

SEPTEMBER 3, 1986

OLYMPIA, WASHINGTON

ISSUE 86-17



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filed not later than August 20, 1986

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

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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 September 1986 pursuant to RCW 19.52.020 is twelve percent (12%).

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 1986 pursuant to RCW 63.14.130(1)(a) is fourteen percent (14%).

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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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Chairman, Statute Law Committee

Dennis W. Cooper,
Code Reviser

Gary Reid,
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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 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 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 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 MATTER

RCW 34.04.058 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 matter is new matter;
 - (ii) deleted matter 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 or the HEAPA 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 take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed 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 and remain effective for a maximum of ninety days from that date.
- (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 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.

1985 - 1986

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
85-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
85-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
85-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
85-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986
<hr/>					
86-01	Nov 21	Dec 5	Dec 19, 1985	Jan 2, 1986	Jan 22
86-02	Dec 5	Dec 19	Dec 31, 1985	Jan 15, 1986	Feb 4
86-03	Dec 26, 1985	Jan 8, 1986	Jan 22	Feb 5	Feb 25
86-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
86-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
86-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
86-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
86-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
86-09	Mar 26	Apr 9	Apr 23	May 7	May 27
86-10	Apr 9	Apr 23	May 7	May 21	Jun 10
86-11	Apr 23	May 7	May 21	Jun 4	Jun 24
86-12	May 7	May 21	Jun 4	Jun 18	Jul 8
86-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
86-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
86-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
86-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
86-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23
86-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
86-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
86-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
86-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
86-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
86-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987

¹All documents are due at the code reviser's office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. 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.

³"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 86-17-001

ADOPTED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 86-63—Filed August 8, 1986]

I, Orin C. Smith, director of the Office of Financial Management, do promulgate and adopt at Room 300A, Insurance Building, Olympia, Washington 98504, the annexed rules relating to an amendment to existing WAC 82-50-021, official lagged, semimonthly pay dates established. The amendment deletes from the section the official semimonthly pay dates used in calendar year 1985 and adds to the section the official semimonthly pay dates for use in calendar year 1987. Amended WAC 82-50-021 now displays the official lagged semimonthly pay dates for calendar year 1986 and 1987.

This action is taken pursuant to Notice No. WSR 86-14-065 filed with the code reviser on June 30, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.16.010(1) and 42.16.017 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By Orin C. Smith
Director

AMENDATORY SECTION (Amending Order 85-62, filed 7/26/85)

WAC 82-50-021 OFFICIAL LAGGED, SEMI-MONTHLY PAY DATES ESTABLISHED. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1) that began on January 1, 1984. The following are the official lagged, semimonthly pay dates for calendar years (~~1985 and 1986~~) 1986 and 1987:

((CALENDAR YEAR 1985	CALENDAR YEAR 1986
Thursday, January 10, 1985	Friday, January 10, 1986
Friday, January 25, 1985	Friday, January 24, 1986
Monday, February 11, 1985	Monday, February 10, 1986
Monday, February 25, 1985	Tuesday, February 25, 1986
Monday, March 11, 1985	Monday, March 10, 1986
Monday, March 25, 1985	Tuesday, March 25, 1986
Wednesday, April 10, 1985	Thursday, April 10, 1986
Thursday, April 25, 1985	Friday, April 25, 1986
Friday, May 10, 1985	Friday, May 9, 1986
Friday, May 24, 1985	Friday, May 23, 1986
Monday, June 10, 1985	Tuesday, June 10, 1986
Tuesday, June 25, 1985	Wednesday, June 25, 1986
Wednesday, July 10, 1985	Thursday, July 10, 1986
Thursday, July 25, 1985	Friday, July 25, 1986
Friday, August 9, 1985	Monday, August 11, 1986
Monday, August 26, 1985	Monday, August 25, 1986
Tuesday, September 10, 1985	Wednesday, September 10, 1986
Wednesday, September 25, 1985	Thursday, September 25, 1986
Thursday, October 10, 1985	Friday, October 10, 1986
Friday, October 25, 1985	Friday, October 24, 1986
Friday, November 8, 1985	Monday, November 10, 1986
Monday, November 25, 1985	Tuesday, November 25, 1986

((CALENDAR YEAR 1985	CALENDAR YEAR 1986
Tuesday, December 10, 1985	Wednesday, December 10, 1986
Tuesday, December 24, 1985	Wednesday, December 24, 1986

CALENDAR YEAR 1986	CALENDAR YEAR 1987
Friday, January 10, 1986	Friday, January 9, 1987
Friday, January 24, 1986	Monday, January 26, 1987
Monday, February 10, 1986	Tuesday, February 10, 1987
Tuesday, February 25, 1986	Wednesday, February 25, 1987
Monday, March 10, 1986	Tuesday, March 10, 1987
Tuesday, March 25, 1986	Wednesday, March 25, 1987
Thursday, April 10, 1986	Friday, April 10, 1987
Friday, April 25, 1986	Friday, April 24, 1987
Friday, May 9, 1986	Monday, May 11, 1987
Friday, May 23, 1986	Friday, May 22, 1987
Tuesday, June 10, 1986	Wednesday, June 10, 1987
Wednesday, June 25, 1986	Thursday, June 25, 1987
Thursday, July 10, 1986	Friday, July 10, 1987
Friday, July 25, 1986	Friday, July 24, 1987
Monday, August 11, 1986	Monday, August 10, 1987
Monday, August 25, 1986	Tuesday, August 25, 1987
Wednesday, September 10, 1986	Thursday, September 10, 1987
Thursday, September 25, 1986	Friday, September 25, 1987
Friday, October 10, 1986	Friday, October 9, 1987
Friday, October 24, 1986	Monday, October 26, 1987
Monday, November 10, 1986	Tuesday, November 10, 1987
Tuesday, November 25, 1986	Wednesday, November 25, 1987
Wednesday, December 10, 1986	Thursday, December 10, 1987
Wednesday, December 24, 1986	Thursday, December 24, 1987

WSR 86-17-002

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-29—Filed August 8, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at the Director's Office, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the administration of the retrospective rating and group insurance plans contained in chapter 296-17 WAC, applicable to workers' compensation insurance underwritten by the Department of Labor and Industries and offered to employers on an optional basis. Amendments being adopted reflect revisions to retrospective rating plan Tables A, B, A1, A2, and A3 exclusively and do not alter general rules used to administer the program.

