	91-11-089	173-203-170	NEW-W	91-10-048	173-303-072	AMD	91-07-005
173-201-045	REP-P	91-09-056	173-203-170	NEW-P	91-11-089	173-303-081	AMD	91-07-005
173-201-045	REP-W	91-10-048	173-203-180	NEW-P	91-09-056	173-303-084	AMD	91-07-005
173-201-045	REP-P	91-11-089	173-203-180	NEW-W	91-10-048	173-303-090	AMD	91-07-005
173-201-047	REP-P	91-09-056	173-203-180	NEW-P	91-11-089	173-303-103	AMD	91-07-005
173-201-047	REP-W	91-10-048	173-204	NEW-C	91-03-094	173-303-110	AMD	91-07-005
173-201-047	REP-P	91-11-089	173-204	NEW-C	91-06-098	173-303-120	AMD	91-07-005
173-201-070	REP-P	91-09-056	173-204-100	NEW	91-08-019	173-303-120	AMD	91-07-005
173-201-070	REP-W	91-10-048	173-204-110	NEW	91-08-019	173-303-145	AMD	91-07-005
173-201-070	REP-P	91-11-089	173-204-120	NEW	91-08-019	173-303-160	AMD	91-07-005
173-201-080	REP-P	91-09-056	173-204-130	NEW	91-08-019	173-303-200	AMD	91-07-005
173-201-080	REP-W	91-10-048	173-204-130	NEW	91-08-019	173-303-201	AMD	91-07-005
173-201-080	REP-P	91-11-089	173-204-200	NEW	91-08-019	173-303-210	AMD	91-07-005
173-201-080	REP-P	91-11-089	173-204-300	NEW	91-08-019	173-303-220	AMD	91-07-005
173-201-085	REP-P	91-09-056	173-204-310	NEW	91-08-019	173-303-230	AMD	91-07-005
173-201-085	REP-W	91-10-048	173-204-315	NEW	91-08-019	173-303-320	AMD	91-07-005
173-201-085	REP-P	91-11-089	173-204-320	NEW	91-08-019	173-303-360	AMD	91-07-005
173-201-090	REP-P	91-09-056	173-204-330	NEW	91-08-019	173-303-380	AMD	91-07-005
173-201-090	REP-W	91-10-048	173-204-340	NEW	91-08-019	173-303-390	AMD	91-07-005
173-201-090	REP-P	91-11-089	173-204-350	NEW	91-08-019	173-303-400	AMD	91-07-005
173-201-100	REP-P	91-09-056	173-204-400	NEW	91-08-019	173-303-500	AMD	91-07-005
173-201-100	REP-W	91-10-048	173-204-410	NEW	91-08-019	173-303-510	RE-AD	91-07-005
173-201-100	REP-P	91-11-089	173-204-415	NEW	91-08-019	173-303-515	RE-AD	91-07-005
173-201-110	REP-P	91-09-056	173-204-420	NEW	91-08-019	173-303-520	RE-AD	91-07-005
173-201-110	REP-W	91-10-048	173-204-500	NEW	91-08-019	173-303-525	AMD	91-07-005
173-201-110	REP-P	91-11-089	173-204-510	NEW	91-08-019	173-303-550	AMD	91-07-005
173-201-120	REP-P	91-09-056	173-204-520	NEW	91-08-019	173-303-550	RE-AD	91-07-005
173-201-120	REP-W	91-10-048	173-204-530	NEW	91-08-019	173-303-600	AMD	91-07-005
173-201-120	REP-P	91-11-089	173-204-540	NEW	91-08-019	173-303-610	AMD	91-07-005
173-203-010	NEW-P	91-09-056	173-204-550	NEW	91-08-019	173-303-620	AMD	91-07-005
173-203-010	NEW-W	91-10-048	173-204-560	NEW	91-08-019	173-303-630	AMD	91-07-005
173-203-010	NEW-P	91-11-089	173-204-570	NEW	91-08-019	173-303-645	AMD	91-07-005
173-203-020	NEW-P	91-09-056	173-204-580	NEW	91-08-019	173-303-650	RE-AD	91-07-005
173-203-020	NEW-W	91-10-048	173-204-590	NEW	91-08-019	173-303-680	NEW	91-07-005
173-203-020	NEW-P	91-11-089	173-204-600	NEW	91-08-019	173-303-800	AMD	91-07-005
173-203-030	NEW-P	91-09-056	173-204-610	NEW	91-08-019	173-303-802	AMD	91-07-005
173-203-030	NEW-W	91-10-048	173-204-620	NEW	91-08-019	173-303-805	AMD	91-07-005
173-203-030	NEW-P	91-11-089	173-224	PREP	91-15-106	173-303-806	AMD	91-07-005
173-203-040	NEW-P	91-09-056	173-224-015	AMD-P	91-03-080	173-303-807	AMD	91-07-005
173-203-040	NEW-W	91-10-048	173-224-015	AMD-W	91-11-047	173-303-808	AMD	91-07-005
173-203-040	NEW-P	91-11-089	173-224-030	AMD-P	91-03-080	173-303-810	AMD	91-07-005
173-203-050	NEW-P	91-09-056	173-224-030	AMD-W	91-11-047	173-303-830	AMD	91-07-005
173-203-050	NEW-W	91-10-048	173-224-040	AMD-P	91-03-080	173-303-902	PREP	91-08-018
173-203-050	NEW-P	91-11-089	173-224-040	AMD-W	91-11-047	173-303-9903	AMD	91-07-005
173-203-060	NEW-P	91-09-056	173-224-050	AMD-P	91-03-080	173-303-9904	AMD	91-07-005
173-203-060	NEW-W	91-10-048	173-224-050	AMD-W	91-11-047	173-303-9906	AMD	91-07-005
173-203-060	NEW-P	91-11-089	173-224-090	AMD-P	91-03-080	173-303-9907	AMD	91-07-005
173-203-070	NEW-P	91-09-056	173-224-090	AMD-W	91-11-047	173-305-010	REP-E	91-03-139
173-203-070	NEW-W	91-10-048	173-230-090	AMD	91-13-058	173-305-010	AMD	91-08-040
173-203-070	NEW-P	91-11-089	173-270-010	NEW-P	91-04-091	173-305-01001	NEW-E	91-03-139
173-203-080	NEW-P	91-09-056	173-270-010	NEW	91-11-091	173-305-015	REP-E	91-03-139
173-203-080	NEW-W	91-10-048	173-270-020	NEW-P	91-04-091	173-305-015	AMD	91-08-040

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173-305-020	REP-E	91-03-139	173-340-440	NEW	91-04-019	173-405-072	AMD	91-05-064
173-305-020	AMD	91-08-040	173-340-450	NEW	91-04-019	173-405-077	AMD	91-05-064
173-305-02001	NEW-E	91-03-139	173-340-700	AMD	91-04-019	173-405-078	AMD	91-05-064
173-305-030	REP-E	91-03-139	173-340-702	NEW	91-04-019	173-405-086	AMD	91-05-064
173-305-030	AMD	91-08-040	173-340-704	NEW	91-04-019	173-405-087	AMD	91-05-064
173-305-03001	NEW-E	91-03-139	173-340-705	NEW	91-04-019	173-405-091	AMD	91-05-064
173-305-040	REP-E	91-03-139	173-340-706	NEW	91-04-019	173-410-012	AMD	91-05-064
173-305-040	AMD	91-08-040	173-340-707	NEW	91-04-019	173-410-021	AMD	91-05-064
173-305-04001	NEW-E	91-03-139	173-340-708	NEW	91-04-019	173-410-035	AMD	91-05-064
173-305-050	REP-E	91-03-139	173-340-710	NEW	91-04-019	173-410-040	AMD	91-05-064
173-305-050	AMD	91-08-040	173-340-720	NEW	91-04-019	173-410-042	REP	91-05-064
173-305-05001	NEW-E	91-03-139	173-340-730	NEW	91-04-019	173-410-045	AMD	91-05-064
173-305-060	REP-E	91-03-139	173-340-740	NEW	91-04-019	173-410-062	AMD	91-05-064
173-305-06001	NEW-E	91-03-139	173-340-745	NEW	91-04-019	173-410-067	AMD	91-05-064
173-305-070	REP-E	91-03-139	173-340-750	NEW	91-04-019	173-410-071	AMD	91-05-064
173-305-07001	NEW-E	91-03-139	173-340-760	NEW	91-04-019	173-410-086	AMD	91-05-064
173-305-080	REP-E	91-03-139	173-340-830	AMD	91-04-019	173-410-087	AMD	91-05-064
173-305-090	REP-E	91-03-139	173-360-220	NEW-W	91-04-022	173-410-100	NEW	91-05-064
173-305-110	NEW	91-08-040	173-360-230	NEW-W	91-04-022	173-415-010	AMD	91-05-064
173-305-120	NEW	91-08-040	173-360-620	NEW-W	91-04-022	173-415-020	AMD	91-05-064
173-305-210	NEW	91-08-040	173-400-010	AMD	91-05-064	173-415-030	AMD	91-05-064
173-305-220	NEW	91-08-040	173-400-020	AMD	91-05-064	173-415-040	AMD	91-05-064
173-305-230	NEW	91-08-040	173-400-030	AMD	91-05-064	173-415-041	REP	91-05-064
173-305-240	NEW	91-08-040	173-400-040	AMD	91-05-064	173-415-045	AMD	91-05-064
173-307-010	NEW	91-08-041	173-400-050	AMD	91-05-064	173-415-050	AMD	91-05-064
173-307-010	AMD-P	91-14-099	173-400-060	AMD	91-05-064	173-415-051	AMD	91-05-064
173-307-015	NEW	91-08-041	173-400-070	AMD	91-05-064	173-415-060	AMD	91-05-064
173-307-015	AMD-P	91-14-099	173-400-075	AMD	91-05-064	173-415-070	AMD	91-05-064
173-307-020	NEW	91-08-041	173-400-100	AMD	91-05-064	173-415-080	AMD	91-05-064
173-307-020	AMD-P	91-14-099	173-400-105	AMD	91-05-064	173-433	AMD	91-07-066
173-307-030	NEW	91-08-041	173-400-110	AMD	91-05-064	173-433-030	AMD	91-07-066
173-307-030	AMD-P	91-14-099	173-400-115	AMD	91-05-064	173-433-100	AMD	91-07-066
173-307-040	NEW	91-08-041	173-400-120	AMD	91-05-064	173-433-110	AMD	91-07-066
173-307-040	AMD-P	91-14-099	173-400-131	NEW	91-05-064	173-433-120	AMD	91-07-066
173-307-050	NEW	91-08-041	173-400-136	NEW	91-05-064	173-433-130	AMD	91-07-066
173-307-060	NEW	91-08-041	173-400-141	NEW	91-05-064	173-433-140	NEW	91-07-066
173-307-060	AMD-P	91-14-099	173-400-151	NEW	91-05-064	173-433-150	AMD	91-07-066
173-307-070	NEW	91-08-041	173-400-161	NEW	91-05-064	173-433-170	AMD	91-07-066
173-307-070	AMD-P	91-14-099	173-400-171	NEW	91-05-064	173-460-010	NEW	91-13-079
173-307-080	NEW	91-08-041	173-400-180	NEW	91-05-064	173-460-020	NEW	91-13-079
173-307-080	AMD-P	91-14-099	173-400-190	NEW	91-05-064	173-460-030	NEW	91-13-079
173-307-090	NEW	91-08-041	173-400-200	NEW	91-05-064	173-460-040	NEW	91-13-079
173-307-100	NEW	91-08-041	173-400-205	NEW	91-05-064	173-460-050	NEW	91-13-079
173-307-110	NEW	91-08-041	173-400-210	NEW	91-05-064	173-460-060	NEW	91-13-079
173-307-120	NEW	91-08-041	173-400-220	NEW	91-05-064	173-460-070	NEW	91-13-079
173-307-130	NEW	91-08-041	173-400-230	NEW	91-05-064	173-460-080	NEW	91-13-079
173-307-140	NEW	91-08-041	173-400-240	NEW	91-05-064	173-460-090	NEW	91-13-079
173-312	AMD	91-11-090	173-400-250	NEW	91-05-064	173-460-100	NEW	91-13-079
173-312-010	AMD	91-11-090	173-400-260	NEW	91-05-064	173-460-110	NEW	91-13-079
173-312-020	AMD	91-11-090	173-403-010	REP	91-05-064	173-460-120	NEW	91-13-079
173-312-030	AMD	91-11-090	173-403-020	REP	91-05-064	173-460-130	NEW	91-13-079
173-312-040	AMD	91-11-090	173-403-030	REP	91-05-064	173-460-140	NEW	91-13-079
173-312-050	AMD	91-11-090	173-403-050	REP	91-05-064	173-460-150	NEW	91-13-079
173-312-060	NEW	91-11-090	173-403-060	REP	91-05-064	173-460-160	NEW	91-13-079
173-312-070	NEW	91-11-090	173-403-070	REP	91-05-064	173-490-010	AMD	91-05-064
173-312-080	NEW	91-11-090	173-403-075	REP	91-05-064	173-490-020	AMD	91-05-064
173-312-090	NEW	91-11-090	173-403-080	REP	91-05-064	173-490-025	AMD	91-05-064
173-312-100	NEW	91-11-090	173-403-090	REP	91-05-064	173-490-030	AMD	91-05-064
173-319	PREP	91-10-032	173-403-100	REP	91-05-064	173-490-040	AMD	91-05-064
173-331-010	NEW	91-05-020	173-403-110	REP	91-05-064	173-490-070	REP	91-05-064
173-331-100	NEW	91-05-020	173-403-120	REP	91-05-064	173-490-071	REP	91-05-064
173-331-200	NEW	91-05-020	173-403-130	REP	91-05-064	173-490-080	AMD	91-05-064
173-331-210	NEW	91-05-020	173-403-141	REP	91-05-064	173-490-090	AMD	91-05-064
173-331-220	NEW	91-05-020	173-403-145	REP	91-05-064	173-490-120	REP	91-05-064
173-331-300	NEW	91-05-020	173-403-150	REP	91-05-064	173-490-130	REP	91-05-064
173-331-400	NEW	91-05-020	173-403-160	REP	91-05-064	173-490-135	REP	91-05-064
173-331-410	NEW	91-05-020	173-403-170	REP	91-05-064	173-490-140	REP	91-05-064
173-331-500	NEW	91-05-020	173-403-180	REP	91-05-064	173-490-150	REP	91-05-064
173-331-600	NEW	91-05-020	173-403-190	REP	91-05-064	173-490-200	AMD	91-05-064
173-340-120	AMD	91-04-019	173-405-012	AMD	91-05-064	173-490-201	AMD	91-05-064
173-340-200	AMD	91-04-019	173-405-021	AMD	91-05-064	173-490-202	AMD	91-05-064
173-340-210	AMD	91-04-019	173-405-033	AMD	91-05-064	173-490-203	AMD	91-05-064
173-340-300	AMD	91-04-019	173-405-035	AMD	91-05-064	173-490-204	AMD	91-05-064
173-340-350	AMD	91-04-019	173-405-040	AMD	91-05-064	173-490-205	AMD	91-05-064
173-340-360	AMD	91-04-019	173-405-041	REP	91-05-064	173-490-207	AMD	91-05-064
173-340-420	AMD	91-04-019	173-405-045	AMD	91-05-064	173-490-208	AMD	91-05-064

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173-491-010	NEW	91-14-101	182-16-010	NEW-P	91-04-087	196-24-095	AMD-C	91-06-018
173-491-015	NEW-P	91-02-107	182-16-010	NEW	91-14-025	196-24-095	AMD	91-11-099
173-491-015	NEW	91-14-101	182-16-020	NEW-P	91-04-087	196-24-097	NEW-P	91-05-078
173-491-020	NEW-P	91-02-107	182-16-020	NEW	91-14-025	196-24-097	NEW-C	91-06-018
173-491-020	NEW	91-14-101	182-16-030	NEW-P	91-04-087	196-24-097	NEW-W	91-11-098
173-491-030	NEW-P	91-02-107	182-16-030	NEW	91-14-025	196-24-098	PREP	91-05-041
173-491-030	NEW	91-14-101	182-16-040	NEW-P	91-04-087	196-26-020	AMD-P	91-07-065
173-491-040	NEW-P	91-02-107	182-16-040	NEW	91-14-025	196-26-020	AMD	91-10-046
173-491-040	NEW	91-14-101	182-16-050	NEW-P	91-04-087	196-26-030	AMD-P	91-07-065
173-491-050	NEW-P	91-02-107	182-16-050	NEW	91-14-025	196-26-030	AMD	91-10-046
173-491-050	NEW	91-14-101	182-18-005	NEW-P	91-05-079	204-24-050	AMD-P	91-10-053
173-500-080	NEW-E	91-04-080	182-18-010	NEW-P	91-05-079	204-24-050	AMD	91-14-004
173-500-080	NEW-P	91-12-038	182-18-020	NEW-P	91-05-079	204-53-010	NEW	91-05-019
173-500-080	NEW-E	91-12-042	182-18-030	NEW-P	91-05-079	204-88-030	AMD-P	91-10-015
173-548-050	AMD-E	91-04-073	182-18-040	NEW-P	91-05-079	204-88-030	AMD	91-14-003
173-548-050	AMD-P	91-12-039	182-18-050	NEW-P	91-05-079	212-12-010	AMD-W	91-05-043
173-548-050	AMD-E	91-12-041	182-18-060	NEW-P	91-05-079	212-54-001	REP-P	91-06-020
173-548-050	AMD-C	91-15-104	182-18-070	NEW-P	91-05-079	212-54-001	REP-E	91-06-021
180-25-025	AMD-P	91-08-070	182-18-080	NEW-P	91-05-079	212-54-001	REP	91-11-001
