

WSR 08-16-019
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed July 28, 2008, 8:31 a.m.]

Subject of Possible Rule Making: The master hunter program, WAC 232-12-073.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department wants to revise the master hunter program's policies and procedures to enhance public understanding of the program and to achieve department and fish and wildlife commission goals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Fish and Wildlife Service regulates hunter education and provides grant money to the Washington department of fish and wildlife for hunter education. The department's master hunter program is one component of the five-year plan we are required to submit to the United States Fish and Wildlife Service to receive grant money from them.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mik Mikitik, WDFW Hunter Education, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-8113, fax (360) 902-2155, e-mail at mikitmjm@dfw.wa.gov. Contact by September 15, 2008. Expected proposal filing on or after October 1, 2008.

July 28, 2008
 Loreva M. Preuss
 Rules Coordinator

WSR 08-16-024
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 28, 2008, 11:43 a.m.]

Subject of Possible Rule Making: Rules for the development and governance of skills centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.245.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction shall review and revise the guidelines for skills centers to encourage skill center programs. The new rules will define rules for skills center governance, development of new skills centers, satellite and branch campuses and capital projects.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of superintendent of public instruction will work in cooperation with the workforce training and education coordinating board, skills centers directors, and school administrators to review and revise the rules.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Aultman, assistant superintendent, career and college readiness, john.aultman@k12.wa.us, (360) 725-6256; or Brian Jeffries, graduation policy director, governmental relations, brian.jeffries@k12.wa.us, (360) 725-6508.

July 21, 2008
 Terry Bergeson
 Superintendent of
 Public Instruction

WSR 08-16-026
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed July 28, 2008, 11:53 a.m.]

Subject of Possible Rule Making: The agency is considering a review of chapter 352-65 WAC, Boating safety program approval; chapter 352-70 WAC, The state boating accident reporting program; and chapter 352-78 WAC, Boating safety education program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79A.05 RCW, Parks and recreation commission, including: RCW 79A.05.030 and 79A.05.070 and chapter 79A.60 RCW, Regulation of recreational vessels.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State parks is prepared to review three chapters of administrative rules governing recreational boating safety programs and related procedures to help ensure the commission's rules are consistent with federal regulations and employ the most effective and efficient administrative practices and procedures. The review will clarify administrative practices and procedures and will make corrections to rules in order to bring rules up-to-date with current practices, terminology and requirements in all applicable statutes and regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Coast Guard (USCG), Department of Homeland Security administers the Code of Federal Regulations specific to Vessel Numbering and Casualty and Accident Reporting as contained in Title 33 C.F.R. PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING. The Washington state parks and recreation commission coordinates all regulations for recreational boating safety and boating accident reporting with the USCG under the provisions of a memorandum of agreement.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Kenny, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360)

586-6593, fax (360) 586-6603, e-mail mark.kenny@parks.wa.gov.

July 28, 2008
 Jim French
 Chief of Policy Research
 and Program Development

WSR 08-16-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 29, 2008, 9:41 a.m.]

Subject of Possible Rule Making: Considering psychiatric advanced registered nurse practitioners (ARNPs) as providers of psychiatric services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is looking into this issue in response to a petition to change WAC 296-21-270. The petitioner requested that ARNPs specializing in psychiatry be allowed to treat injured workers under Title 51 RCW. Currently WAC 296-21-270 limits psychiatric services for injured workers to psychiatrists and psychologists.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate the Industrial Insurance Act in Washington state.

Process for Developing New Rule: The department will work with major stakeholders, including the petitioner.

Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, (360) 902-4941, lifk235@lni.wa.gov or Josh Swanson, (360) 902-6805, swaj235@lni.wa.gov, at the Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001.

July 29, 2008
 Judy Schurke
 Director

WSR 08-16-036
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 29, 2008, 11:35 a.m.]