180-25-025	AMD	91-12-058	182-18-090	NEW-P	91-05-079	212-54-005	REP-P	91-06-020
180-26-020	AMD-P	91-08-071	182-18-100	NEW-P	91-05-079	212-54-005	REP-E	91-06-021
180-26-020	AMD	91-12-057	182-18-110	NEW-P	91-05-079	212-54-005	REP	91-11-001
180-26-057	AMD-E	91-15-030	182-18-120	NEW-P	91-05-079	212-54-010	REP-P	91-06-020
180-26-058	NEW-E	91-15-030	182-18-130	NEW-P	91-05-079	212-54-010	REP-E	91-06-021
180-26-060	AMD-P	91-08-067	182-18-140	NEW-P	91-05-079	212-54-010	REP	91-11-001
180-26-060	AMD	91-12-055	182-18-150	NEW-P	91-05-079	212-54-015	REP-P	91-06-020
180-27-018	AMD-P	91-08-068	182-18-160	NEW-P	91-05-079	212-54-015	REP-E	91-06-021
180-27-018	AMD	91-12-059	182-18-300	AMD-E	91-03-054	212-54-015	REP	91-11-001
180-27-032	NEW-P	91-08-069	192-12-300	AMD-P	91-11-051	212-54-020	REP-P	91-06-020
180-27-032	NEW	91-12-056	192-12-300	AMD-E	91-11-052	212-54-020	REP-E	91-06-021
180-27-058	AMD-P	91-08-068	192-12-305	REP-E	91-03-054	212-54-020	REP	91-11-001
180-27-058	AMD	91-12-059	192-12-305	AMD-P	91-11-051	212-54-025	REP-P	91-06-020
180-27-115	AMD-P	91-08-068	192-12-305	AMD-E	91-11-052	212-54-025	REP-E	91-06-021
180-27-115	AMD	91-12-059	192-12-310	REP-E	91-03-054	212-54-025	REP	91-11-001
180-29-107	AMD-P	91-08-067	192-12-310	AMD-P	91-11-051	212-54-030	REP-P	91-06-020
180-29-107	AMD	91-12-055	192-12-320	AMD-E	91-03-054	212-54-030	REP-E	91-06-021
180-29-1075	AMD-E	91-15-030	192-12-320	AMD-P	91-11-051	212-54-030	REP	91-11-001
180-29-1076	NEW-E	91-15-030	192-12-320	AMD-E	91-11-052	212-54-035	REP-P	91-06-020
180-29-115	AMD-E	91-15-030	192-12-330	AMD-E	91-03-054	212-54-035	REP-E	91-06-021
180-29-116	NEW-E	91-15-030	192-12-330	AMD-P	91-11-051	212-54-035	REP	91-11-001
180-33-013	NEW-P	91-08-070	192-12-330	AMD-E	91-11-052	212-54-040	REP-P	91-06-020
180-33-013	NEW	91-12-058	192-12-370	NEW-E	91-03-054	212-54-040	REP-E	91-06-021
180-33-015	AMD-P	91-08-070	192-12-370	NEW-P	91-11-051	212-54-040	REP	91-11-001
180-33-015	AMD	91-12-058	192-12-370	NEW-E	91-11-052	212-54-045	REP-P	91-06-020
180-33-020	AMD-P	91-08-070	192-32-001	NEW-P	91-14-115	212-54-045	REP-E	91-06-021
180-33-020	AMD	91-12-058	192-32-001	NEW-E	91-14-116	212-54-045	REP	91-11-001
180-33-023	NEW-P	91-08-070	192-32-010	NEW-P	91-14-115	212-54-050	REP-P	91-06-020
180-33-023	NEW	91-12-058	192-32-010	NEW-E	91-14-116	212-54-050	REP-E	91-06-021
180-33-035	AMD-P	91-08-070	192-32-015	NEW-P	91-14-115	212-54-050	REP	91-11-001
180-33-035	AMD	91-12-058	192-32-015	NEW-E	91-14-116	212-54-055	REP-P	91-06-020
180-44-050	AMD-P	91-05-068	192-32-025	NEW-P	91-14-115	212-54-055	REP-E	91-06-021
180-44-050	AMD	91-08-055	192-32-025	NEW-E	91-14-116	212-54-055	REP	91-11-001
180-51-085	AMD	91-11-018	192-32-035	NEW-P	91-14-115	212-54-060	REP-P	91-06-020
180-55-005	AMD	91-04-015	192-32-035	NEW-E	91-14-116	212-54-060	REP-E	91-06-021
180-55-015	AMD	91-04-015	192-32-040	NEW-P	91-14-115	212-54-060	REP	91-11-001
180-79-003	AMD	91-04-016	192-32-040	NEW-E	91-14-116	212-54-065	REP-P	91-06-020
180-79-080	AMD	91-04-016	192-32-045	NEW-P	91-14-115	212-54-065	REP-E	91-06-021
180-79-230	AMD	91-05-056	192-32-045	NEW-E	91-14-116	212-54-065	REP	91-11-001
180-79-236	NEW	91-05-056	192-32-050	NEW-P	91-14-115	212-54-070	REP-P	91-06-020
180-79-241	NEW	91-05-056	192-32-050	NEW-E	91-14-116	212-54-070	REP-E	91-06-021
180-85-005	AMD	91-04-016	192-32-055	NEW-P	91-14-115	212-54-070	REP	91-11-001
180-85-045	AMD	91-04-016	192-32-055	NEW-E	91-14-116	212-54-075	REP-P	91-06-020
180-86-100	AMD-P	91-05-024	192-32-065	NEW-P	91-14-115	212-54-075	REP-E	91-06-021
180-86-100	AMD	91-08-056	192-32-065	NEW-E	91-14-116	212-54-075	REP	91-11-001
182-08-111	REP-P	91-11-093	192-32-075	NEW-P	91-14-115	212-54-080	REP-P	91-06-020
182-08-111	REP-P	91-11-094	192-32-075	NEW-E	91-14-116	212-54-080	REP-E	91-06-021
182-08-220	AMD-P	91-11-093	192-32-085	NEW-P	91-14-115	212-54-080	REP	91-11-001
182-12-115	AMD-P	91-11-096	192-32-085	NEW-E	91-14-116	212-54-085	REP-P	91-06-020
182-12-115	AMD	91-14-084	192-32-095	NEW-P	91-14-115	212-54-085	REP-E	91-06-021
182-12-127	REP-P	91-04-086	192-32-095	NEW-E	91-14-116	212-54-085	REP	91-11-001
182-12-127	REP	91-11-010	192-32-105	NEW-P	91-14-115	212-54-090	REP-P	91-06-020
182-12-130	AMD-P	91-11-095	192-32-105	NEW-E	91-14-116	212-54-090	REP-E	91-06-021
182-12-130	AMD	91-14-084	192-32-115	NEW-P	91-14-115	212-54-090	REP	91-11-001
182-12-210	REP-P	91-04-086	192-32-115	NEW-E	91-14-116	212-54-095	REP-P	91-06-020
182-12-210	REP	91-11-010	196-24-060	AMD-P	91-07-064	212-54-095	REP-E	91-06-021
182-12-215	NEW-P	91-04-086	196-24-060	AMD	91-11-075	212-54-095	REP	91-11-001

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
220-12-020	AMD-P	91-05-102	220-52-040	AMD-P	91-05-102
220-12-020	AMD	91-10-024	220-52-040	AMD	91-10-024
220-16-055	REP-P	91-03-151	220-52-046	AMD-P	91-05-102
220-16-055	REP	91-08-053	220-52-046	AMD	91-10-024
220-16-220	AMD-P	91-03-153	220-52-051	AMD-P	91-11-111
220-16-220	AMD	91-08-054	220-52-051	AMD-C	91-15-031
220-16-257	AMD-P	91-03-153	220-52-05100G	NEW-E	91-10-094
220-16-257	AMD	91-08-054	220-52-05100H	NEW-E	91-11-044
220-20-010	AMD-P	91-03-153	220-52-05100H	REP-E	91-15-096
220-20-010	AMD	91-08-054	220-52-05100I	NEW-E	91-15-096
220-20-017	AMD-P	91-11-056	220-52-060	AMD-P	91-05-102
220-20-01700A	NEW-E	91-03-108	220-52-060	AMD	91-10-024
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220-20-01700B	NEW-E	91-10-071	220-52-069	AMD	91-10-024
220-24-02000D	NEW-E	91-10-058	220-52-071	AMD-P	91-05-102
220-24-02000D	REP-E	91-15-115	220-52-071	AMD	91-10-024
220-24-02000E	NEW-E	91-15-115	220-52-071	AMD-P	91-11-111
220-32-05100D	REP-E	91-04-031	220-52-071	AMD-C	91-15-031
220-32-05100E	NEW-E	91-04-031	220-52-07100I	NEW-E	91-11-015
220-32-05500W	NEW-E	91-10-011	220-52-07100I	REP-E	91-11-055
220-32-05500W	REP-E	91-11-014	220-52-07100J	NEW-E	91-11-055
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220-32-05700G	REP-E	91-11-013	220-55-055	AMD-P	91-03-153
220-32-05700H	NEW-E	91-11-013	220-55-055	AMD	91-08-054
220-33-01000V	NEW-E	91-05-005	220-55-065	AMD-P	91-03-153
220-33-01000V	REP-E	91-05-036	220-55-065	AMD	91-08-054
220-33-01000W	NEW-E	91-05-036	220-55-070	AMD-P	91-03-153
220-33-03000C	NEW-E	91-11-100	220-55-070	AMD	91-08-054
220-40-030	AMD-P	91-03-153	220-55-075	AMD-P	91-03-153
220-40-030	AMD	91-08-054	220-55-075	AMD	91-08-054
220-40-031	AMD-P	91-03-153	220-55-080	AMD-P	91-03-153
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220-44-030	AMD-W	91-11-027	220-55-086	AMD-P	91-03-153
220-44-050	AMD-P	91-03-152	220-55-086	AMD	91-08-054
220-44-050	AMD	91-07-050	220-55-125	AMD-P	91-03-153
220-44-050	AMD-W	91-11-027	220-55-125	AMD	91-08-054
220-44-05000I	REP-E	91-08-023	220-56-100	AMD-P	91-03-153
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220-44-05000K	REP-E	91-10-012	220-56-105	AMD-P	91-03-153
220-44-05000K	NEW-E	91-10-012	220-56-105	AMD	91-08-054
220-44-05000L	REP-E	91-11-077	220-56-115	AMD-P	91-03-153
220-44-05000L	NEW-E	91-11-077	220-56-115	AMD	91-08-054
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220-44-05000M	NEW-E	91-14-026	220-56-128	AMD	91-08-054
220-47-304	AMD-P	91-13-031	220-56-175	AMD-P	91-03-153
220-47-307	AMD-P	91-13-031	220-56-175	AMD	91-08-054
220-47-311	AMD-P	91-13-031	220-56-180	AMD-P	91-03-153
220-47-319	AMD-P	91-13-031	220-56-180	AMD-C	91-08-051
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220-47-411	AMD-P	91-13-031	220-56-180	AMD-C	91-14-045
220-47-700	NEW-E	91-15-017	220-56-180	AMD	91-14-046
220-48-011	AMD-P	91-09-064	220-56-185	AMD-P	91-03-153
220-48-011	AMD	91-13-051	220-56-185	AMD	91-08-054
220-48-015	AMD-P	91-09-064	220-56-190	AMD-P	91-03-153
220-48-015	AMD	91-13-051	220-56-190	AMD	91-08-054
220-48-01500E	NEW-E	91-05-037	220-56-19000F	NEW-E	91-14-008
220-48-017	AMD-P	91-09-064	220-56-19000F	REP-E	91-15-095
220-48-017	AMD	91-13-051	220-56-19000G	NEW-E	91-14-048
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220-48-029	AMD	91-13-051	220-56-19000H	NEW-E	91-14-118
220-49-02300A	NEW-E	91-10-014	220-56-19000I	NEW-E	91-15-095
220-49-056	AMD-P	91-09-064	220-56-205	AMD-P	91-03-153
220-49-056	AMD	91-12-051	220-56-205	AMD	91-08-054
220-49-063	AMD-P	91-02-108	220-56-232	NEW-P	91-03-152
220-49-063	AMD	91-05-016	220-56-235	AMD-P	91-03-153
220-52-020	AMD-P	91-05-102	220-56-235	AMD-C	91-08-051
220-52-020	AMD	91-10-024	220-56-235	AMD	91-08-054
220-52-030	AMD-P	91-05-102	220-56-235	AMD-C	91-14-045
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220-52-03000G	NEW-E	91-08-024	220-56-240	AMD-P	91-03-153
220-56-240	AMD	91-08-054	220-56-24000J	NEW-E	91-14-007
220-56-250	AMD-P	91-03-153	220-56-250	AMD-P	91-03-153
220-56-250	AMD	91-08-054	220-56-25000J	NEW-E	91-14-007
220-56-25500J	NEW-E	91-14-007	220-56-282	AMD-P	91-03-153
220-56-282	AMD-P	91-03-153	220-56-282	AMD	91-08-054
220-56-32500S	NEW-E	91-10-094	220-56-32500S	NEW-E	91-10-094
220-56-350	AMD-P	91-03-153	220-56-350	AMD-P	91-03-153
220-56-350	AMD	91-08-054	220-56-350	AMD	91-08-054
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220-56-36000X	NEW-E	91-10-049	220-56-380	AMD-P	91-03-153
220-56-380	AMD	91-08-054	220-56-380	AMD	91-08-054
220-56-38000J	NEW-E	91-14-039	220-56-38000J	NEW-E	91-14-039
220-57-14000N	NEW-E	91-11-045	220-57-14000N	NEW-E	91-11-045
220-57-16000H	NEW-E	91-08-002	220-57-16000H	NEW-E	91-08-002
220-57-16000I	NEW-E	91-14-078	220-57-16000I	NEW-E	91-14-078
220-57-195	AMD-P	91-03-151	220-57-195	AMD-P	91-03-151
220-57-195	AMD-C	91-08-052	220-57-195	AMD-C	91-08-052
220-57-195	AMD-C	91-12-008	220-57-195	AMD-C	91-12-008
220-57-195	AMD	91-14-047	220-57-19500B	NEW-E	91-14-048
220-57-19500B	NEW-E	91-14-048	220-57-205	AMD-P	91-03-151
220-57-205	AMD-P	91-03-151	220-57-205	AMD-C	91-08-052
220-57-205	AMD-C	91-12-008	220-57-205	AMD-C	91-12-008
220-57-205	AMD	91-14-047	220-57-20500B	NEW-E	91-14-048
220-57-20500B	NEW-E	91-14-048	220-57-210	AMD-P	91-03-151
220-57-210	AMD-P	91-03-151	220-57-210	AMD-C	91-08-052
220-57-210	AMD-C	91-12-008	220-57-210	AMD-C	91-12-008
220-57-210	AMD	91-14-047	220-57-210	AMD	91-14-047
220-57-21000B	NEW-E	91-14-048	220-57-21000B	NEW-E	91-14-048
220-57-265	AMD-P	91-03-151	220-57-265	AMD-P	91-03-151
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220-57-26500B	NEW-E	91-14-048	220-57-290	AMD-P	91-03-153
220-57-290	AMD-P	91-03-153	220-57-290	AMD	91-08-054
220-57-313	NEW-P	91-03-153	220-57-313	NEW-P	91-03-153
220-57-313	NEW	91-08-054	220-57-313	NEW	91-08-054
220-57-31500U	NEW-E	91-08-025	220-57-31500U	NEW-E	91-08-025
220-57-340	AMD-P	91-03-153	220-57-340	AMD-P	91-03-153
220-57-340	AMD	91-08-054	220-57-340	AMD	91-08-054
220-57-37000D	NEW-E	91-14-048	220-57-37000D	NEW-E	91-14-048
220-57-385	AMD-P	91-03-153	220-57-385	AMD-P	91-03-153
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220-57-425	AMD-C	91-08-052	220-57-425	AMD-C	91-08-052
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220-57-42500V	NEW-E	91-12-009	220-57-42500V	REP-E	91-14-048
220-57-430	AMD-P	91-03-151	220-57-430	AMD-P	91-03-151
220-57-430	AMD-C	91-08-052	220-57-430	AMD-C	91-08-052
220-57-430	AMD-C	91-12-008	220-57-430	AMD-C	91-12-008
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220-57-435	AMD-C	91-08-052	220-57-435	AMD-C	91-08-052
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220-57-43500F	NEW-E	91-14-048	220-57-450	AMD-P	91-03-153
220-57-450	AMD-P	91-03-151	220-57-450	AMD-P	91-03-151
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246-225-99920	AMD	91-15-083	246-235-130	AMD-P	91-11-081	246-244-230	AMD	91-15-112
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246-839-560	RECOD	91-07-049	246-843-320	RECOD	91-06-060	246-851-430	RECOD	91-06-025
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246-839-570	RECOD	91-07-049	246-843-990	RECOD	91-06-058	246-851-990	AMD-P	91-08-078
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296-22-063	AMD	91-07-008	296-22-440	AMD	91-07-008	296-24-11005	AMD-P	91-04-077
296-22-067	AMD	91-07-008	296-22-445	AMD	91-07-008	296-24-11005	AMD	91-11-070
296-22-071	AMD	91-07-008	296-22-450	AMD	91-07-008	296-24-11007	AMD-P	91-04-077
296-22-073	AMD	91-07-008	296-22-455	AMD	91-07-008	296-24-11007	AMD	91-11-070
296-22-079	AMD	91-07-008	296-22-465	AMD	91-07-008	296-24-11009	AMD-P	91-04-077
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296-22-082	AMD	91-07-008	296-22-475	AMD	91-07-008	296-24-11011	AMD-P	91-04-077
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296-22-091	AMD	91-07-008	296-23-01006	AMD-W	91-14-098	296-24-11013	AMD-P	91-04-077
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296-22-115	AMD	91-07-008	296-23-040	AMD	91-07-008	296-24-119	AMD-P	91-04-077
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296-22-125	AMD	91-07-008	296-23-055	AMD	91-07-008	296-24-12002	AMD	91-11-070
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296-22-132	AMD	91-07-008	296-23-079	AMD	91-07-008	296-24-15001	AMD	91-03-044
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296-22-180	AMD	91-07-008	296-23-20102	AMD-P	91-12-060	296-24-23303	NEW-W	91-09-004
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296-22-220	AMD	91-07-008	296-23-231	AMD	91-07-008	296-24-95611	AMD	91-03-044
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296-56-60229	AMD	91-11-070	296-95-155	NEW-P	91-10-091	296-95-330	NEW-P	91-10-091
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296-62-07719	AMD	91-03-044	296-95-200	NEW-P	91-10-091	296-95-408	NEW-P	91-10-091
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296-62-07733	AMD	91-03-044	296-95-207	NEW-P	91-10-091	296-95-416	NEW-P	91-10-091
296-62-07755	NEW	91-03-044	296-95-208	NEW-P	91-10-091	296-95-418	NEW-P	91-10-091
296-62-09007	AMD-P	91-04-077	296-95-209	NEW-P	91-10-091	296-95-420	NEW-P	91-10-091
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296-127-011	AMD-P	91-14-104	296-155-694	AMD	91-11-070	308-31-100	DECOD	91-03-095
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296-155-48533	AMD	91-03-044	308-20-080	AMD	91-11-042	308-48-800	AMD-P	91-08-032
296-155-500	AMD	91-03-044	308-20-090	AMD-P	91-05-080	308-48-800	AMD	91-11-023
296-155-505	AMD	91-03-044	308-20-090	AMD	91-11-042	308-50-010	DECOD-P	91-07-058
296-155-50501	REP	91-03-044	308-20-095	NEW-P	91-05-080	308-50-010	DECOD	91-11-031
296-155-50503	AMD	91-03-044	308-20-095	NEW	91-11-042	308-50-020	DECOD-P	91-07-058
296-155-525	AMD	91-03-044	308-20-105	AMD-P	91-05-080	308-50-020	DECOD	91-11-031
296-155-530	AMD	91-03-044	308-20-105	AMD	91-11-042	308-50-035	DECOD-P	91-07-058
296-155-620	AMD	91-03-044	308-20-110	AMD-P	91-05-080	308-50-035	DECOD	91-11-031
296-155-625	AMD	91-03-044	308-20-110	AMD	91-11-042	308-50-040	DECOD-P	91-07-058
296-155-650	AMD	91-03-044	308-20-140	AMD-P	91-05-080	308-50-040	DECOD	91-11-031
296-155-655	AMD	91-03-044	308-20-140	AMD	91-11-042	308-50-090	DECOD-P	91-07-058
296-155-65505	REP	91-03-044	308-20-175	NEW-P	91-05-080	308-50-090	DECOD	91-11-031
296-155-657	NEW	91-03-044	308-20-175	NEW	91-11-042	308-50-100	DECOD-P	91-07-058
296-155-660	REP	91-03-044	308-31-001	DECOD	91-03-095	308-50-100	DECOD	91-11-031
296-155-66005	REP	91-03-044	308-31-010	DECOD	91-03-095	308-50-110	DECOD-P	91-07-058
296-155-66103	NEW	91-03-044	308-31-010	AMD-P	91-05-089	308-50-110	DECOD	91-11-031
296-155-66105	NEW	91-03-044	308-31-020	DECOD	91-03-095	308-50-120	DECOD-P	91-07-058
296-155-66109	NEW	91-03-044	308-31-020	AMD-P	91-05-089	308-50-120	DECOD	91-11-031
296-155-664	NEW	91-03-044	308-31-025	DECOD	91-03-095	308-50-130	DECOD-P	91-07-058
296-155-665	REP	91-03-044	308-31-025	AMD-P	91-05-089	308-50-130	DECOD	91-11-031
296-155-66501	REP	91-03-044	308-31-030	DECOD	91-03-095	308-50-140	DECOD-P	91-07-058
296-155-66502	REP	91-03-044	308-31-030	AMD-P	91-05-089	308-50-140	DECOD	91-11-031
296-155-66503	REP	91-03-044	308-31-040	DECOD	91-03-095	308-50-150	DECOD-P	91-07-058
296-155-66504	REP	91-03-044	308-31-040	AMD-P	91-05-089	308-50-150	DECOD	91-11-031
296-155-66505	REP	91-03-044	308-31-050	DECOD	91-03-095	308-50-160	DECOD-P	91-07-058
296-155-675	AMD-P	91-04-077	308-31-050	AMD-P	91-05-089	308-50-160	DECOD	91-11-031
296-155-675	AMD	91-11-070	308-31-055	DECOD	91-05-029	308-50-170	DECOD-P	91-07-058
296-155-682	AMD	91-03-044	308-31-057	DECOD	91-03-095	308-50-170	DECOD	91-11-031
296-155-688	AMD	91-03-044	308-31-057	AMD-P	91-05-089	308-50-180	DECOD-P	91-07-058

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-50-180	DECOD 91-11-031	308-52-146	DECOD 91-06-030	308-53-245	DECOD 91-06-025
308-50-190	DECOD-P 91-07-058	308-52-147	DECOD 91-06-030	308-53-250	DECOD 91-06-025
308-50-190	DECOD 91-11-031	308-52-148	DECOD 91-06-030	308-53-260	DECOD 91-06-025
308-50-200	DECOD-P 91-07-058	308-52-149	DECOD 91-06-030	308-53-265	DECOD 91-06-025
308-50-200	DECOD 91-11-031	308-52-150	DECOD 91-06-030	308-53-270	DECOD 91-06-025
308-50-210	DECOD-P 91-07-058	308-52-160	DECOD 91-06-030	308-53-275	DECOD 91-06-025
308-50-210	DECOD 91-11-031	308-52-165	DECOD 91-06-030	308-53-280	DECOD 91-06-025
308-50-220	DECOD-P 91-07-058	308-52-190	DECOD 91-06-030	308-53-320	DECOD 91-06-025
308-50-220	DECOD 91-11-031	308-52-201	DECOD 91-06-030	308-53-330	DECOD 91-06-025
308-50-240	DECOD-P 91-07-058	308-52-205	DECOD 91-06-030	308-53-340	DECOD 91-06-025
308-50-240	DECOD 91-11-031	308-52-211	DECOD 91-06-030	308-53-350	DECOD 91-06-025
308-50-250	DECOD-P 91-07-058	308-52-215	DECOD 91-06-030	308-53-400	DECOD 91-06-025
308-50-250	DECOD 91-11-031	308-52-221	DECOD 91-06-030	308-54-010	DECOD 91-06-060
308-50-260	DECOD-P 91-07-058	308-52-225	DECOD 91-06-030	308-54-020	DECOD 91-06-060
308-50-260	DECOD 91-11-031	308-52-260	DECOD 91-06-030	308-54-030	DECOD 91-06-060
308-50-270	DECOD-P 91-07-058	308-52-260	AMD 91-06-038	308-54-040	DECOD 91-06-060
308-50-270	DECOD 91-11-031	308-52-265	DECOD 91-06-030	308-54-050	DECOD 91-06-060
308-50-280	DECOD-P 91-07-058	308-52-270	DECOD 91-06-030	308-54-060	DECOD 91-06-060
308-50-280	DECOD 91-11-031	308-52-320	DECOD 91-06-030	308-54-070	DECOD 91-06-060
308-50-290	DECOD-P 91-07-058	308-52-400	DECOD 91-06-030	308-54-080	DECOD 91-06-060
308-50-290	DECOD 91-11-031	308-52-405	DECOD 91-06-030	308-54-090	DECOD 91-06-060
308-50-295	AMD-P 91-07-057	308-52-406	DECOD 91-06-030	308-54-095	DECOD 91-06-060
308-50-295	DECOD-P 91-07-058	308-52-410	DECOD 91-06-030	308-54-100	DECOD 91-06-060
308-50-295	AMD-W 91-07-059	308-52-415	DECOD 91-06-030	308-54-110	DECOD 91-06-060
308-50-295	DECOD 91-11-031	308-52-420	DECOD 91-06-030	308-54-120	DECOD 91-06-060
308-50-295	AMD 91-11-032	308-52-425	DECOD 91-06-030	308-54-125	DECOD 91-06-060
308-50-310	AMD-P 91-07-057	308-52-500	DECOD 91-06-030	308-54-130	DECOD 91-06-060
308-50-310	DECOD-P 91-07-058	308-52-502	DECOD 91-06-030	308-54-150	DECOD 91-06-060
308-50-310	AMD-W 91-07-059	308-52-504	DECOD 91-06-030	308-54-155	DECOD 91-06-060
308-50-310	DECOD 91-11-031	308-52-510	DECOD 91-06-030	308-54-160	DECOD 91-06-060
308-50-310	AMD 91-11-032	308-52-515	DECOD 91-06-030	308-54-162	DECOD 91-06-060
308-50-320	DECOD-P 91-07-058	308-52-530	DECOD 91-06-030	308-54-170	DECOD 91-06-060
308-50-320	DECOD 91-11-031	308-52-540	DECOD 91-06-030	308-54-180	DECOD 91-06-060
308-50-330	DECOD-P 91-07-058	308-52-570	DECOD 91-06-030	308-54-200	DECOD 91-06-060
308-50-330	DECOD 91-11-031	308-52-580	DECOD 91-06-030	308-54-205	DECOD 91-06-060
308-50-350	DECOD-P 91-07-058	308-52-590	REP 91-06-027	308-54-220	DECOD 91-06-060
308-50-350	DECOD 91-11-031	308-52-600	DECOD 91-06-030	308-54-225	DECOD 91-06-060
308-50-380	DECOD-P 91-07-058	308-52-610	DECOD 91-06-030	308-54-230	DECOD 91-06-060
308-50-380	DECOD 91-11-031	308-52-620	DECOD 91-06-030	308-54-240	DECOD 91-06-060
308-50-390	DECOD-P 91-07-058	308-52-630	DECOD 91-06-030	308-54-250	DECOD 91-06-060
308-50-390	DECOD 91-11-031	308-52-640	DECOD 91-06-030	308-54-315	AMD-P 91-05-025
308-50-400	DECOD-P 91-07-058	308-52-650	DECOD 91-06-030	308-54-315	DECOD 91-06-058
308-50-400	DECOD 91-11-031	308-52-660	DECOD 91-06-030	308-54-320	DECOD 91-06-060
308-50-410	DECOD-P 91-07-058	308-52-680	DECOD 91-06-030	308-56A-090	NEW 91-03-088
308-50-410	DECOD 91-11-031	308-52-690	DECOD 91-06-030	308-56A-120	REP-P 91-11-084
308-50-420	DECOD-P 91-07-058	308-53	DECOD-C 91-03-116	308-56A-120	REP 91-15-006
308-50-420	DECOD 91-11-031	308-53-010	DECOD 91-06-025	308-56A-150	AMD 91-04-024
308-50-430	DECOD-P 91-07-058	308-53-020	DECOD 91-06-028	308-56A-460	AMD 91-04-025
308-50-430	DECOD 91-11-031	308-53-030	DECOD 91-06-025	308-57-005	NEW 91-04-026
308-50-440	AMD-P 91-08-078	308-53-070	DECOD 91-06-025	308-57-010	NEW 91-04-026
308-50-440	DECOD 91-11-030	308-53-075	DECOD 91-06-025	308-57-020	NEW 91-04-026
308-50-500	DECOD-P 91-07-058	308-53-084	DECOD 91-06-025	308-57-030	NEW 91-04-026
308-50-500	DECOD 91-11-031	308-53-085	DECOD 91-06-025	308-57-110	NEW 91-04-026
308-51-230	DECOD-W 91-09-044	308-53-100	DECOD 91-06-025	308-57-120	NEW 91-04-026
308-51-240	DECOD-W 91-09-044	308-53-110	DECOD 91-06-025	308-57-130	NEW 91-04-026
308-51-250	DECOD-W 91-09-044	308-53-120	DECOD 91-06-025	308-57-140	NEW 91-04-026
308-51-260	DECOD-W 91-09-044	308-53-123	DECOD 91-06-025	308-57-210	NEW 91-04-026
308-51-270	DECOD-W 91-09-044	308-53-125	DECOD 91-06-025	308-57-220	NEW 91-04-026
308-51-280	DECOD-W 91-09-044	308-53-135	DECOD 91-06-025	308-57-230	NEW 91-04-026
308-51-290	DECOD-W 91-09-044	308-53-140	DECOD 91-06-025	308-57-240	NEW 91-04-026
308-51-300	DECOD-W 91-09-044	308-53-145	DECOD 91-06-025	308-57-310	NEW 91-04-026
308-51-310	DECOD-W 91-09-044	308-53-146	DECOD 91-06-025	308-57-320	NEW 91-04-026
308-51-320	DECOD-W 91-09-044	308-53-150	DECOD 91-06-025	308-57-410	NEW 91-04-026
308-52-010	DECOD 91-06-030	308-53-151	DECOD 91-06-025	308-57-420	NEW 91-04-026
308-52-030	DECOD 91-06-030	308-53-155	DECOD 91-06-025	308-57-430	NEW 91-04-026
308-52-040	DECOD 91-06-030	308-53-165	DECOD 91-06-025	308-57-440	NEW 91-04-026
308-52-100	DECOD 91-06-030	308-53-170	DECOD 91-06-025	308-58-010	AMD 91-04-025
308-52-120	DECOD 91-06-030	308-53-175	DECOD 91-06-025	308-58-020	AMD 91-04-025
308-52-132	DECOD 91-06-030	308-53-180	DECOD 91-06-025	308-61-175	AMD-P 91-13-035
308-52-135	AMD-E 91-04-033	308-53-200	DECOD 91-06-025	308-61-185	AMD-P 91-13-035
308-52-135	AMD-P 91-04-055	308-53-205	DECOD 91-06-025	308-66	AMD-P 91-14-097
308-52-135	DECOD 91-06-030	308-53-210	DECOD 91-06-025	308-66-120	AMD-P 91-14-097
308-52-136	DECOD 91-06-030	308-53-215	DECOD 91-06-025	308-66-135	AMD-P 91-14-097
308-52-138	DECOD 91-06-030	308-53-220	DECOD 91-06-025	308-66-140	AMD-P 91-14-097
308-52-139	DECOD 91-06-030	308-53-230	DECOD 91-06-025	308-66-152	AMD 91-03-019
308-52-140	DECOD 91-06-030	308-53-235	DECOD 91-06-025	308-66-155	AMD-P 91-14-097
308-52-141	DECOD 91-06-030	308-53-240	DECOD 91-06-025	308-66-156	NEW 91-03-092

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-66-160	AMD-P	91-14-097	308-120-345	DECOD	91-07-049	308-122-440	DECOD	91-04-020
308-66-165	NEW-P	91-14-097	308-120-360	DECOD	91-07-049	308-122-450	DECOD	91-04-020
308-66-170	AMD-P	91-14-097	308-120-365	REP	91-07-049	308-122-500	REP	91-04-021
308-66-190	AMD-P	91-14-097	308-120-400	DECOD	91-07-049	308-122-500	DECOD-W	91-12-035
308-66-212	AMD-P	91-14-097	308-120-410	DECOD	91-07-049	308-122-505	DECOD	91-04-020
308-66-213	REP-P	91-14-097	308-120-420	DECOD	91-07-049	308-122-510	DECOD	91-04-020
308-66-214	AMD-P	91-14-097	308-120-430	DECOD	91-07-049	308-122-515	DECOD	91-04-020
308-66-215	AMD-P	91-14-097	308-120-440	DECOD	91-07-049	308-122-515	AMD	91-04-021
308-66-240	NEW-P	91-14-097	308-120-450	DECOD	91-07-049	308-122-520	DECOD	91-04-020
308-77-080	REP	91-03-018	308-120-505	DECOD	91-07-049	308-122-520	AMD	91-04-021
308-77-100	AMD	91-03-018	308-120-506	DECOD	91-07-049	308-122-525	DECOD	91-04-020
308-77-250	AMD	91-03-017	308-120-525	DECOD	91-07-049	308-122-530	DECOD	91-04-020
308-91-030	AMD-E	91-02-109	308-120-530	DECOD	91-07-049	308-122-535	DECOD	91-04-020
308-91-030	AMD-P	91-02-110	308-120-535	DECOD	91-07-049	308-122-540	DECOD	91-04-020
308-91-030	AMD	91-06-093	308-120-540	DECOD	91-07-049	308-122-545	DECOD	91-04-020