Subject of Possible Rule Making: WAC 246-790-060 Women, infant and childrens nutrition program authorized foods.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.120 and 7 C.F.R. 246.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule changes are necessary to implement the United States Department of Agriculture - Food and Nutrition Service (USDA-FNS) new interim [interim] food package rule for the women, infants and children nutrition program. USDA-FNS published the final interim rule on December 6, 2007, and it is effective October 1, 2009. This new federal rule significantly changes the foods allowed on the WIC nutrition program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health is the only state agency that regulates WIC in this state.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate [in] the formulation of the new rule by providing comments on proposed language which will be posted on the DOH WIC web site and sent to interested persons by regular mail. Interested parties may also participate in the decision to adopt the rule by attending the rule hearing (date and time to be determined). Send your request to be on the interested parties mailing list and/or your written comments to Janice K. Boden, P.O. Box 47886, Olympia, WA 98504-7886, (360) 236-3610, fax (360) 236-2345 or e-mail janice.boden@doh.wa.gov.

July 29, 2008
 Mary C. Selecky
 Secretary

WSR 08-16-037
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 29, 2008, 11:36 a.m.]

Subject of Possible Rule Making: WAC 246-976-001 through 246-976-400, 246-976-890, 246-976-920, and 246-976-950, amending EMS and trauma system prehospital rules and standards for training, certification, licensure and verification, and prehospital system administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.200 through 18.71.215, chapter 18.73 RCW, RCW 43.70.615, chapters 70.168 and 70.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-976-950 requires biennial review of and comment on the EMS and trauma system (EMS & TS) rules and standards that pertain to licensure of EMS services and certification of individuals. Regular reviews of EMS rules are needed to keep EMS & TS regulations in alignment with industry standards and guidelines. A complete review has not been done since 2000. As a result, current rules do not reflect changes in EMS industry standards and practice. Rule making on these prehospital rules began in 2005, but were withdrawn to allow for the development of the EMS & TS strategic plan. The revised WAC will support the new objectives from the plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Process for Developing New Rule: A collaborative rule-making process will occur. EMS & TS committees and sub-committees, as well as key constituents, stakeholders, and public citizens will be able to participate in the review and drafting of proposed language through open public meetings, mailings, and e-mails posted to the DOH rules comment web site. Public workshops will be held in eastern, central, and western Washington to ensure maximum opportunity for public input into the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the formulation of the proposed rules before publication by contacting Maura Craig, Legislative and Policy Analyst, Division of Health Systems Quality Assurance, P.O. Box 47850, Olympia, WA 98504-7850, e-mail maura.craig@doh.wa.gov, phone (360) 236-4987, fax (360) 236-2829. The department will notify all licensees, organizations, and private citizens who have expressed an interest in rule-making activities. Interested parties may also submit written comments for consideration.

July 29, 2008

Mary C. Selecky
Secretary

WSR 08-16-038

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 29, 2008, 1:16 p.m.]

Subject of Possible Rule Making: Chapter 308-78 WAC, Aircraft fuel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.38.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Art Farley, Prorate Manager, (360) 664-1820, afarley@dol.wa.gov, Department of Licensing, Vehicle Services, Mailstop 48001, P.O. Box 9036, Olympia, WA 98507-9036.

July 23, 2008

Myke D. Gable
Assistant Director for VS
Acting Administrator for PRFT

WSR 08-16-065 **WITHDRAWAL OF** **PREPROPOSAL STATEMENT OF INQUIRY** **DEPARTMENT OF** **SOCIAL AND HEALTH SERVICES** (Aging and Disability Services Administration)

[Filed July 31, 2008, 8:23 a.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-10-062 on May 5, 2008 (chapter 388-110 WAC).

Stephanie E. Schiller
Rules Coordinator

WSR 08-16-068 **PREPROPOSAL STATEMENT OF INQUIRY** **CENTRAL WASHINGTON UNIVERSITY**

[Filed July 31, 2008, 10:04 a.m.]

Subject of Possible Rule Making: Library policies.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.528 and 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify existing rules and conform to current administrative practice.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristy Magdlin, President's Office, 400 East University Way, Ellensburg, WA 98926-7501, (509) 963-2154, fax (509) 963-3206, magdlink@cwu.edu.