308-91-090	AMD-E	91-02-109	308-120-545	DECOD	91-07-049	308-122-600	DECOD	91-04-020
308-91-090	AMD-P	91-02-110	308-120-550	DECOD	91-07-049	308-122-610	DECOD	91-04-020
308-91-090	AMD	91-06-093	308-120-555	DECOD	91-07-049	308-122-620	DECOD	91-04-020
308-91-095	NEW-E	91-02-109	308-120-560	DECOD	91-07-049	308-122-630	DECOD	91-04-020
308-91-095	NEW-P	91-02-110	308-120-565	DECOD	91-07-049	308-122-640	DECOD	91-04-020
308-91-095	NEW	91-06-093	308-120-565	AMD	91-07-067	308-122-650	DECOD	91-04-020
308-91-150	AMD-E	91-02-109	308-120-570	DECOD	91-07-049	308-122-660	DECOD	91-04-020
308-91-150	AMD-P	91-02-110	308-120-575	DECOD	91-07-049	308-122-660	AMD	91-04-021
308-91-150	AMD	91-06-093	308-120-610	AMD	91-07-032	308-122-670	DECOD	91-04-020
308-93-670	NEW	91-03-089	308-120-620	DECOD	91-07-049	308-122-670	AMD	91-04-021
308-94-035	AMD-P	91-03-142	308-120-700	DECOD	91-07-049	308-122-680	DECOD	91-04-020
308-94-035	AMD	91-09-001	308-120-710	DECOD	91-07-049	308-122-690	DECOD	91-04-020
308-96A-005	AMD-P	91-11-084	308-120-720	DECOD	91-07-049	308-122-695	DECOD	91-04-020
308-96A-005	AMD	91-15-006	308-120-730	DECOD	91-07-049	308-122-700	DECOD	91-04-020
308-96A-046	AMD	91-04-025	308-120-740	DECOD	91-07-049	308-122-710	DECOD	91-04-020
308-96A-056	AMD	91-04-025	308-120-750	DECOD	91-07-049	308-122-720	DECOD	91-04-020
308-96A-057	NEW-P	91-11-084	308-120-760	DECOD	91-07-049	308-124A-430	AMD-P	91-03-047
308-96A-057	NEW	91-15-006	308-120-770	DECOD	91-07-049	308-124A-430	AMD	91-07-029
308-96A-065	AMD-P	91-11-084	308-120-780	DECOD	91-07-049	308-124E-012	AMD-P	91-09-013
308-96A-065	AMD	91-15-006	308-120-800	DECOD	91-07-049	308-124E-012	AMD	91-12-012
308-96A-070	AMD	91-04-025	308-120-810	DECOD	91-07-049	308-124H-010	AMD-P	91-03-047
308-96A-071	NEW-P	91-11-084	308-121-110	DECOD	91-07-049	308-124H-010	AMD	91-07-029
308-96A-071	NEW	91-15-006	308-121-120	DECOD	91-07-049	308-124H-025	AMD-P	91-03-047
308-96A-073	NEW	91-04-025	308-121-130	DECOD	91-07-049	308-124H-025	AMD	91-07-029
308-96A-074	NEW	91-04-025	308-121-140	DECOD	91-07-049	308-124H-520	AMD-P	91-09-065
308-96A-075	AMD	91-04-025	308-121-145	DECOD	91-07-049	308-124H-520	AMD	91-12-013
308-96A-161	NEW-P	91-11-084	308-121-150	DECOD	91-07-049	308-124H-540	AMD-P	91-03-047
308-96A-161	NEW	91-15-006	308-121-155	DECOD	91-07-049	308-124H-540	AMD	91-07-029
308-96A-162	NEW-P	91-11-084	308-121-160	DECOD	91-07-049	308-124H-800	NEW-P	91-09-013
308-96A-162	NEW	91-15-006	308-121-165	DECOD	91-07-049	308-124H-800	NEW	91-12-012
308-96A-345	AMD	91-04-024	308-121-170	DECOD	91-07-049	308-125-010	NEW	91-04-074
308-96A-350	AMD	91-04-024	308-121-175	DECOD	91-07-049	308-125-020	NEW	91-04-074
308-96A-380	AMD	91-04-024	308-121-180	DECOD	91-07-049	308-125-030	NEW	91-04-074
308-96A-505	NEW	91-03-091	308-122-001	DECOD	91-04-020	308-125-040	NEW	91-04-074
308-96A-510	NEW	91-03-091	308-122-005	DECOD	91-04-020	308-125-050	NEW	91-04-074
308-96A-520	NEW	91-03-091	308-122-006	DECOD	91-04-020	308-125-060	NEW	91-04-074
308-96A-530	NEW	91-03-091	308-122-060	DECOD	91-04-020	308-125-070	NEW	91-04-074
308-96A-540	NEW	91-03-091	308-122-200	DECOD	91-04-020	308-125-080	NEW	91-04-074
308-96A-550	NEW	91-03-091	308-122-200	AMD	91-04-021	308-125-090	NEW	91-04-074
308-96A-560	NEW	91-03-091	308-122-211	DECOD	91-04-020	308-125-100	NEW	91-04-074
308-120-100	DECOD	91-07-049	308-122-215	DECOD	91-04-020	308-125-110	NEW	91-04-074
308-120-100	AMD	91-07-067	308-122-220	DECOD	91-04-020	308-125-120	NEW	91-04-074
308-120-161	DECOD	91-07-049	308-122-225	DECOD	91-04-020	308-125-130	NEW	91-04-074
308-120-162	DECOD	91-07-049	308-122-230	DECOD	91-04-020	308-125-140	NEW	91-04-074
308-120-163	DECOD	91-07-049	308-122-235	DECOD	91-04-020	308-125-150	NEW	91-04-074
308-120-164	DECOD	91-07-049	308-122-275	DECOD	91-05-028	308-125-160	NEW	91-04-074
308-120-165	DECOD	91-07-049	308-122-280	DECOD	91-04-020	308-125-170	NEW	91-04-074
308-120-166	DECOD	91-07-049	308-122-350	DECOD	91-04-020	308-125-180	NEW	91-04-074
308-120-168	AMD	91-07-032	308-122-360	DECOD	91-04-020	308-125-190	NEW	91-04-074
308-120-168	DECOD	91-07-049	308-122-360	AMD	91-04-021	308-125-200	NEW	91-04-074
308-120-170	DECOD	91-07-049	308-122-370	DECOD	91-04-020	308-125-210	NEW	91-04-074
308-120-180	DECOD	91-07-049	308-122-380	REP	91-04-021	308-128B-080	AMD-P	91-08-049
308-120-185	DECOD	91-07-049	308-122-380	DECOD-W	91-12-035	308-128B-080	AMD	91-11-066
308-120-186	DECOD	91-07-049	308-122-390	REP	91-04-021	308-138-055	REP-P	91-03-117
308-120-270	DECOD	91-07-049	308-122-390	DECOD-W	91-12-035	308-171-001	DECOD	91-05-027
308-120-275	DECOD	91-07-048	308-122-400	REP	91-04-021	308-171-001	AMD-P	91-05-088
308-120-300	DECOD	91-07-049	308-122-400	DECOD-W	91-12-035	308-171-002	DECOD	91-05-027
308-120-305	DECOD	91-07-049	308-122-410	REP	91-04-021	308-171-003	DECOD	91-05-027
308-120-315	DECOD	91-07-049	308-122-410	DECOD-W	91-12-035	308-171-010	DECOD	91-05-027
308-120-325	DECOD	91-07-049	308-122-420	REP	91-04-021	308-171-010	AMD-P	91-05-088
308-120-335	DECOD	91-07-049	308-122-420	DECOD-W	91-12-035	308-171-020	DECOD	91-05-027
308-120-338	DECOD	91-07-049	308-122-430	DECOD	91-04-020	308-171-020	AMD-P	91-05-088

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-171-040	DECOD	91-05-027	315-11-320	REP	91-03-034	315-12-140	REP	91-03-035
308-171-041	DECOD	91-05-027	315-11-321	REP	91-03-034	315-12-145	NEW	91-03-036
308-171-041	AMD-P	91-05-088	315-11-322	REP	91-03-034	317-10-010	NEW-P	91-14-111
308-171-045	DECOD	91-05-027	315-11-330	REP	91-03-034	317-10-020	NEW-P	91-14-111
308-171-100	DECOD	91-05-027	315-11-331	REP	91-03-034	317-10-030	NEW-P	91-14-111
308-171-101	DECOD	91-05-027	315-11-332	REP	91-03-034	317-10-035	NEW-P	91-14-111
308-171-102	DECOD	91-05-027	315-11-340	REP	91-03-034	317-10-040	NEW-P	91-14-111
308-171-103	DECOD	91-05-027	315-11-341	REP	91-03-034	317-10-045	NEW-P	91-14-111
308-171-103	AMD-P	91-05-088	315-11-342	REP	91-03-034	317-10-050	NEW-P	91-14-111
308-171-104	DECOD	91-05-027	315-11-350	REP	91-03-034	317-10-060	NEW-P	91-14-111
308-171-200	DECOD	91-05-027	315-11-351	REP	91-03-034	317-10-065	NEW-P	91-14-111
308-171-201	DECOD	91-05-027	315-11-352	REP	91-03-034	317-10-070	NEW-P	91-14-111
308-171-202	DECOD	91-05-027	315-11-360	REP	91-03-034	317-10-075	NEW-P	91-14-111
308-171-300	DECOD	91-05-027	315-11-361	REP	91-03-034	317-10-080	NEW-P	91-14-111
308-171-301	DECOD	91-05-027	315-11-362	REP	91-03-034	317-10-085	NEW-P	91-14-111
308-171-302	DECOD	91-05-027	315-11-370	REP	91-03-034	317-10-098	NEW-P	91-14-111
308-171-310	DECOD	91-05-030	315-11-371	REP	91-03-034	326-30-03904	NEW-E	91-12-051
308-171-320	DECOD	91-05-027	315-11-372	REP	91-03-034	326-30-03904	NEW-P	91-14-105
308-171-330	DECOD	91-05-027	315-11-380	REP	91-03-034	332-08-005	NEW-P	91-08-066
308-173-210	DECOD	91-07-049	315-11-381	REP	91-03-034	332-08-005	NEW	91-13-059
308-173-220	DECOD	91-07-049	315-11-382	REP	91-03-034	332-08-010	REP-P	91-08-066
308-173-230	DECOD	91-07-049	315-11-390	REP	91-03-034	332-08-010	REP	91-13-059
308-173-240	DECOD	91-07-049	315-11-391	REP	91-03-034	332-08-015	NEW-P	91-08-066
308-173-245	DECOD	91-07-049	315-11-392	REP	91-03-034	332-08-015	NEW	91-13-059
308-173-250	DECOD	91-07-049	315-11-590	AMD	91-03-036	332-08-020	REP-P	91-08-066
308-173-255	DECOD	91-07-049	315-11-591	AMD	91-03-036	332-08-020	REP	91-13-059
308-173-260	DECOD	91-07-049	315-11-610	NEW	91-03-036	332-08-025	NEW-P	91-08-066
308-173-265	DECOD	91-07-049	315-11-611	NEW	91-03-036	332-08-025	NEW	91-13-059
308-173-270	DECOD	91-07-049	315-11-611	AMD-P	91-03-112	332-08-040	REP-P	91-08-066
308-173-275	DECOD	91-07-049	315-11-611	AMD	91-06-074	332-08-040	REP	91-13-059
308-173-280	DECOD	91-07-049	315-11-612	NEW	91-03-036	332-08-050	REP-P	91-08-066
314-16-125	AMD-P	91-05-085	315-11-620	NEW-P	91-03-112	332-08-050	REP	91-13-059
314-16-125	AMD-C	91-09-005	315-11-620	NEW	91-06-074	332-08-060	REP-P	91-08-066
314-16-125	AMD-W	91-10-045	315-11-621	NEW-P	91-03-112	332-08-060	REP	91-13-059
314-20-020	AMD-P	91-05-086	315-11-621	NEW	91-06-074	332-08-070	REP-P	91-08-066
314-20-020	AMD	91-08-022	315-11-622	NEW-P	91-03-112	332-08-070	REP	91-13-059
314-52-015	AMD-C	91-03-007	315-11-622	NEW	91-06-074	332-08-080	REP-P	91-08-066
314-52-015	AMD-W	91-04-085	315-11-630	NEW-P	91-03-112	332-08-080	REP	91-13-059
315-04-205	NEW-P	91-07-070	315-11-630	NEW	91-06-074	332-08-090	REP-P	91-08-066
315-04-205	NEW	91-11-033	315-11-630	AMD-P	91-12-069	332-08-090	REP	91-13-059
315-06-120	AMD	91-03-036	315-11-630	AMD	91-15-037	332-08-100	REP-P	91-08-066
315-11-200	REP	91-03-034	315-11-631	NEW-P	91-03-112	332-08-100	REP	91-13-059
315-11-201	REP	91-03-034	315-11-631	NEW	91-06-074	332-08-105	NEW-P	91-08-066
315-11-202	REP	91-03-034	315-11-632	NEW-P	91-03-112	332-08-105	NEW	91-13-059
315-11-210	REP	91-03-034	315-11-632	NEW	91-06-074	332-08-110	REP-P	91-08-066
315-11-211	REP	91-03-034	315-11-632	AMD-P	91-12-069	332-08-110	REP	91-13-059
315-11-212	REP	91-03-034	315-11-632	AMD	91-15-037	332-08-115	NEW-P	91-08-066
315-11-220	REP	91-03-034	315-11-640	NEW-P	91-07-070	332-08-115	NEW	91-13-059
315-11-221	REP	91-03-034	315-11-640	NEW	91-11-033	332-08-120	REP-P	91-08-066
315-11-222	REP	91-03-034	315-11-641	NEW-P	91-07-070	332-08-120	REP	91-13-059
315-11-230	REP	91-03-034	315-11-641	NEW	91-11-033	332-08-125	NEW-P	91-08-066
315-11-231	REP	91-03-034	315-11-642	NEW-P	91-07-070	332-08-125	NEW	91-13-059
315-11-232	REP	91-03-034	315-11-642	NEW	91-11-033	332-08-130	REP-P	91-08-066
315-11-240	REP	91-03-034	315-11-650	NEW-P	91-07-070	332-08-130	REP	91-13-059
315-11-241	REP	91-03-034	315-11-650	NEW	91-11-033	332-08-140	REP-P	91-08-066
315-11-242	REP	91-03-034	315-11-651	NEW-P	91-07-070	332-08-140	REP	91-13-059
315-11-250	REP	91-03-034	315-11-651	NEW	91-11-033	332-08-150	REP-P	91-08-066
315-11-251	REP	91-03-034	315-11-652	NEW-P	91-07-070	332-08-150	REP	91-13-059
315-11-252	REP	91-03-034	315-11-652	NEW	91-11-033	332-08-160	REP-P	91-08-066
315-11-260	REP	91-03-034	315-11-660	NEW-P	91-07-070	332-08-160	REP	91-13-059
315-11-261	REP	91-03-034	315-11-660	NEW	91-11-033	332-08-170	REP-P	91-08-066
315-11-262	REP	91-03-034	315-11-661	NEW-P	91-07-070	332-08-170	REP	91-13-059
315-11-270	REP	91-03-034	315-11-661	NEW	91-11-033	332-08-180	REP-P	91-08-066
315-11-271	REP	91-03-034	315-11-662	NEW-P	91-07-070	332-08-180	REP	91-13-059
315-11-272	REP	91-03-034	315-11-662	NEW	91-11-033	332-08-190	REP-P	91-08-066
315-11-280	REP	91-03-034	315-11-670	NEW-P	91-12-069	332-08-190	REP	91-13-059
315-11-281	REP	91-03-034	315-11-670	NEW	91-15-037	332-08-200	REP-P	91-08-066
315-11-282	REP	91-03-034	315-11-671	NEW-P	91-12-069	332-08-200	REP	91-13-059
315-11-290	REP	91-03-034	315-11-671	NEW	91-15-037	332-08-210	REP-P	91-08-066
315-11-291	REP	91-03-034	315-11-672	NEW-P	91-12-069	332-08-210	REP	91-13-059
315-11-292	REP	91-03-034	315-11-672	NEW	91-15-037	332-08-220	REP-P	91-08-066
315-11-300	REP	91-03-034	315-11-680	NEW-P	91-12-069	332-08-220	REP	91-13-059
315-11-301	REP	91-03-034	315-11-680	NEW	91-15-037	332-08-230	REP-P	91-08-066
315-11-302	REP	91-03-034	315-11-681	NEW-P	91-12-069	332-08-230	REP	91-13-059
315-11-310	REP	91-03-034	315-11-681	NEW	91-15-037	332-08-240	REP-P	91-08-066
315-11-311	REP	91-03-034	315-11-682	NEW-P	91-12-069	332-08-240	REP	91-13-059
315-11-312	REP	91-03-034	315-11-682	NEW	91-15-037	332-08-250	REP-P	91-08-066

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
332-08-250	REP	91-13-059	332-08-570	REP-P	91-08-066	352-32-250	AMD-P	91-03-142
332-08-260	REP-P	91-08-066	332-08-570	REP	91-13-059	352-32-250	AMD	91-09-001
332-08-260	REP	91-13-059	332-08-580	REP-P	91-08-066	352-32-252	AMD-P	91-03-142
332-08-270	REP-P	91-08-066	332-08-580	REP	91-13-059	352-32-252	AMD	91-09-001
332-08-270	REP	91-13-059	332-08-590	REP-P	91-08-066	352-32-270	AMD-P	91-03-142
332-08-280	REP-P	91-08-066	332-08-590	REP	91-13-059	352-32-270	AMD	91-09-001
332-08-280	REP	91-13-059	332-10-020	AMD-P	91-09-060	352-75	AMD-P	91-11-058
332-08-290	REP-P	91-08-066	332-10-020	AMD	91-14-014	352-75	AMD	91-15-103