July 31, 2008

Jerilyn S. McIntyre
President

WSR 08-16-081 **PREPROPOSAL STATEMENT OF INQUIRY** **PROFESSIONAL EDUCATOR** **STANDARDS BOARD**

[Filed August 1, 2008, 10:12 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board (PESB), P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nasue.nishida@k12.wa.us or pesb@k12.wa.us. Rule changes are conducted at regular board meetings of the professional educator standards board. Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 1, 2008

Nasue Nishida
Policy and Research Analyst

WSR 08-16-098

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed August 5, 2008, 9:29 a.m.]

Subject of Possible Rule Making: Update rules regarding access to student education records and the process for seeking amendments to such records. Includes amendments to WAC 504-21-030, 504-21-040, 504-21-050, 504-21-060, and 504-21-080.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are required to ensure compliance with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended. The rules are updated to accommodate administrative and location changes and to allow for student requests to dispute and seek amendment to student education records.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education; university rules will be in conformance with FERPA.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail jenks@wsu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

August 5, 2008

Ralph T. Jenks, Director
Office of Procedures,
Records, and Forms and the
University Rules Coordinator

WSR 08-16-100

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed August 5, 2008, 9:35 a.m.]

Subject of Possible Rule Making: New rules to address cost savings for course materials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State law requires that the state universities adopt rules that encourage cost savings for student course materials.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail jenks@wsu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

August 5, 2008

Ralph T. Jenks, Director
Office of Procedures,
Records, and Forms and the
University Rules Coordinator

WSR 08-16-103

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Filed August 5, 2008, 9:37 a.m.]

Subject of Possible Rule Making: Board of boiler rules—Substantive, chapter 296-104 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarification and technical changes to the Board of boiler rules—Substantive (chapter 296-104 WAC) based on actions and requests of the board of boiler rules. The changes will: Clarify insurance inspector's responsibilities; adopt current editions of inspection codes; adopt nationally recognized fuel train standards; clarify administrative codes for standards for installation; clarify administrative codes for standards for repair; and update references throughout the rule.

Process for Developing New Rule: The board of boiler rules will review and approve all rule changes. Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amend-

ments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, (360) 902-6411, fax (360) 902-5292, yous235@lni.wa.gov.

August 5, 2008

Steven E. Bacon, Chair
Board of Boiler Rules

WSR 08-16-104

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 5, 2008, 9:38 a.m.]

Subject of Possible Rule Making: The department is reviewing WAC 388-110-140 Assisted living services facility structural requirements. The department inadvertently omitted the structural requirement of a sink in the kitchen area of a resident unit when amending this section in a previous rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW, Boarding homes, RCW 74.39A.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- To rectify an inadvertent omission of a structural requirement that occurred during a previous rule making.
- To provide clarity for architects, building contractors, boarding home administrators, department of health construction review staff and DSHS staff regarding the assisted living services facility structural requirements for kitchen areas in resident units.
- To clarify the type of sink that is required in the kitchen area of a resident unit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state building code council; department of health, facilities and services licensing, construction review services; and long-term care ombudsman. Draft rules will be shared with the above entities and others for review and comment during the rule-making process.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. DSHS will follow all established rule-making procedures related to rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Todd Erik Henry, Boarding Home Program, Residential Care Services, Aging and Disability Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98513, phone (360)

725-2580, fax (360) 438-7903, TTY 1-877-905-0454, e-mail henryte@dshs.wa.gov.

August 5, 2008

Stephanie E. Schiller
Rules Coordinator

WSR 08-16-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 08-01—Filed August 5, 2008, 9:44 a.m.]

Subject of Possible Rule Making: Motor vehicle emission inspection program changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.120.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed because of two changes in state law:

- Additional businesses including automotive repair businesses other than the operator of the vehicle emission test stations will be authorized to emission test vehicles starting July 1, 2012, RCW 70.120.170 (2)(d).
- 2009 model year and newer vehicles will be exempted from testing, RCW 70.120A.010(2).