332-08-290	REP	91-13-059	332-10-030	AMD-P	91-09-060	352-75-010	AMD-P	91-11-058
332-08-300	REP-P	91-08-066	332-10-030	AMD	91-14-014	352-75-010	AMD	91-15-103
332-08-300	REP	91-13-059	332-10-035	REP-P	91-09-060	352-75-020	AMD-P	91-11-058
332-08-305	NEW-P	91-08-066	332-10-035	REP	91-14-014	352-75-020	AMD	91-15-103
332-08-305	NEW	91-13-059	332-10-040	AMD-P	91-09-060	352-75-030	AMD-P	91-11-058
332-08-310	REP-P	91-08-066	332-10-040	AMD	91-14-014	352-75-030	AMD	91-15-103
332-08-310	REP	91-13-059	332-10-045	REP-P	91-09-060	352-75-040	AMD-P	91-11-058
332-08-315	NEW-P	91-08-066	332-10-045	REP	91-14-014	352-75-040	AMD	91-15-103
332-08-315	NEW	91-13-059	332-10-050	AMD-P	91-09-060	352-75-050	AMD-P	91-11-058
332-08-320	REP-P	91-08-066	332-10-050	AMD	91-14-014	352-75-050	AMD	91-15-103
332-08-320	REP	91-13-059	332-10-060	AMD-P	91-09-060	352-75-060	AMD-P	91-11-058
332-08-330	REP-P	91-08-066	332-10-060	AMD	91-14-014	352-75-060	AMD	91-15-103
332-08-330	REP	91-13-059	332-10-070	AMD-P	91-09-060	352-75-070	AMD-P	91-11-058
332-08-340	REP-P	91-08-066	332-10-070	AMD	91-14-014	352-75-070	AMD	91-15-103
332-08-340	REP	91-13-059	332-10-080	AMD-P	91-09-060	352-75-080	AMD-P	91-11-058
332-08-350	REP-P	91-08-066	332-10-080	AMD	91-14-014	352-75-080	AMD	91-15-103
332-08-350	REP	91-13-059	332-10-100	AMD-P	91-09-060	352-75-090	AMD-P	91-11-058
332-08-360	REP-P	91-08-066	332-10-100	AMD	91-14-014	352-75-090	AMD	91-15-103
332-08-360	REP	91-13-059	332-10-120	AMD-P	91-09-060	356-06-040	AMD-C	91-03-068
332-08-370	REP-P	91-08-066	332-10-120	AMD	91-14-014	356-06-040	AMD-W	91-05-081
332-08-370	REP	91-13-059	332-10-130	AMD-P	91-09-060	356-06-055	AMD-P	91-15-077
332-08-380	REP-P	91-08-066	332-10-130	AMD	91-14-014	356-06-110	NEW-P	91-10-062
332-08-380	REP	91-13-059	332-10-135	REP-P	91-09-060	356-06-110	NEW-C	91-13-040
332-08-390	REP-P	91-08-066	332-10-135	REP	91-14-014	356-06-110	NEW-C	91-15-074
332-08-390	REP	91-13-059	332-10-140	AMD-P	91-09-060	356-10-050	AMD	91-03-070
332-08-400	REP-P	91-08-066	332-10-140	AMD	91-14-014	356-15-020	AMD-P	91-04-046
332-08-400	REP	91-13-059	332-10-145	NEW-P	91-09-060	356-15-020	AMD-C	91-07-054
332-08-405	NEW-P	91-08-066	332-10-145	NEW	91-14-014	356-15-020	AMD-W	91-09-037
332-08-405	NEW	91-13-059	332-24-005	AMD-P	91-15-107	356-15-061	AMD-E	91-15-079
332-08-410	REP-P	91-08-066	332-24-201	AMD-P	91-15-107	356-15-063	AMD-E	91-15-079
332-08-410	REP	91-13-059	332-24-211	AMD-P	91-15-107	356-15-080	AMD	91-03-069
332-08-420	REP-P	91-08-066	332-24-225	REP-E	91-14-083	356-15-080	AMD-E	91-15-027
332-08-420	REP	91-13-059	332-24-225	REP-P	91-15-107	356-15-080	AMD-P	91-15-075
332-08-430	REP-P	91-08-066	332-24-231	AMD-P	91-15-107	356-15-130	AMD	91-05-083
332-08-430	REP	91-13-059	332-24-234	AMD-P	91-15-107	356-15-130	AMD-P	91-10-063
332-08-440	REP-P	91-08-066	332-24-238	AMD-P	91-15-107	356-15-130	AMD	91-13-034
332-08-440	REP	91-13-059	332-24-301	AMD-P	91-15-107	356-15-130	AMD	91-15-021
332-08-450	REP-P	91-08-066	332-24-405	AMD-P	91-15-107	356-18-112	AMD-C	91-05-082
332-08-450	REP	91-13-059	332-24-409	NEW-P	91-15-107	356-18-112	AMD	91-07-055
332-08-460	REP-P	91-08-066	332-24-600	AMD-P	91-15-107	356-18-230	NEW-P	91-10-066
332-08-460	REP	91-13-059	332-26-010	NEW-E	91-15-001	356-18-230	NEW-E	91-11-043
332-08-470	REP-P	91-08-066	332-26-020	NEW-E	91-15-001	356-18-230	NEW-E	91-13-043
332-08-470	REP	91-13-059	332-26-040	NEW-E	91-15-001	356-18-230	NEW	91-14-044
332-08-480	REP-P	91-08-066	332-26-050	NEW-E	91-15-001	356-22-120	AMD-P	91-12-034
332-08-480	REP	91-13-059	332-26-060	NEW-E	91-15-001	356-22-120	AMD	91-15-078
332-08-500	REP-P	91-08-066	332-26-080	NEW-E	91-09-029	356-22-130	AMD	91-03-071
332-08-500	REP	91-13-059	332-26-081	NEW-E	91-10-067	356-22-230	AMD-C	91-03-068
332-08-505	NEW-P	91-08-066	332-26-082	NEW-E	91-14-083	356-22-230	AMD-W	91-05-081
332-08-505	NEW	91-13-059	332-26-083	NEW-E	91-14-083	356-26-040	AMD-P	91-10-064
332-08-510	REP-P	91-08-066	332-48-010	REP-P	91-15-107	356-26-040	AMD	91-13-041
332-08-510	REP	91-13-059	332-48-020	REP-P	91-15-107	356-30-067	AMD-P	91-15-076
332-08-515	NEW-P	91-08-066	332-52-065	AMD-P	91-13-090	356-30-260	AMD-C	91-05-082
332-08-515	NEW	91-13-059	332-130-020	AMD-P	91-15-060	356-30-260	AMD	91-07-055
332-08-520	REP-P	91-08-066	332-130-060	AMD-P	91-15-060	356-30-260	AMD-P	91-15-076
332-08-520	REP	91-13-059	352-12-010	AMD-P	91-03-142	356-30-290	AMD-P	91-15-076
332-08-525	NEW-P	91-08-066	352-12-020	AMD-P	91-03-142	356-30-305	AMD-C	91-05-082
332-08-525	NEW	91-13-059	352-12-020	AMD	91-09-001	356-30-305	AMD	91-07-055
332-08-530	REP-P	91-08-066	352-12-030	AMD-P	91-03-142	356-30-305	AMD-P	91-15-076
332-08-530	REP	91-13-059	352-12-030	AMD	91-09-001	356-30-320	AMD-P	91-10-065
332-08-535	NEW-P	91-08-066	352-32-010	AMD-P	91-03-142	356-30-320	AMD	91-13-042
332-08-535	NEW	91-13-059	352-32-010	AMD	91-09-001	360-08	DECOD-W	91-06-037
332-08-540	REP-P	91-08-066	352-32-035	AMD-P	91-03-142	360-08-005	DECOD-P	91-14-033
332-08-540	REP	91-13-059	352-32-035	AMD	91-09-001	360-08-010	DECOD-P	91-14-033
332-08-545	NEW-P	91-08-066	352-32-045	AMD-P	91-03-142	360-08-040	DECOD-P	91-14-033
332-08-545	NEW	91-13-059	352-32-045	AMD	91-09-001	360-08-050	DECOD-P	91-14-033
332-08-550	REP-P	91-08-066	352-32-200	AMD-P	91-03-140	360-08-060	DECOD-P	91-14-033
332-08-550	REP	91-13-059	352-32-200	AMD	91-07-014	360-08-230	DECOD-P	91-14-033
332-08-560	REP-P	91-08-066	352-32-210	AMD-P	91-03-140	360-08-240	DECOD-P	91-14-033
332-08-560	REP	91-13-059	352-32-210	AMD	91-07-014	360-08-250	DECOD-P	91-14-033

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360-08-260	DECOD-P 91-14-033	360-15-050	DECOD-P 91-14-033	360-21	DECOD-W 91-06-037
360-08-270	DECOD-P 91-14-033	360-15-060	DECOD-P 91-14-033	360-21-010	DECOD-P 91-14-033
360-08-280	DECOD-P 91-14-033	360-15-070	DECOD-P 91-14-033	360-21-020	DECOD-P 91-14-033
360-08-290	DECOD-P 91-14-033	360-16	DECOD-W 91-06-037	360-21-030	DECOD-P 91-14-033
360-08-300	DECOD-P 91-14-033	360-16-005	DECOD-P 91-14-033	360-21-040	DECOD-P 91-14-033
360-08-310	DECOD-P 91-14-033	360-16-011	DECOD-P 91-14-033	360-21-050	DECOD-P 91-14-033
360-08-320	DECOD-P 91-14-033	360-16-020	DECOD-P 91-14-033	360-21-060	DECOD-P 91-14-033
360-08-330	DECOD-P 91-14-033	360-16-025	DECOD-P 91-14-033	360-21-070	DECOD-P 91-14-033
360-08-340	DECOD-P 91-14-033	360-16-040	DECOD-P 91-14-033	360-21-080	DECOD-P 91-14-033
360-08-350	DECOD-P 91-14-033	360-16-050	DECOD-P 91-14-033	360-21-090	DECOD-P 91-14-033
360-08-360	DECOD-P 91-14-033	360-16-070	DECOD-P 91-14-033	360-23	DECOD-W 91-06-037
360-08-370	DECOD-P 91-14-033	360-16-094	DECOD-P 91-14-033	360-23-010	DECOD-P 91-14-033
360-08-380	DECOD-P 91-14-033	360-16-096	DECOD-P 91-14-033	360-23-020	DECOD-P 91-14-033
360-08-390	DECOD-P 91-14-033	360-16-098	DECOD-P 91-14-033	360-23-030	DECOD-P 91-14-033
360-08-400	DECOD-P 91-14-033	360-16-120	DECOD-P 91-14-033	360-23-050	DECOD-P 91-14-033
360-08-420	DECOD-P 91-14-033	360-16-150	DECOD-P 91-14-033	360-28-010	DECOD-P 91-14-033
360-08-520	DECOD-P 91-14-033	360-16-180	DECOD-P 91-14-033	360-32	DECOD-W 91-06-037
360-08-530	DECOD-P 91-14-033	360-16-200	DECOD-P 91-14-033	360-32-050	DECOD-P 91-14-033
360-08-540	DECOD-P 91-14-033	360-16-210	DECOD-P 91-14-033	360-32-055	DECOD-P 91-14-033
360-08-550	DECOD-P 91-14-033	360-16-220	DECOD-P 91-14-033	360-32-060	DECOD-P 91-14-033
360-08-560	DECOD-P 91-14-033	360-16-230	DECOD-P 91-14-033	360-33	DECOD-W 91-06-037
360-08-570	DECOD-P 91-14-033	360-16-235	DECOD-P 91-14-033	360-33-050	DECOD-P 91-14-033
360-08-580	DECOD-P 91-14-033	360-16-245	DECOD-P 91-14-033	360-35-010	NEW 91-04-056
360-08-590	DECOD-P 91-14-033	360-16-255	DECOD-P 91-14-033	360-35-010	DECOD-P 91-14-033
360-10	DECOD-W 91-06-037	360-16-265	DECOD-P 91-14-033	360-35-020	NEW 91-04-056
360-10-010	DECOD-P 91-14-033	360-16-270	DECOD-P 91-14-033	360-35-020	DECOD-P 91-14-033
360-10-020	DECOD-P 91-14-033	360-16-290	DECOD-P 91-14-033	360-35-030	NEW 91-04-056
360-10-030	AMD-P 91-05-091	360-16-300	DECOD-P 91-14-033	360-35-030	DECOD-P 91-14-033
360-10-030	AMD 91-11-041	360-16A	DECOD-W 91-06-037	360-35-040	NEW 91-04-056
360-10-030	DECOD-P 91-14-033	360-16A-010	DECOD-P 91-14-033	360-35-040	DECOD-P 91-14-033
360-10-040	DECOD-P 91-14-033	360-16A-020	DECOD-P 91-14-033	360-35-050	NEW 91-04-056
360-10-050	AMD-P 91-05-091	360-16A-030	DECOD-P 91-14-033	360-35-050	DECOD-P 91-14-033
360-10-050	AMD 91-11-041	360-16A-040	DECOD-P 91-14-033	360-35-060	NEW 91-04-056
360-10-050	DECOD-P 91-14-033	360-16A-060	DECOD-P 91-14-033	360-35-060	DECOD-P 91-14-033
360-10-060	AMD-P 91-05-091	360-16A-070	DECOD-P 91-14-033	360-35-070	NEW 91-04-056
360-10-060	AMD 91-11-041	360-16A-080	DECOD-P 91-14-033	360-35-070	DECOD-P 91-14-033
360-10-060	DECOD-P 91-14-033	360-16A-090	DECOD-P 91-14-033	360-35-080	NEW 91-04-056
360-10-080	DECOD-P 91-14-033	360-16A-100	DECOD-P 91-14-033	360-35-080	DECOD-P 91-14-033
360-11	DECOD-W 91-06-037	360-17	DECOD-W 91-06-037	360-35-090	NEW 91-04-056
360-11-010	DECOD-P 91-14-033	360-17-010	AMD-W 91-05-049	360-35-090	DECOD-P 91-14-033
360-11-020	DECOD-P 91-14-033	360-17-010	DECOD-P 91-14-033	360-35-100	NEW 91-04-056
360-11-023	DECOD-P 91-14-033	360-17-020	DECOD-P 91-14-033	360-35-100	DECOD-P 91-14-033
360-11-027	DECOD-P 91-14-033	360-17-030	DECOD-P 91-14-033	360-35-110	NEW 91-04-056
360-11-030	DECOD-P 91-14-033	360-17-040	AMD-W 91-05-049	360-35-110	DECOD-P 91-14-033
360-11-033	DECOD-P 91-14-033	360-17-040	DECOD-P 91-14-033	360-36	DECOD-W 91-06-037
360-11-037	DECOD-P 91-14-033	360-17-050	DECOD-P 91-14-033	360-36-010	DECOD-P 91-14-033
360-11-040	DECOD-P 91-14-033	360-17-055	DECOD-P 91-14-033	360-36-020	DECOD-P 91-14-033
360-11-045	DECOD-P 91-14-033	360-17-060	DECOD-P 91-14-033	360-36-115	DECOD-P 91-14-033
360-11-060	DECOD-P 91-14-033	360-17-070	AMD-W 91-05-049	360-36-210	DECOD-P 91-14-033
360-11-070	DECOD-P 91-14-033	360-17-070	DECOD-P 91-14-033	360-36-250	DECOD-P 91-14-033
360-12	DECOD-W 91-06-037	360-17-070	NEW-W 91-05-049	360-36-270	DECOD-P 91-14-033
360-12-015	DECOD-P 91-14-033	360-17-080	DECOD-P 91-14-033	360-36-400	DECOD-P 91-14-033
360-12-050	DECOD-P 91-14-033	360-17-090	DECOD-P 91-14-033	360-36-410	DECOD-P 91-14-033
360-12-065	DECOD-P 91-14-033	360-17-095	NEW-W 91-05-049	360-36-411	DECOD-P 91-14-033
360-12-110	DECOD-P 91-14-033	360-17-100	AMD-W 91-05-049	360-36-412	DECOD-P 91-14-033
360-12-120	DECOD-P 91-14-033	360-17-100	DECOD-P 91-14-033	360-36-413	DECOD-P 91-14-033
360-12-125	DECOD-P 91-14-033	360-18	DECOD-W 91-06-037	360-36-420	DECOD-P 91-14-033
360-12-128	AMD-P 91-08-078	360-18-010	DECOD-P 91-15-003	360-36-425	DECOD-P 91-14-033
360-12-128	AMD 91-13-002	360-18-020	AMD-P 91-08-078	360-36-430	DECOD-P 91-14-033
360-12-128	DECOD-P 91-15-003	360-18-020	AMD 91-13-002	360-36-440	DECOD-P 91-14-033
360-12-130	DECOD-P 91-14-033	360-18-020	DECOD-P 91-15-003	360-36-450	DECOD-P 91-14-033
360-12-140	DECOD-P 91-14-033	360-18-025	DECOD-P 91-15-003	360-36-451	DECOD-P 91-14-033
360-12-150	DECOD-P 91-14-033	360-19	DECOD-W 91-06-037	360-36-500	DECOD-P 91-14-033
360-12-160	DECOD-P 91-14-033	360-19-010	DECOD-P 91-14-033	360-38	DECOD-W 91-06-037
360-13	DECOD-W 91-06-037	360-19-020	DECOD-P 91-14-033	360-38-010	DECOD-P 91-14-033
360-13-010	DECOD-P 91-14-033	360-19-030	DECOD-P 91-14-033	360-38-020	DECOD-P 91-14-033
360-13-020	DECOD-P 91-14-033	360-19-040	DECOD-P 91-14-033	360-38-030	DECOD-P 91-14-033
360-13-030	DECOD-P 91-14-033	360-19-050	DECOD-P 91-14-033	360-40	DECOD-W 91-06-037
360-13-045	DECOD-P 91-14-033	360-19-060	DECOD-P 91-14-033	360-40-010	DECOD-P 91-14-033
360-13-055	DECOD-P 91-14-033	360-19-070	DECOD-P 91-14-033	360-40-040	DECOD-P 91-14-033
360-13-066	DECOD-P 91-14-033	360-19-080	DECOD-P 91-14-033	360-40-070	DECOD-P 91-14-033
360-13-100	DECOD-P 91-14-033	360-19-090	DECOD-P 91-14-033	360-44	DECOD-W 91-06-037
360-15	DECOD-W 91-06-037	360-19-100	DECOD-P 91-14-033	360-44-010	DECOD-P 91-14-033
360-15-010	DECOD-P 91-14-033	360-20	DECOD-W 91-06-037	360-44-020	DECOD-P 91-14-033
360-15-020	DECOD-P 91-14-033	360-20-100	DECOD-P 91-14-033	360-44-030	DECOD-P 91-14-033