Also program changes to reduce the impact of emission testing on vehicles owners will be considered such as:

- Exempting from testing additional vehicles including diesel vehicles with engines built to meet the federal 2007 heavy-duty tailpipe emission standards or retrofitted with an exhaust particulate filter.
- Streamlining testing procedures such as eliminating gas cap checks and the dynamometer testing of gasoline vehicles.
- Clarifying and simplifying wording.

Rather than amend the existing rule chapter 173-422 WAC, Motor vehicle emission inspection, it is possible that a new rule chapter 173-422A WAC, Motor vehicle emission inspection, will be proposed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of licensing (DOL) will be kept informed during rule making since DOL is responsible for notifying vehicle owners when an emission test is required.

The Federal Environmental Protection Agency (EPA) will be asked to approve inclusion of the revised rule in the EPA approved state implementation plans to prevent violations of the carbon monoxide and ozone air quality standards.

Process for Developing New Rule: Ecology will involve interested stakeholders throughout the process by:

- Providing information on an agency web site including how interested persons can be automatically notified of updated information.
- Notifying the automotive repair businesses and technicians currently participating in the emission check program.

- Informing organizations that include automotive repair and service businesses not currently participating in the emission check program.
- Requesting comments from all potential emissions inspection services vendors including those that provide testing equipment or data collection systems.
- Conducting public workshops and hearings in the three areas where emission testing is required.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Raymond, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail jray461@ecy.wa.gov, phone (360) 407-6856, fax (360) 407-6802.

August 1, 2008
 Stu Clark
 Program Manager

WSR 08-16-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 08-14—Filed August 5, 2008, 9:55 a.m.]

Subject of Possible Rule Making: Ecology is proposing to amend the preassessment screening and oil spill compensation schedule regulations (chapter 173-183 WAC) to change the natural resource damage liability formula multipliers, and multiplier descriptions, for calculation of damages from oil spills into marine and estuarine waters, the Columbia River estuary, freshwater wetlands, and freshwater streams, rivers, and lakes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.366, 90.56.050, and 90.48.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In May 2007, the legislature raised the upper limit of the natural resource damage assessment (NRDA) compensation range in RCW 90.48.366 from \$50 to \$100 per gallon of oil spilled. Current formula multipliers in WAC 173-183-830, 173-183-840, 173-183-850, and 173-183-860 are mathematically incapable of achieving the full range of compensation (\$1 to \$100 dollars per gallon of oil spilled into waters of the state) required in state law. This rule would amend the natural resource damage liability formula multipliers for calculation of damages from oil spills into marine and estuarine waters, the Columbia River estuary, freshwater wetlands, and freshwater streams, rivers, and lakes, so that the full range of compensation provided in RCW 90.48.366 can be realized. Multiplier descriptions will change showing new multiplier and the increased ceiling values.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington resource damage assessment (RDA) committee is responsible for determining which method to use for assessing natural resource damages following an oil spill in state waters. The RDA committee includes representatives from the departments of ecology, fish and wildlife,

natural resources, health, the state parks and recreation commission, and the office of archaeology and historic preservation. Coordination and communication with other agencies regarding this rule making will occur through regular RDA committee meetings.

Process for Developing New Rule: This rule making is to amend an existing rule. Ecology is seeking input from the public, industry, environmental groups, and tribal, state, and federal representatives. A minimum of one public hearing will be conducted. The proposed amendments will be provided to all parties that have identified themselves as interested in this rule making, and will be posted on the internet at <http://www.ecy.wa.gov/programs/spills/rules/main.html>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Harry Chichester, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, spillsrulemaking@ecy.wa.gov, (360) 707-7202.

August 4, 2008
 Dale Jensen
 Program Manager

WSR 08-16-112

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 5, 2008, 12:21 p.m.]

Subject of Possible Rule Making: Chapter 296-400A WAC, Plumber certification rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.106 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to review the plumber certification rules for housekeeping changes in order to further clarify the rules. The plumber certification rules are reviewed on a regular basis to: Ensure the rules are consistent with the national consensus standards, industry practice, and to clarify the rules.