360-15-030	DECOD-P 91-14-033	360-20-210	DECOD-P 91-14-033	360-44-040	DECOD-P 91-14-033
360-15-040	DECOD-P 91-14-033	360-20-220	NEW-P 91-07-056		

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360-44-060	DECOD-P 91-14-033	360-60-040	DECOD-P 91-14-033	371-08-220	AMD 91-03-028
360-44-070	DECOD-P 91-14-033	365-90-010	AMD 91-04-017	371-08-230	AMD 91-03-028
360-44-080	DECOD-P 91-14-033	365-90-020	AMD 91-04-017	371-08-240	AMD 91-03-028
360-44-090	DECOD-P 91-14-033	365-90-030	REP 91-04-017	371-08-245	REP 91-03-028
360-44-100	DECOD-P 91-14-033	365-90-040	AMD 91-04-017	371-12	REP-C 91-03-027
360-44-110	DECOD-P 91-14-033	365-90-050	REP 91-04-017	371-12-010	REP 91-03-028
360-44-120	DECOD-P 91-14-033	365-90-070	AMD 91-04-017	371-12-020	REP 91-03-028
360-44-130	DECOD-P 91-14-033	365-90-080	AMD 91-04-017	371-12-030	REP 91-03-028
360-44-140	DECOD-P 91-14-033	365-90-090	AMD 91-04-017	371-12-040	REP 91-03-028
360-44-150	DECOD-P 91-14-033	365-190-010	NEW 91-07-041	371-12-050	REP 91-03-028
360-44-990	DECOD-P 91-14-033	365-190-020	NEW 91-07-041	371-12-060	REP 91-03-028
360-45-010	DECOD-P 91-14-033	365-190-030	NEW 91-07-041	371-12-070	REP 91-03-028
360-46	DECOD-W 91-06-037	365-190-040	NEW 91-07-041	371-12-080	REP 91-03-028
360-46-010	DECOD-P 91-14-033	365-190-050	NEW 91-07-041	371-12-090	REP 91-03-028
360-46-020	DECOD-P 91-14-033	365-190-060	NEW 91-07-041	371-12-100	REP 91-03-028
360-46-030	DECOD-P 91-14-033	365-190-070	NEW 91-07-041	371-12-110	REP 91-03-028
360-46-040	DECOD-P 91-14-033	365-190-080	NEW 91-07-041	371-12-120	REP 91-03-028
360-46-050	DECOD-P 91-14-033	371-08	AMD-C 91-03-027	371-12-130	REP 91-03-028
360-46-060	DECOD-P 91-14-033	371-08-001	NEW 91-03-028	374-50-010	NEW-P 91-08-033
360-46-070	DECOD-P 91-14-033	371-08-002	NEW 91-03-028	374-50-020	NEW-P 91-08-033
360-46-081	DECOD-P 91-14-033	371-08-005	AMD 91-03-028	374-50-030	NEW-P 91-08-033
360-46-082	DECOD-P 91-14-033	371-08-010	AMD 91-03-028	374-50-040	NEW-P 91-08-033
360-46-090	DECOD-P 91-14-033	371-08-015	REP 91-03-028	374-50-050	NEW-P 91-08-033
360-46-100	DECOD-P 91-14-033	371-08-020	AMD 91-03-028	374-50-060	NEW-P 91-08-033
360-46-110	DECOD-P 91-14-033	371-08-030	AMD 91-03-028	374-50-070	NEW-P 91-08-033
360-46-120	DECOD-P 91-14-033	371-08-031	REP 91-03-028	374-50-080	NEW-P 91-08-033
360-46-130	DECOD-P 91-14-033	371-08-032	AMD 91-03-028	374-50-090	NEW-P 91-08-033
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360-46-150	DECOD-P 91-14-033	371-08-035	AMD 91-03-028	381-10-010	NEW 91-14-028
360-46-160	DECOD-P 91-14-033	371-08-040	AMD 91-03-028	381-10-020	NEW-P 91-10-009
360-47	DECOD-W 91-06-037	371-08-045	REP 91-03-028	381-10-020	NEW 91-14-028
360-47-010	DECOD-P 91-14-033	371-08-065	AMD 91-03-028	381-10-030	NEW-P 91-10-009
360-47-020	DECOD-P 91-14-033	371-08-071	AMD 91-03-028	381-10-030	NEW 91-14-028
360-47-030	DECOD-P 91-14-033	371-08-075	AMD 91-03-028	381-10-040	NEW-P 91-10-009
360-47-040	DECOD-P 91-14-033	371-08-080	AMD 91-03-028	381-10-040	NEW 91-14-028
360-47-050	DECOD-P 91-14-033	371-08-085	AMD 91-03-028	381-10-050	NEW-P 91-10-009
360-48	DECOD-W 91-06-037	371-08-095	REP 91-03-028	381-10-050	NEW 91-14-028
360-48-010	DECOD-P 91-14-033	371-08-100	AMD 91-03-028	381-10-060	NEW-P 91-10-009
360-48-020	DECOD-P 91-14-033	371-08-102	REP 91-03-028	381-10-060	NEW 91-14-028
360-48-030	DECOD-P 91-14-033	371-08-104	AMD 91-03-028	381-10-070	NEW-P 91-10-009
360-48-040	DECOD-P 91-14-033	371-08-105	REP 91-03-028	381-10-070	NEW 91-14-028
360-48-050	DECOD-P 91-14-033	371-08-106	NEW 91-03-028	381-10-080	NEW-P 91-10-009
360-48-060	DECOD-P 91-14-033	371-08-110	REP 91-03-028	381-10-080	NEW 91-14-028
360-48-070	DECOD-P 91-14-033	371-08-115	REP 91-03-028	381-10-090	NEW-P 91-10-009
360-48-080	DECOD-P 91-14-033	371-08-120	REP 91-03-028	381-10-090	NEW 91-14-028
360-49	DECOD-W 91-06-037	371-08-125	AMD 91-03-028	381-10-100	NEW-P 91-10-009
360-49-010	DECOD-P 91-14-033	371-08-130	AMD 91-03-028	381-10-100	NEW 91-14-028
360-49-020	DECOD-P 91-14-033	371-08-131	REP 91-03-028	381-10-110	NEW-P 91-10-009
360-49-040	DECOD-P 91-14-033	371-08-132	REP 91-03-028	381-10-110	NEW 91-14-028
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360-49-050	NEW 91-13-004	371-08-140	AMD 91-03-028	381-10-120	NEW 91-14-028
360-49-050	DECOD-P 91-14-033	371-08-144	AMD 91-03-028	381-10-130	NEW-P 91-10-009
360-52	DECOD-W 91-06-037	371-08-146	NEW 91-03-028	381-10-130	NEW 91-14-028
360-52-010	DECOD-P 91-14-033	371-08-147	NEW 91-03-028	381-10-140	NEW-P 91-10-009
360-52-020	DECOD-P 91-14-033	371-08-148	NEW 91-03-028	381-10-140	NEW 91-14-028
360-52-030	DECOD-P 91-14-033	371-08-155	AMD 91-03-028	381-10-150	NEW-P 91-10-009
360-52-040	DECOD-P 91-14-033	371-08-156	AMD 91-03-028	381-10-150	NEW 91-14-028
360-52-050	DECOD-P 91-14-033	371-08-160	REP 91-03-028	381-10-160	NEW-P 91-10-009
360-52-060	DECOD-P 91-14-033	371-08-162	NEW 91-03-028	381-10-160	NEW 91-14-028
360-52-070	DECOD-P 91-14-033	371-08-163	REP 91-03-028	381-10-170	NEW-P 91-10-009
360-52-080	DECOD-P 91-14-033	371-08-165	AMD 91-03-028	381-10-170	NEW 91-14-028
360-52-090	DECOD-P 91-14-033	371-08-175	REP 91-03-028	381-20-010	NEW-P 91-10-009
360-52-100	DECOD-P 91-14-033	371-08-180	AMD 91-03-028	381-20-010	NEW 91-14-028
360-52-110	DECOD-P 91-14-033	371-08-183	AMD 91-03-028	381-20-020	NEW-P 91-10-009
360-52-120	NEW-P 91-05-092	371-08-184	NEW 91-03-028	381-20-020	NEW 91-14-028
360-52-120	NEW 91-11-040	371-08-186	AMD 91-03-028	381-20-030	NEW-P 91-10-009
360-52-120	DECOD-P 91-14-033	371-08-187	AMD 91-03-028	381-20-030	NEW 91-14-028
360-54	DECOD-W 91-06-037	371-08-188	AMD 91-03-028	381-20-040	NEW-P 91-10-009
360-54-010	DECOD-P 91-14-033	371-08-189	AMD 91-03-028	381-20-040	NEW 91-14-028
360-54-020	DECOD-P 91-14-033	371-08-190	REP 91-03-028	381-20-050	NEW-P 91-10-009
360-54-030	DECOD-P 91-14-033	371-08-195	AMD 91-03-028	381-20-050	NEW 91-14-028
360-54-040	DECOD-P 91-14-033	371-08-196	AMD 91-03-028	381-20-060	NEW-P 91-10-009
360-54-050	DECOD-P 91-14-033	371-08-200	AMD 91-03-028	381-20-060	NEW 91-14-028
360-60	DECOD-W 91-06-037	371-08-201	REP 91-03-028	381-20-070	NEW-P 91-10-009
360-60-010	DECOD-P 91-14-033	371-08-205	REP 91-03-028	381-20-070	NEW 91-14-028
360-60-020	DECOD-P 91-14-033	371-08-210	REP 91-03-028	381-20-080	NEW-P 91-10-009

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388-49-480	AMD-P	91-12-023	388-77-230	REP	91-08-050	388-86-00901	AMD	91-08-012
388-49-480	AMD-E	91-12-027	388-77-240	AMD-P	91-15-062	388-87-010	AMD	91-07-011
388-49-480	AMD	91-15-088	388-77-320	AMD	91-04-041	388-87-010	AMD-P	91-14-067
388-49-500	AMD-P	91-14-120	388-77-320	AMD	91-05-010	388-87-010	AMD-E	91-14-072
388-49-505	AMD-P	91-04-035	388-77-320	AMD	91-05-058	388-87-070	AMD-P	91-06-044
388-49-505	AMD-E	91-04-036	388-77-320	AMD	91-08-050	388-87-070	AMD-E	91-06-049
388-49-505	AMD	91-08-013	388-77-500	AMD	91-04-041	388-87-070	RESCIND	91-06-056
388-49-520	AMD-P	91-09-067	388-77-500	AMD	91-05-010	388-87-070	AMD	91-10-025
388-49-520	AMD	91-12-025	388-77-500	AMD	91-05-058	388-87-072	AMD-P	91-06-044
388-49-530	AMD-P	91-09-067	388-77-500	AMD	91-08-050	388-87-072	AMD-E	91-06-049
388-49-530	AMD	91-12-025	388-77-515	AMD	91-04-041	388-87-072	RESCIND	91-06-056
388-49-535	AMD-P	91-09-067	388-77-515	AMD	91-05-010	388-87-072	AMD	91-10-025
388-49-535	AMD	91-12-025	388-77-515	AMD	91-05-058	388-92-045	AMD-P	91-05-008
388-49-600	AMD-P	91-08-064	388-77-515	AMD	91-08-050	388-92-045	AMD-E	91-05-009
388-49-600	AMD	91-11-087	388-77-520	AMD	91-04-041	388-92-045	AMD	91-09-017
388-53	AMD	91-06-006	388-77-520	AMD	91-05-010	388-95-320	AMD-P	91-05-034
388-53-010	AMD	91-06-006	388-77-520	AMD	91-05-058	388-95-320	AMD-E	91-05-035
388-53-050	AMD	91-06-006	388-77-520	AMD	91-08-050	388-95-320	AMD	91-09-019
388-53A-010	REP-P	91-12-066	388-77-530	REP	91-04-041	388-95-337	AMD	91-07-011
388-53A-010	REP	91-15-087	388-77-530	REP	91-05-010	388-95-360	AMD	91-07-011
388-53A-020	REP-P	91-12-066	388-77-530	REP	91-05-058	388-95-360	AMD-P	91-14-068
388-53A-020	REP	91-15-087	388-77-530	REP	91-08-050	388-95-360	AMD-E	91-14-071
388-53A-030	REP-P	91-12-066	388-77-531	NEW-P	91-12-065	388-95-380	AMD-P	91-05-008
388-53A-030	REP	91-15-087	388-77-531	NEW-E	91-12-068	388-95-380	AMD-E	91-05-009
388-53A-040	REP-P	91-12-066	388-77-531	NEW	91-15-086	388-95-380	AMD	91-09-017
388-53A-040	REP	91-15-087	388-77-555	AMD	91-04-041	388-95-395	AMD-P	91-12-022
388-53A-050	REP-P	91-12-066	388-77-555	AMD	91-05-010	388-95-395	AMD-E	91-12-029
388-53A-050	REP	91-15-087	388-77-555	AMD	91-05-058	388-95-395	AMD	91-15-085
388-53A-060	REP-P	91-12-066	388-77-555	AMD	91-08-050	388-96-221	AMD-P	91-09-066
388-53A-060	REP	91-15-087	388-77-600	AMD	91-04-041	388-96-722	AMD-P	91-09-066
388-53A-070	REP-P	91-12-066	388-77-600	AMD	91-05-010	388-96-722	AMD	91-12-026
388-53A-070	REP	91-15-087	388-77-600	AMD	91-05-058	388-96-760	AMD-P	91-09-066
388-53A-080	REP-P	91-12-066	388-77-600	AMD	91-08-050	388-96-760	AMD	91-12-026
388-53A-080	REP	91-15-087	388-77-610	AMD	91-04-041	388-96-901	AMD-P	91-09-066
388-53A-090	REP-P	91-12-066	388-77-610	AMD	91-05-010	388-96-901	AMD	91-12-026
388-53A-090	REP	91-15-087	388-77-610	AMD	91-05-058	388-96-904	AMD-P	91-09-066
388-53A-100	REP-P	91-12-066	388-77-610	AMD	91-08-050	388-96-904	AMD	91-12-026
388-53A-100	REP	91-15-087	388-77-610	AMD-P	91-10-073	388-99-020	AMD	91-07-011
388-53A-110	REP-P	91-12-066	388-77-610	AMD-E	91-10-079	388-99-040	AMD-P	91-05-008
388-53A-110	REP	91-15-087	388-77-610	AMD	91-13-081	388-99-040	AMD-E	91-05-009
388-53A-120	REP-P	91-12-066	388-77-615	AMD	91-04-041	388-99-040	AMD	91-09-017
388-53A-120	REP	91-15-087	388-77-615	AMD	91-05-010	388-100-005	AMD-P	91-14-067
388-53A-130	REP-P	91-12-066	388-77-615	AMD	91-05-058	388-100-005	AMD-E	91-14-072
388-53A-130	REP	91-15-087	388-77-615	AMD	91-08-050	388-100-010	AMD-P	91-14-067
388-53A-140	REP-P	91-12-066	388-81-030	AMD	91-07-011	388-100-010	AMD-E	91-14-072
388-53A-140	REP	91-15-087	388-81-070	REP-P	91-14-066	388-100-015	AMD-P	91-14-067
388-62-020	AMD-P	91-14-119	388-81-070	REP-E	91-14-070	388-100-015	AMD-E	91-14-072
388-62-025	NEW-P	91-14-119	388-82-010	AMD	91-06-003	388-100-020	AMD-P	91-14-067
388-62-035	AMD-P	91-14-119	388-82-010	AMD-E	91-11-016	388-100-020	AMD-E	91-14-072
388-62-050	REP-P	91-14-119	388-82-010	AMD-P	91-11-017	388-100-025	AMD-P	91-14-067
388-62-070	AMD-P	91-14-119	388-82-010	AMD	91-15-014	388-100-025	AMD-E	91-14-072
388-62-075	AMD-P	91-14-119	388-82-140	AMD	91-07-011	388-100-030	AMD-P	91-14-067
388-62-080	AMD-P	91-14-119	388-82-160	AMD-P	91-08-035	388-100-030	AMD-E	91-14-072
388-62-095	AMD-P	91-14-119	388-82-160	AMD-E	91-08-036	388-100-035	AMD-P	91-14-067
388-62-100	REP-P	91-14-119	388-82-160	AMD	91-11-086	388-100-035	AMD-E	91-14-072
388-62-115	REP-P	91-14-119	388-83-013	AMD-P	91-06-042	388-100-005	AMD-P	91-03-127
388-62-130	REP-P	91-14-119	388-83-013	AMD-E	91-06-046	388-150-005	AMD-E	91-03-128
388-62-135	AMD-P	91-14-119	388-83-013	AMD	91-10-101	388-150-005	AMD	91-07-013
388-62-155	REP-P	91-14-119	388-83-032	AMD-P	91-10-100	388-150-020	AMD-P	91-12-024
388-62-160	REP-P	91-14-119	388-83-032	AMD-E	91-06-047	388-150-020	AMD-E	91-12-028
388-62-165	REP-P	91-14-119	388-83-032	AMD	91-10-100	388-150-020	AMD	91-15-084
388-62-170	REP-P	91-14-119	388-83-033	AMD-P	91-08-034	388-150-100	AMD-P	91-03-127
388-62-190	AMD-P	91-14-119	388-83-033	AMD-E	91-08-037	388-150-100	AMD-E	91-03-128
388-62-200	AMD-P	91-14-119	388-83-033	AMD-E	91-10-036	388-150-100	AMD	91-07-013
388-76-030	AMD-P	91-05-070	388-83-033	AMD	91-11-085	388-150-180	AMD-P	91-03-127
388-76-030	AMD	91-09-016	388-83-041	NEW-P	91-05-008	388-150-180	AMD-E	91-03-128
388-76-040	AMD-P	91-05-070	388-83-041	NEW-E	91-05-009	388-150-180	AMD	91-07-013
388-76-040	AMD	91-09-016	388-83-041	NEW	91-09-017	388-150-210	AMD-P	91-03-127
388-76-087	AMD-P	91-05-070	388-83-130	AMD-P	91-06-043	388-150-210	AMD-E	91-03-128
388-76-087	AMD	91-09-016	388-83-130	AMD-E	91-06-047	388-150-210	AMD	91-07-013
388-77-010	AMD	91-04-041	388-83-130	AMD	91-10-100	388-150-280	AMD-P	91-03-127
388-77-010	AMD	91-05-010	388-83-200	AMD-P	91-12-067	388-150-280	AMD-E	91-03-128
388-77-010	AMD	91-05-058	388-84-105	AMD	91-05-011	388-150-280	AMD	91-07-013
388-77-010	AMD	91-08-050	388-85-115	AMD-E	91-11-016	388-150-390	AMD-P	91-03-127
388-77-230	REP	91-04-041	388-85-115	AMD-P	91-11-017	388-150-390	AMD-E	91-03-128

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388-150-450	AMD-P	91-03-127	390-37-085	NEW-P	91-15-025	392-115-155	NEW-P	91-03-001
388-150-450	AMD-E	91-03-128	390-37-085	NEW-W	91-15-051	392-115-155	NEW	91-07-007
388-150-450	AMD	91-07-013	390-37-090	AMD-P	91-13-089	392-117-005	NEW-P	91-09-025
388-155	NEW-C	91-03-038	390-37-100	AMD-P	91-13-089	392-117-005	NEW	91-13-054
388-155-005	NEW	91-04-048	390-37-105	NEW-P	91-13-089	392-117-010	NEW-P	91-09-025
388-155-010	NEW	91-04-048	390-37-120	NEW-P	91-13-089	392-117-010	NEW	91-13-054
388-155-020	NEW	91-04-048	390-37-130	NEW-P	91-13-089	392-117-015	NEW-P	91-09-025
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388-155-020	AMD-E	91-12-028	390-37-134	NEW-P	91-13-089	392-117-020	NEW-P	91-09-025
388-155-020	AMD	91-15-084	390-37-136	NEW-P	91-13-089	392-117-020	NEW	91-13-054
388-155-040	NEW	91-04-048	390-37-140	NEW-P	91-13-089	392-117-025	NEW-P	91-09-025
388-155-050	NEW	91-04-048	390-37-142	NEW-P	91-13-089	392-117-025	NEW	91-13-054
388-155-060	NEW	91-04-048	390-37-144	NEW-P	91-13-089	392-117-030	NEW-P	91-09-025
388-155-070	NEW	91-04-048	390-37-150	AMD-P	91-13-089	392-117-030	NEW	91-13-054
388-155-080	NEW	91-04-048	390-37-210	REP-P	91-13-089	392-117-035	NEW-P	91-09-025
388-155-090	NEW	91-04-048	392-101-010	AMD-P	91-13-053	392-117-035	NEW	91-13-054
388-155-100	NEW	91-04-048	392-101-015	NEW	91-02-095	392-117-040	NEW-P	91-09-025
388-155-110	NEW	91-04-048	392-115-005	NEW-P	91-03-001	392-117-040	NEW	91-13-054
388-155-120	NEW	91-04-048	392-115-005	NEW	91-07-007	392-117-045	NEW-P	91-09-025
388-155-130	NEW	91-04-048	392-115-010	NEW-P	91-03-001	392-117-045	NEW	91-13-054
388-155-140	NEW	91-04-048	392-115-010	NEW	91-07-007	392-117-050	NEW-P	91-09-025
388-155-150	NEW	91-04-048	392-115-015	NEW-P	91-03-001	392-117-050	NEW	91-13-054
388-155-160	NEW	91-04-048	392-115-015	NEW	91-07-007	392-121-108	AMD	91-02-096
388-155-165	NEW	91-04-048	392-115-020	NEW-P	91-03-001	392-121-133	AMD	91-02-096
388-155-170	NEW	91-04-048	392-115-020	NEW	91-07-007	392-121-136	AMD	91-02-096
388-155-180	NEW	91-04-048	392-115-025	NEW-P	91-03-001	392-121-182	AMD	91-02-096
388-155-190	NEW	91-04-048	392-115-025	NEW	91-07-007	392-121-184	NEW-P	91-04-088
388-155-200	NEW	91-04-048	392-115-030	NEW-P	91-03-001	392-121-184	NEW	91-08-038
388-155-210	NEW	91-04-048	392-115-030	NEW	91-07-007	392-121-265	AMD	91-02-097
388-155-220	NEW	91-04-048	392-115-035	NEW-P	91-03-001	392-121-268	AMD	91-02-097
388-155-230	NEW	91-04-048	392-115-035	NEW	91-07-007	392-121-269	NEW	91-02-097
388-155-240	NEW	91-04-048	392-115-040	NEW-P	91-03-001	392-121-270	AMD	91-02-097
388-155-250	NEW	91-04-048	392-115-040	NEW	91-07-007	392-121-272	AMD	91-02-097
388-155-260	NEW	91-04-048	392-115-045	NEW-P	91-03-001	392-121-280	AMD	91-02-097
388-155-270	NEW	91-04-048	392-115-045	NEW	91-07-007	392-121-295	AMD	91-02-097
388-155-280	NEW	91-04-048	392-115-050	NEW-P	91-03-001	392-121-297	REP	91-02-097
388-155-285	NEW-W	91-11-026	392-115-050	NEW	91-07-007	392-121-299	AMD	91-02-097
388-155-290	NEW	91-04-048	392-115-055	NEW-P	91-03-001	392-121-500	NEW	91-07-006
388-155-295	NEW	91-04-048	392-115-055	NEW	91-07-007	392-121-500	AMD-P	91-10-105
388-155-310	NEW	91-04-048	392-115-060	NEW-P	91-03-001	392-121-500	AMD	91-14-038
388-155-320	NEW	91-04-048	392-115-060	NEW	91-07-007	392-121-505	NEW	91-07-006
388-155-330	NEW	91-04-048	392-115-065	NEW-P	91-03-001	392-121-505	AMD-P	91-10-105
388-155-340	NEW	91-04-048	392-115-065	NEW	91-07-007	392-121-505	AMD	91-14-038
388-155-350	NEW	91-04-048	392-115-070	NEW-P	91-03-001	392-121-510	NEW	91-07-006
388-155-360	NEW	91-04-048	392-115-070	NEW	91-07-007	392-121-510	AMD-P	91-10-105
388-155-370	NEW	91-04-048	392-115-075	NEW-P	91-03-001	392-121-510	AMD	91-14-038
388-155-380	NEW	91-04-048	392-115-075	NEW	91-07-007	392-121-515	NEW	91-07-006
388-155-390	NEW	91-04-048	392-115-080	NEW-P	91-03-001	392-121-520	NEW	91-07-006
388-155-400	NEW	91-04-048	392-115-080	NEW	91-07-007	392-121-525	NEW	91-07-006
388-155-410	NEW	91-04-048	392-115-085	NEW-P	91-03-001	392-121-530	NEW	91-07-006
388-155-420	NEW	91-04-048	392-115-085	NEW	91-07-007	392-121-535	NEW	91-07-006
388-155-430	NEW	91-04-048	392-115-090	NEW-P	91-03-001	392-121-540	NEW	91-07-006
388-155-440	NEW	91-04-048	392-115-090	NEW	91-07-007	392-121-545	NEW	91-07-006
388-155-450	NEW	91-04-048	392-115-095	NEW-P	91-03-001	392-122-010	AMD	91-03-118
388-155-460	NEW	91-04-048	392-115-095	NEW	91-07-007	392-122-100	AMD	91-03-118
388-155-470	NEW	91-04-048	392-115-100	NEW-P	91-03-001	392-122-106	AMD	91-03-118
388-155-480	NEW	91-04-048	392-115-100	NEW	91-07-007	392-122-107	AMD	91-03-118
388-155-490	NEW	91-04-048	392-115-105	NEW-P	91-03-001	392-122-110	AMD	91-03-118
388-155-500	NEW	91-04-048	392-115-105	NEW	91-07-007	392-122-115	REP	91-03-118
390-05-210	AMD-W	91-11-104	392-115-110	NEW-P	91-03-001	392-122-120	AMD	91-03-118
390-05-210	AMD-P	91-11-105	392-115-110	NEW	91-07-007	392-122-125	REP	91-03-118
390-05-210	AMD	91-14-041	392-115-115	NEW-P	91-03-001	392-122-145	AMD	91-03-118
390-14-045	AMD-P	91-13-089	392-115-115	NEW	91-07-007	392-122-165	NEW	91-03-118
390-16-240	NEW-P	91-10-056	392-115-120	NEW-P	91-03-001	392-122-200	AMD	91-03-118
390-16-240	NEW	91-14-041	392-115-120	NEW	91-07-007	392-122-206	NEW	91-03-118
390-16-308	AMD-W	91-11-104	392-115-125	NEW-P	91-03-001	392-122-210	AMD	91-03-118
390-16-308	AMD-P	91-11-105	392-115-125	NEW	91-07-007	392-122-215	REP	91-03-118
390-16-308	AMD	91-14-041	392-115-130	NEW-P	91-03-001	392-122-230	AMD	91-03-118
390-16-312	NEW-W	91-11-104	392-115-130	NEW	91-07-007	392-122-235	AMD	91-03-118
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390-16-312	NEW	91-14-041	392-115-135	NEW	91-07-007	392-122-245	REP	91-03-118
390-20-0101	AMD-C	91-06-034	392-115-140	NEW-P	91-03-001	392-122-250	REP	91-03-118
390-20-0101	AMD	91-09-021	392-115-140	NEW	91-07-007	392-122-265	REP-W	91-13-071
390-20-052	AMD-P	91-13-089	392-115-145	NEW-P	91-03-001	392-122-270	AMD	91-03-118
390-24-031	NEW-P	91-07-027	392-115-145	NEW	91-07-007	392-122-600	AMD	91-03-118
390-24-031	NEW	91-10-057	392-115-150	NEW-P	91-03-001	392-122-605	AMD	91-03-118

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400-12-605	NEW-P	91-15-090	415-115-030	NEW	91-13-030	417-06-100	NEW-E	91-13-021
400-12-610	REP-P	91-15-090	415-115-040	NEW-P	91-10-109	417-06-100	NEW-P	91-15-028
400-12-615	NEW-P	91-15-090	415-115-040	NEW	91-13-030	417-06-110	NEW-E	91-13-021
400-12-620	REP-P	91-15-090	415-115-050	NEW-P	91-10-109	417-06-110	NEW-P	91-15-028
400-12-625	NEW-P	91-15-090	415-115-050	NEW	91-13-030	417-06-120	NEW-E	91-13-021
400-12-630	REP-P	91-15-090	415-115-060	NEW-P	91-10-109	417-06-120	NEW-P	91-15-028
400-12-635	NEW-P	91-15-090	415-115-060	NEW	91-13-030	417-06-130	NEW-E	91-13-021
400-12-640	REP-P	91-15-090	415-115-070	NEW-P	91-10-109	417-06-130	NEW-P	91-15-028
400-12-650	REP-P	91-15-090	415-115-070	NEW	91-13-030	417-06-140	NEW-E	91-13-021
400-12-660	REP-P	91-15-090	415-115-080	NEW-P	91-10-109	417-06-140	NEW-P	91-15-028
400-12-700	AMD-P	91-15-090	415-115-080	NEW	91-13-030	417-06-150	NEW-E	91-13-021
402-70-010	AMD-W	91-08-059	415-115-090	NEW-P	91-10-109	417-06-150	NEW-P	91-15-028
402-70-020	AMD-W	91-08-059	415-115-090	NEW	91-13-030	417-06-160	NEW-E	91-13-021
402-70-030	AMD-W	91-08-059	415-115-100	NEW-P	91-10-109	417-06-160	NEW-P	91-15-028
402-70-040	NEW-W	91-08-059	415-115-100	NEW	91-13-030	417-06-170	NEW-E	91-13-021
402-70-045	NEW-W	91-08-059	415-115-110	NEW-P	91-10-109	417-06-170	NEW-P	91-15-028
402-70-050	AMD-W	91-08-059	415-115-110	NEW	91-13-030	419-14-030	AMD-P	91-03-107
402-70-055	NEW-W	91-08-059	415-115-120	NEW-P	91-10-109	419-14-030	AMD	91-06-063
402-70-060	NEW-W	91-08-059	415-115-120	NEW	91-13-030	419-14-040	AMD-P	91-03-107
402-70-062	NEW-W	91-08-059	415-116-010	NEW-P	91-10-107	419-14-040	AMD	91-06-063
402-70-064	NEW-W	91-08-059	415-116-010	NEW	91-13-029	419-14-090	AMD-P	91-03-107
402-70-066	NEW-W	91-08-059	415-116-020	NEW-P	91-10-107	419-14-090	AMD	91-06-063
402-70-068	NEW-W	91-08-059	415-116-020	NEW	91-13-029	419-14-100	AMD-P	91-03-107
402-70-070	AMD-W	91-08-059	415-116-030	NEW-P	91-10-107	419-14-100	AMD	91-06-063
402-70-077	NEW-W	91-08-059	415-116-030	NEW	91-13-029	419-14-110	AMD-P	91-03-107
402-70-080	AMD-W	91-08-059	415-116-040	NEW-P	91-10-107	419-14-110	AMD	91-06-063
402-70-085	NEW-W	91-08-059	415-116-040	NEW	91-13-029	419-18-030	AMD-P	91-03-106
402-70-090	AMD-W	91-08-059	415-116-050	NEW-P	91-10-107	419-18-030	AMD	91-06-062
415-100-041	NEW	91-03-013	417-01-100	NEW-E	91-09-052	419-18-040	AMD-P	91-03-106
415-100-045	NEW	91-03-013	417-01-100	NEW-P	91-15-028	419-18-040	AMD	91-06-062
415-100-051	NEW	91-03-013	417-01-105	NEW-E	91-09-052	419-18-050	AMD	91-06-062
415-100-055	NEW	91-03-013	417-01-105	NEW-P	91-15-028	419-18-050	AMD-P	91-03-106
415-104-201	NEW	91-03-014	417-01-110	NEW-E	91-09-052	419-18-060	AMD	91-06-062
415-104-205	NEW	91-03-014	417-01-110	NEW-P	91-15-028	419-18-060	AMD-P	91-03-106
415-104-211	NEW	91-03-014	417-01-110	NEW-E	91-09-052	419-18-070	AMD-P	91-03-106
415-104-215	NEW	91-03-014	417-01-115	NEW-P	91-15-028	419-18-070	AMD	91-06-062
415-108-320	NEW	91-03-015	417-01-115	NEW-E	91-09-052	434-26-005	NEW-P	91-13-022
415-108-322	NEW	91-03-015	417-01-120	NEW-P	91-15-028	434-26-010	NEW-P	91-13-022
415-108-324	NEW	91-03-015	417-01-120	NEW-E	91-09-052	434-26-015	NEW-P	91-13-022
415-108-326	NEW	91-03-015	417-01-125	NEW-P	91-15-028	434-26-020	NEW-P	91-13-022
415-112-720	NEW	91-03-016	417-01-125	NEW-E	91-09-052	434-26-025	NEW-P	91-13-022
415-112-722	NEW	91-03-016	417-01-130	NEW-P	91-15-028	434-26-030	NEW-P	91-13-022
415-112-725	NEW	91-03-016	417-01-130	NEW-E	91-09-052	434-26-035	NEW-P	91-13-022
415-112-727	NEW	91-03-016	417-01-135	NEW-P	91-15-028	434-26-040	NEW-P	91-13-022
415-114-010	NEW-P	91-06-089	417-01-135	NEW-E	91-09-052	434-26-045	NEW-P	91-13-022
415-114-010	NEW-C	91-10-108	417-01-140	NEW-P	91-15-028	434-26-050	NEW-P	91-13-022
415-114-010	NEW	91-11-061	417-01-140	NEW-E	91-09-052	434-26-055	NEW-P	91-13-022
415-114-010	RE-AD	91-13-049	417-01-145	NEW-P	91-15-028	434-26-060	NEW-P	91-13-022
415-114-020	NEW-P	91-06-089	417-01-145	NEW-E	91-09-052	434-26-065	NEW-P	91-13-022
415-114-020	NEW-C	91-10-108	417-01-150	NEW-P	91-15-028	434-26-070	NEW-P	91-13-022
415-114-020	NEW	91-11-061	417-01-150	NEW-E	91-09-052	434-40-010	AMD-E	91-14-080
415-114-020	RE-AD	91-13-049	417-01-155	NEW-P	91-15-028	434-40-050	AMD-E	91-14-080
415-114-030	NEW-P	91-06-089	417-01-155	NEW-E	91-09-052	434-40-060	AMD-E	91-14-080
415-114-030	NEW-C	91-10-108	417-02-100	NEW-P	91-13-020	434-40-070	AMD-E	91-14-080
415-114-030	NEW	91-11-061	417-02-100	NEW-E	91-15-028	434-40-080	AMD-E	91-14-080
415-114-030	RE-AD	91-13-049	417-02-105	NEW-P	91-13-020	434-40-180	AMD-E	91-14-080
415-114-040	NEW-P	91-06-089	417-02-105	NEW-E	91-09-052	434-42-900	NEW-P	91-03-125
415-114-040	NEW-C	91-10-108	417-02-110	NEW-P	91-15-028	434-42-900	NEW-E	91-03-126
415-114-040	NEW	91-11-061	417-02-110	NEW-E	91-13-020	434-42-900	REP-E	91-07-002
415-114-040	AMD	91-13-049	417-02-115	NEW-P	91-15-028	434-42-900	NEW-W	91-07-003
415-114-050	NEW-P	91-06-089	417-02-115	NEW-E	91-09-052	434-42-905	NEW-P	91-03-125
415-114-050	NEW-C	91-10-108	417-02-120	NEW-P	91-13-020	434-42-905	NEW-E	91-03-126
415-114-050	NEW	91-11-061	417-02-120	NEW-P	91-15-028	434-42-905	REP-E	91-07-002
415-114-050	RE-AD	91-13-049	417-02-125	NEW-E	91-09-052	434-42-905	NEW-W	91-07-003
415-114-055	NEW-P	91-10-108	417-02-125	NEW-P	91-13-020	434-42-910	NEW-P	91-03-125
415-114-055	NEW	91-13-049	417-02-130	NEW-E	91-15-028	434-42-910	NEW-E	91-03-126