The changes will include:

- Amending the rule to be consistent with the plumber law;
- Delete pump installer trainee requirements;
- Clarify the continuing educational units that will be accepted by the department; and
- General housekeeping changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The state advisory board of plumbers will be utilized to develop these rules. Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

August 5, 2008
Judy Schurke
Director

to Claudia Coles, Program Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1905, or e-mail WSDARulesComments@agr.wa.gov.

August 5, 2008
Jerry Buendel
Assistant Director

WSR 08-16-113

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 5, 2008, 1:36 p.m.]

Subject of Possible Rule Making: Milk and milk products, chapter 16-101 WAC, adopts documents by reference covering requirements for the cooperative interstate milk shippers program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.36 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state department of agriculture is proposing to adopt, in accordance with RCW 15.36.021, the 2007 revision of the Grade A pasteurized milk ordinance (PMO), 2007 revision of the methods of making sanitation ratings of milk shippers, 2007 revision of the procedures governing the cooperative state conference on interstate milk shippers, and 2005 revision of the evaluation of milk laboratories. Adoption of the latest revisions will ensure that the milk and milk products produced in this state meet the latest standards and will assist in continued acceptance of Washington state milk and milk products shipped to other states.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Public Health Service/Food and Drug Administration's recommended Grade A PMO is an ordinance to regulate the production, transportation, processing, handling, sampling, examination, labeling, and sale of Grade "A" milk and milk products including buttermilk and buttermilk products and condensed and dry milk products. It is the basic standard used in the voluntary cooperative state-PHS/FDA program for the certification of interstate milk shipments, a program participated in by all fifty states, the District of Columbia and United States trust territories. The National Conference on Interstate Milk Shipments (NCIMS) in accordance with the memorandum of understanding with the Food and Drug Administration recommends at its biennial conference changes and modifications to the Grade "A" PMO. The ordinances are the requirements to participate in this program.

Process for Developing New Rule: The department will distribute the proposed rule amendments to the regulated industry and the Washington state department of agriculture advisory committees for comment and input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Any comments on the proposed rule making will be accepted through September 19, 2008, and should be directed

WSR 08-16-117

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 08-15—Filed August 5, 2008, 2:25 p.m.]

Subject of Possible Rule Making: Adoption of a shoreline master program updated for Spokane County consistent with the shoreline master program (SMP) guidelines, chapter 173-26 (Part III), WAC. This rule would add "Spokane County" and the adoption date, to a list of ecology-adopted SMPs in WAC 173-26-070(2). This will be the first ecology-adopted SMP added to this list.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.58.070(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is required by statute to adopt shoreline master programs for local governments who do not adopt one within the time limits set forth in RCW 90.58.080.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Ecology will build upon the draft shoreline master program prepared by Spokane County in consultation with ecology. Ecology will rewrite it as necessary, consistent with SMA and SMP guidelines requirements, add missing components and adopt it.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mr. Doug Pineo, Shorelands Specialist, SEA Program, Washington State Department of Ecology, Eastern Regional Office, 4601 North Monroe Street, Spokane, WA 99205, e-mail dpin461@ecy.wa.gov, phone (509) 329-3416.

August 5, 2008
Gordon White
Shorelands and Environmental
Assistance Program Manager

WSR 08-16-125

PREPROPOSAL STATEMENT OF INQUIRY NOXIOUS WEED CONTROL BOARD

[Filed August 6, 2008, 7:21 a.m.]

Subject of Possible Rule Making: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.080, 17.10.070, and 17.10.010(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state noxious weed control board is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution. The state weed board may also make other amendments to chapter 16-750 WAC pertaining to the number of regular board meetings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agencies regulate this subject. Federal agencies are subject to the federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: The state noxious weed control board annually solicits suggestions from county weed boards, weed districts, state and federal agencies, interest groups and the general public. The noxious weed committee of the board, which includes representation from the Washington native plant society, county weed boards, the nursery industry and several scientific advisors, meets at least twice to review and research the suggestions. These draft suggestions are sent out again for public comment before the noxious weed committee drafts its final recommendation to the board. A press release and information mailing is prepared on the recommended changes and a public hearing is scheduled. The board makes its final decision after considering public input received at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can submit suggestions for changes to the noxious weed list, and/or other sections of chapter 16-750 WAC and can attend meetings of the noxious weed committee and meetings of the state noxious weed board. Interested parties can also testify at the hearing, and/or submit written testimony. Information on participating in the decision-making process can be obtained from Alison Halpern, Washington State Noxious Weed Control Board, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, e-mail ahalpern@agr.wa.gov [ahalpern@agr.wa.gov].

August 6, 2008
Alison Halpern
Executive Secretary

home management, 388-76-10040 License requirements—Qualified person must live-in or be on-site, 388-76-10080 Application—Coprovider, 388-76-10105 Application—Change of ownership, 388-76-10170 Criminal history background check—Information—Confidentiality—Use restricted, 388-76-10173 Disclosure of employee information—Employer immunity—Rebuttable presumption, 388-76-10335 Resident assessment topics, 388-76-10645 Resident rights—Quality of life—Reasonable accommodation, 388-76-10783 Water hazards—Safety, 388-76-11015 Resident protection program—Disputing a preliminary finding; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify requirements, make technical corrections and update sections due to statutory changes enacted during the 2008 legislative session.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol.

Process for Developing New Rule: Negotiated rule making; and DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy. The department intends to follow the negotiated rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maureen Lally, Program Manager, DSHS, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, TTY (877) 905-0454, e-mail lallyma@dshs.wa.gov. Interested parties and stakeholders can participate by accessing and commenting on the draft proposed rule language at www.aasa.dshs.wa.gov/professional/afh.htm through e-mail, fax or direct contact with the program manager and/or through contacts with members of the statutorily established adult family home advisory committee.

August 6, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-16-132
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed August 6, 2008, 9:27 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-76-10000 Definitions, 388-76-10036 License requirements—Multiple adult family

WSR 08-16-133
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed August 6, 2008, 9:28 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-76-10120 License—Must be denied, 388-76-10125 License—May be denied, 388-76-10955 Remedies—Department must impose remedies, 388-

76-10960 Remedies—Department may impose remedies; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making; and DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy. The department intends to follow the negotiated rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maureen Lally, Program Manager, DSHS, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, TTY (877) 905-0454, e-mail lallyma@dshs.wa.gov. Interested parties and stakeholders can participate by accessing and commenting on the draft proposed rule language at <http://www.aasa.dshs.wa.gov/professional/afh.htm> through e-mail, fax or direct contact with the program manager and/or through contacts with members of the statutorily established adult family home advisory committee.

August 6, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-16-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 6, 2008, 11:18 a.m.]

Subject of Possible Rule Making: Recreational fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Annual changes in recreational fishing opportunities, housekeeping needs, and conservation issues are needed to respond to resource changes and to balance opportunity with anticipated needs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360)

902-2930, fax (360) 902-2155, e-mail at preuslmp@dfw.wa.gov. Contact by September 29, 2008. Expected proposal filing on or after October 1, 2008.

August 6, 2008
Loreva M. Preuss
Rules Coordinator

WSR 08-16-138
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed August 6, 2008, 11:24 a.m.]

Subject of Possible Rule Making: The department is adding and amending sections within chapter 388-828 WAC, Division of developmental disabilities assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.010 and 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department intends to add language to chapter 388-828 WAC to clarify the individual support plan process.

Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

August 6, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-16-139
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 6, 2008, 11:41 a.m.]

Subject of Possible Rule Making: Chapter 392-101 WAC, Superintendent of public instruction—Administrative practices and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.20.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Need to include bus driver authorization appeals to the WAC.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Charles Schreck, Director, Office of Professional Practices, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6130, Charles.Schreck@k12.wa.us.

August 6, 2008

Dr. Terry Bergeson
Superintendent of
Public Instruction