415-114-060	NEW-P	91-06-089	417-02-130	NEW-P	91-13-020	434-42-910	REP-E	91-07-002
415-114-060	NEW-C	91-10-108	417-02-135	NEW-E	91-09-052	434-42-910	NEW-W	91-07-003
415-114-060	RE-AD	91-11-061	417-02-135	NEW-P	91-15-028	434-42-915	NEW-P	91-03-125
415-114-060	RE-AD	91-13-049	417-02-140	NEW-E	91-13-020	434-42-915	NEW-E	91-03-126
415-114-070	NEW-C	91-10-108	417-02-140	NEW-P	91-15-028	434-42-915	REP-E	91-07-002
415-114-070	NEW	91-13-049	417-02-145	NEW-E	91-09-052	434-42-915	NEW-W	91-07-003
415-115-010	NEW-P	91-10-109	417-02-145	NEW-P	91-13-020	434-42-920	NEW-P	91-03-125
415-115-010	NEW	91-13-030	417-02-150	NEW-E	91-15-028	434-42-920	NEW-E	91-03-126
415-115-020	NEW-P	91-10-109	417-02-150	NEW-P	91-13-020	434-42-920	REP-E	91-07-002
415-115-020	NEW	91-13-030	417-02-155	NEW-E	91-09-052	434-42-920	NEW-W	91-07-003
415-115-030	NEW-P	91-10-109	417-02-155	NEW-P	91-15-028	434-42-925	NEW-P	91-03-125

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
434-42-925	NEW-E	91-03-126	434-75-270	NEW-P	91-13-016	448-12-010	REP	91-06-022
434-42-925	REP-E	91-07-002	434-75-280	NEW-P	91-13-016	448-12-015	REP-S	91-03-123
434-42-925	NEW-W	91-07-003	434-75-290	NEW-P	91-13-016	448-12-015	REP	91-06-022
434-42-930	NEW-P	91-03-125	434-75-300	NEW-P	91-13-016	448-12-016	REP-S	91-03-123
434-42-930	NEW-E	91-03-126	434-75-310	NEW-P	91-13-016	448-12-016	REP	91-06-022
434-42-930	REP-E	91-07-002	434-75-320	NEW-P	91-13-016	448-12-020	REP-S	91-03-123
434-42-930	NEW-W	91-07-003	434-75-330	NEW-P	91-13-016	448-12-020	REP	91-06-022
434-42-935	NEW-P	91-03-125	434-75-340	NEW-P	91-13-016	448-12-030	REP-S	91-03-123
434-42-935	NEW-E	91-03-126	434-75-350	NEW-P	91-13-016	448-12-030	REP	91-06-022
434-42-935	REP-E	91-07-002	434-840-900	NEW-E	91-14-079	448-12-040	REP-S	91-03-123
434-42-935	NEW-W	91-07-003	434-840-901	NEW-E	91-14-079	448-12-040	REP	91-06-022
434-42-940	NEW-P	91-03-125	434-840-902	NEW-E	91-14-079	448-12-050	REP-S	91-03-123
434-42-940	NEW-E	91-03-126	434-840-903	NEW-E	91-14-079	448-12-050	REP	91-06-022
434-42-940	REP-E	91-07-002	434-840-904	NEW-E	91-14-079	448-12-055	REP-S	91-03-123
434-42-940	NEW-W	91-07-003	434-840-905	NEW-E	91-14-079	448-12-055	REP	91-06-022
434-42-945	NEW-P	91-03-125	434-840-906	NEW-E	91-14-079	448-12-060	REP-S	91-03-123
434-42-945	NEW-E	91-03-126	434-840-907	NEW-E	91-14-079	448-12-060	REP	91-06-022
434-42-945	REP-E	91-07-002	434-840-908	NEW-E	91-14-079	448-12-070	REP-S	91-03-123
434-42-945	NEW-W	91-07-003	434-840-909	NEW-E	91-14-079	448-12-070	REP	91-06-022
434-42-950	NEW-P	91-03-125	434-840-910	NEW-E	91-14-079	448-12-075	REP-S	91-03-123
434-42-950	NEW-E	91-03-126	434-840-920	NEW-E	91-14-079	448-12-075	REP	91-06-022
434-42-950	REP-E	91-07-002	434-840-921	NEW-E	91-14-079	448-12-080	REP-S	91-03-123
434-42-950	NEW-W	91-07-003	434-840-922	NEW-E	91-14-079	448-12-080	REP	91-06-022
434-42-955	NEW-P	91-03-125	434-840-923	NEW-E	91-14-079	448-12-090	REP-S	91-03-123
434-42-955	NEW-E	91-03-126	434-840-930	NEW-E	91-14-079	448-12-090	REP	91-06-022
434-42-955	REP-E	91-07-002	434-840-931	NEW-E	91-14-079	448-12-100	REP-S	91-03-123
434-42-955	NEW-W	91-07-003	434-840-932	NEW-E	91-14-079	448-12-100	REP	91-06-022
434-42-960	NEW-P	91-03-125	434-840-933	NEW-E	91-14-079	448-12-210	REP-S	91-03-123
434-42-960	NEW-E	91-03-126	434-840-934	NEW-E	91-14-079	448-12-210	REP	91-06-022
434-42-960	REP-E	91-07-002	434-840-940	NEW-E	91-14-079	448-12-220	REP-S	91-03-123
434-42-960	NEW-W	91-07-003	434-840-941	NEW-E	91-14-079	448-12-220	REP	91-06-022
434-42-965	NEW-P	91-03-125	434-840-942	NEW-E	91-14-079	448-12-230	REP-S	91-03-123
434-42-965	NEW-E	91-03-126	434-840-943	NEW-E	91-14-079	448-12-230	REP	91-06-022
434-42-965	REP-E	91-07-002	434-840-944	NEW-E	91-14-079	448-12-240	REP-S	91-03-123
434-42-965	NEW-W	91-07-003	434-840-945	NEW-E	91-14-079	448-12-240	REP	91-06-022
434-42-970	NEW-P	91-03-125	434-840-946	NEW-E	91-14-079	448-12-250	REP-S	91-03-123
434-42-970	NEW-E	91-03-126	434-840-947	NEW-E	91-14-079	448-12-250	REP	91-06-022
434-42-970	REP-E	91-07-002	440-44-050	REP-W	91-08-059	448-12-260	REP-S	91-03-123
434-42-970	NEW-W	91-07-003	440-44-057	REP-W	91-08-059	448-12-260	REP	91-06-022
434-42-975	NEW-P	91-03-125	440-44-058	REP-W	91-08-059	448-12-270	REP-S	91-03-123
434-42-975	NEW-E	91-03-126	440-44-059	REP-W	91-08-059	448-12-270	REP	91-06-022
434-42-975	REP-E	91-07-002	440-44-060	REP-W	91-08-059	448-12-280	REP-S	91-03-123
434-42-975	NEW-W	91-07-003	440-44-062	REP-W	91-08-059	448-12-280	REP	91-06-022
434-42-980	NEW-P	91-03-125	440-44-085	REP-P	91-15-061	448-12-290	REP-S	91-03-123
434-42-980	NEW-E	91-03-126	440-44-085	REP-E	91-15-064	448-12-290	REP	91-06-022
434-42-980	REP-E	91-07-002	446-20-500	AMD-P	91-15-045	448-12-300	REP-S	91-03-123
434-42-980	NEW-W	91-07-003	446-20-510	AMD-P	91-15-045	448-12-300	REP	91-06-022
434-42-985	NEW-P	91-03-125	446-20-515	AMD-P	91-15-045	448-12-320	REP-S	91-03-123
434-42-985	NEW-E	91-03-126	446-65-005	NEW-E	91-06-050	448-12-320	REP	91-06-022
434-42-985	REP-E	91-07-002	446-65-005	NEW	91-06-066	448-12-330	REP-S	91-03-123
434-42-985	NEW-W	91-07-003	446-65-010	NEW-E	91-06-050	448-12-330	REP	91-06-022
434-75-010	NEW-P	91-13-016	446-65-010	NEW	91-06-066	448-12-340	REP-S	91-03-123
434-75-020	NEW-P	91-13-016	446-75-010	NEW-P	91-07-045	448-12-340	REP	91-06-022
434-75-030	NEW-P	91-13-016	446-75-010	NEW-E	91-07-046	448-13-010	NEW-S	91-03-123
434-75-040	NEW-P	91-13-016	446-75-010	NEW	91-11-046	448-13-010	NEW	91-06-022
434-75-050	NEW-P	91-13-016	446-75-020	NEW-P	91-07-045	448-13-020	NEW-S	91-03-123
434-75-060	NEW-P	91-13-016	446-75-020	NEW-E	91-07-046	448-13-020	NEW	91-06-022
434-75-070	NEW-P	91-13-016	446-75-020	NEW	91-11-046	448-13-030	NEW-S	91-03-123
434-75-080	NEW-P	91-13-016	446-75-030	NEW-P	91-07-045	448-13-030	NEW	91-06-022
434-75-090	NEW-P	91-13-016	446-75-030	NEW-E	91-07-046	448-13-040	NEW-S	91-03-123
434-75-100	NEW-P	91-13-016	446-75-030	NEW	91-11-046	448-13-040	NEW	91-06-022
434-75-110	NEW-P	91-13-016	446-75-040	NEW-P	91-07-045	448-13-050	NEW-S	91-03-123
434-75-120	NEW-P	91-13-016	446-75-040	NEW-E	91-07-046	448-13-050	NEW	91-06-022
434-75-130	NEW-P	91-13-016	446-75-040	NEW	91-11-046	448-13-060	NEW-S	91-03-123
434-75-140	NEW-P	91-13-016	446-75-050	NEW-P	91-07-045	448-13-060	NEW	91-06-022
434-75-150	NEW-P	91-13-016	446-75-050	NEW-E	91-07-046	448-13-070	NEW-S	91-03-123
434-75-160	NEW-P	91-13-016	446-75-050	NEW	91-11-046	448-13-070	NEW	91-06-022
434-75-170	NEW-P	91-13-016	446-75-060	NEW-P	91-07-045	448-13-080	NEW-S	91-03-123
434-75-180	NEW-P	91-13-016	446-75-060	NEW-E	91-07-046	448-13-080	NEW	91-06-022
434-75-190	NEW-P	91-13-016	446-75-060	NEW	91-11-046	448-13-090	NEW-S	91-03-123
434-75-200	NEW-P	91-13-016	446-75-070	NEW-P	91-07-045	448-13-090	NEW	91-06-022
434-75-210	NEW-P	91-13-016	446-75-070	NEW-E	91-07-046	448-13-100	NEW-S	91-03-123
434-75-220	NEW-P	91-13-016	446-75-070	NEW	91-11-046	448-13-100	NEW	91-06-022
434-75-230	NEW-P	91-13-016	446-75-080	NEW-P	91-07-045	448-13-110	NEW-S	91-03-123
434-75-240	NEW-P	91-13-016	446-75-080	NEW-E	91-07-046	448-13-110	NEW	91-06-022
434-75-250	NEW-P	91-13-016	446-75-080	NEW	91-11-046	448-13-120	NEW-S	91-03-123
434-75-260	NEW-P	91-13-016	448-12-010	REP-S	91-03-123	448-13-120	NEW	91-06-022

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
448-13-130	NEW-S	91-03-123	458-16-013	AMD-E	91-13-074	460-31A-555	REP	91-04-012
448-13-130	NEW	91-06-022	458-16-020	AMD-E	91-13-074	460-31A-560	REP	91-04-012
448-13-140	NEW-S	91-03-123	458-18-010	AMD-E	91-13-075	460-31A-565	REP	91-04-012
448-13-140	NEW	91-06-022	458-18-020	AMD-E	91-13-075	460-31A-570	REP	91-04-012
448-13-150	NEW-S	91-03-123	458-18-220	AMD-P	91-10-070	460-31A-575	REP	91-04-012
448-13-150	NEW	91-06-022	458-18-220	AMD	91-15-024	460-31A-580	REP	91-04-012
448-13-160	NEW-S	91-03-123	458-20-105	AMD-E	91-14-050	460-31A-585	REP	91-04-012
448-13-160	NEW	91-06-022	458-20-109	PREP	91-03-057	460-31A-590	REP	91-04-012
448-13-170	NEW-S	91-03-123	458-20-109	AMD-P	91-11-005	460-31A-595	REP	91-04-012
448-13-170	NEW	91-06-022	458-20-110	PREP	91-03-058	460-31A-600	REP	91-04-012
448-13-180	NEW-S	91-03-123	458-20-110	AMD-P	91-11-004	460-31A-605	REP	91-04-012
448-13-180	NEW	91-06-022	458-20-126	PREP	91-04-062	460-31A-610	REP	91-04-012
448-13-190	NEW-S	91-03-123	458-20-126	AMD-P	91-11-002	460-31A-615	REP	91-04-012
448-13-190	NEW	91-06-022	458-20-126	AMD	91-15-022	460-31A-620	REP	91-04-012
448-13-200	NEW-S	91-03-123	458-20-127	PREP	91-08-044	460-31A-625	REP	91-04-012
448-13-200	NEW	91-06-022	458-20-151	PREP	91-04-061	460-31A-630	REP	91-04-012
448-13-210	NEW-S	91-03-123	458-20-151	AMD-P	91-11-003	460-31A-635	REP	91-04-012
448-13-210	NEW	91-06-022	458-20-151	AMD	91-15-023	460-31A-640	REP	91-04-012
448-13-220	NEW-S	91-03-123	458-20-163	AMD	91-05-040	460-31A-645	REP	91-04-012
448-13-220	NEW	91-06-022	458-20-164	AMD-E	91-14-049	460-31A-650	REP	91-04-012
448-14-010	REP-P	91-03-124	458-20-166	PREP	91-08-045	460-31A-655	REP	91-04-012
448-14-020	REP-P	91-03-124	458-20-169	PREP	91-12-062	460-31A-660	REP	91-04-012
448-14-030	REP-P	91-03-124	458-20-18601	NEW-E	91-14-027	460-31A-665	REP	91-04-012
448-15-010	NEW-P	91-03-124	458-20-18801	PREP	91-12-002	460-31A-670	REP	91-04-012
448-15-020	NEW-P	91-03-124	458-20-193A	PREP	91-13-073	460-31A-675	REP	91-04-012
448-15-030	NEW-P	91-03-124	458-20-193B	PREP	91-13-073	460-31A-680	REP	91-04-012
448-15-040	NEW-P	91-03-124	458-20-199	PREP	91-08-043	460-31A-685	REP	91-04-012
448-15-050	NEW-P	91-03-124	458-20-227	AMD	91-05-039	460-31A-690	REP	91-04-012
448-15-060	NEW-P	91-03-124	458-20-237	AMD	91-05-038	460-31A-695	REP	91-04-012
448-15-070	NEW-P	91-03-124	458-20-255	AMD-E	91-12-003	460-31A-700	REP	91-04-012
448-15-080	NEW-P	91-03-124	458-20-255	PREP	91-12-063	460-31A-705	REP	91-04-012
456-09-210	AMD-P	91-04-084	458-30-262	AMD	91-04-001	460-31A-710	REP	91-04-012
456-09-210	AMD	91-07-038	458-40-660	AMD-P	91-06-052	460-31A-715	REP	91-04-012
456-09-325	AMD-P	91-04-084	458-40-660	AMD-E	91-06-053	460-31A-720	REP	91-04-012
456-09-325	AMD	91-07-038	458-40-660	AMD	91-09-030	460-31A-725	REP	91-04-012
456-09-365	AMD-P	91-04-084	458-40-660	AMD-P	91-10-090	460-31A-730	REP	91-04-012
456-09-365	AMD	91-07-038	458-40-660	AMD	91-14-077	460-34A-010	REP	91-04-012
456-10-360	AMD-P	91-04-083	458-40-670	AMD-P	91-10-090	460-34A-015	REP	91-04-012
456-10-360	AMD	91-07-039	458-40-670	AMD	91-14-077	460-34A-020	REP	91-04-012
456-10-547	NEW-P	91-04-083	460-11A-010	NEW-P	91-14-089	460-34A-025	REP	91-04-012
456-10-547	NEW	91-07-039	460-11A-020	NEW-P	91-14-089	460-34A-030	REP	91-04-012
458-14-010	REP	91-07-040	460-11A-030	NEW-P	91-14-089	460-34A-035	REP	91-04-012
458-14-020	REP	91-07-040	460-11A-040	NEW-P	91-14-089	460-34A-037	REP	91-04-012
458-14-030	REP	91-07-040	460-16A-102	AMD	91-04-008	460-34A-040	REP	91-04-012
458-14-040	REP	91-07-040	460-16A-200	NEW	91-04-008	460-34A-045	REP	91-04-012
458-14-045	REP	91-07-040	460-16A-205	NEW	91-04-008	460-34A-050	REP	91-04-012
458-14-050	REP	91-07-040	460-17A-030	AMD	91-04-009	460-34A-055	REP	91-04-012
458-14-052	REP	91-07-040	460-17A-070	AMD	91-04-009	460-34A-060	REP	91-04-012
458-14-055	REP	91-07-040	460-31A-410	REP	91-04-012	460-34A-065	REP	91-04-012
458-14-060	REP	91-07-040	460-31A-415	REP	91-04-012	460-34A-070	REP	91-04-012
458-14-062	REP	91-07-040	460-31A-420	REP	91-04-012	460-34A-075	REP	91-04-012
458-14-065	REP	91-07-040	460-31A-425	REP	91-04-012	460-34A-080	REP	91-04-012
458-14-070	REP	91-07-040	460-31A-430	REP	91-04-012	460-34A-085	REP	91-04-012
458-14-075	REP	91-07-040	460-31A-435	REP	91-04-012	460-34A-090	REP	91-04-012
458-14-080	REP	91-07-040	460-31A-440	REP	91-04-012	460-34A-095	REP	91-04-012
458-14-085	REP	91-07-040	460-31A-445	REP	91-04-012	460-34A-100	REP	91-04-012
458-14-086	REP	91-07-040	460-31A-450	REP	91-04-012	460-34A-105	REP	91-04-012
458-14-090	REP	91-07-040	460-31A-455	REP	91-04-012	460-34A-110	REP	91-04-012
458-14-091	REP	91-07-040	460-31A-460	REP	91-04-012	460-34A-112	REP	91-04-012
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