This action is taken pursuant to Notice No. WSR 86-11-074 filed with the code reviser on May 21, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020(1) and 51.16.035 which directs that the Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, industrial insurance laws.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By Joseph A. Dear
Deputy Director
for Richard A. Davis
Director

AMENDATORY SECTION (Amending Order 86-18, filed 2/25/86)

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A
 BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = .692
 Effective January 1, 1986

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84	.975	.955	.942	.929	.918	.910	.901	.895	.887	.881	.869	.858	.848	.829
83	.973	.954	.938	.924	.912	.902	.894	.886	.879	.872	.860	.848	.838	.817
82	.972	.950	.932	.918	.906	.895	.886	.879	.870	.863	.850	.838	.827	.806
81	.967	.946	.925	.913	.899	.889	.878	.869	.862	.854	.840	.828	.816	.795
80	.966	.940	.921	.906	.891	.881	.870	.862	.853	.845	.830	.818	.806	.781
79	.964	.937	.915	.900	.884	.873	.863	.853	.844	.836	.821	.808	.794	.770
78	.958	.932	.911	.895	.880	.866	.856	.845	.836	.827	.811	.797	.783	.757
77	.957	.929	.905	.888	.873	.862	.848	.839	.827	.819	.802	.787	.772	.746
76	.955	.927	.902	.884	.865	.853	.840	.829	.818	.809	.792	.774	.760	.733
75	.954	.920	.896	.877	.860	.845	.830	.820	.809	.799	.781	.764	.749	.720
74	.948	.918	.892	.869	.852	.837	.823	.811	.800	.790	.770	.754	.737	.708
73	.946	.911	.885	.863	.845	.829	.816	.803	.790	.781	.760	.743	.726	.695
72	.944	.908	.878	.858	.840	.824	.809	.794	.783	.772	.750	.732	.714	.682
71	.938	.901	.874	.850	.831	.814	.799	.785	.772	.761	.739	.721	.701	.667
70	.936	.899	.867	.843	.824	.807	.790	.776	.762	.751	.729	.707	.690	.654
69	.935	.892	.859	.838	.815	.797	.782	.767	.753	.740	.717	.697	.678	.642
68	.928	.884	.855	.829	.807	.789	.772	.756	.742	.731	.707	.684	.664	.628
67	.925	.882	.847	.821	.797	.779	.763	.747	.732	.720	.694	.673	.652	.615
66	(.918)	.873	.839	.813	.789	.770	.753	.737	.721	.710	.682	.661	.640	(.601)
	.918	.873	.839	.813	.789	.771	.753	.737	.721	.710	.682	.661	.640	.601
65	.917	.870	.835	.805	.783	.762	.744	.728	.712	.698	.671	.648	.628	.589
64	.910	.863	.827	.800	.775	.753	.735	.717	.701	.686	.661	.636	.614	.576
63	.907	.855	.819	.790	.766	.743	.724	.707	.691	.676	.649	.623	.603	.562
62	.900	.851	.810	.783	.756	.734	.715	.697	.681	.665	.636	.610	.589	.549
61	.898	.844	.807	.773	.748	.724	.704	.687	.670	.654	.625	.599	.575	.535
60	.890	.836	.798	.765	.738	.714	.695	.674	.657	.641	.612	.585	.562	.520
59	.888	.833	.790	.756	.730	.705	.684	.663	.646	.629	.598	.572	.549	.506
58	.881	.826	.781	.747	.719	.695	.674	.652	.635	.617	.587	.560	.536	.493
57	.879	.817	.772	.737	.710	.684	.661	.641	.624	.607	.574	.546	.522	.480
56	.871	.813	.763	.729	.700	.674	.650	.631	.609	.592	.561	.534	.509	.466
55	.863	.805	.754	.718	.690	.663	.639	.620	.598	.580	.548	.521	.495	.454
54	.860	.795	.745	.709	.680	.653	.628	.606	.587	.570	.536	.507	.482	.440
53	.851	.786	.736	.699	.665	.639	.617	.594	.572	.554	.522	.495	.470	.427
52	.842	.777	.725	.688	.656	.628	.603	.583	.561	.543	.510	.480	.457	.416
51	.833	.767	.716	.678	.645	.617	.591	.568	.549	.531	.498	.468	.444	.402
50	.825	.758	.706	.667	.633	.606	.580	.556	.534	.517	.483	.456	.429	.389
49	.822	.749	.696	.658	.623	.591	.565	.544	.522	.503	.470	.442	.417	.377
48	.813	.739	.685	.643	.608	.579	.553	.530	.510	.489	.457	.429	.405	.364
47	.803	.729	.675	.631	.596	.568	.541	.517	.495	.477	.444	.417	.390	.352
46	.795	.719	.664	.620	.585	.553	.526	.502	.482	.464	.432	.404	.379	.341
45	.786	.709	.648	.605	.569	.540	.514	.490	.467	.449	.417	.391	.369	.331
44	.775	.694	.638	.593	.556	.524	.499	.478	.455	.437	.406	.380	.357	.320
43	.766	.682	.621	.577	.541	.512	.486	.462	.443	.426	.394	.367	.347	.311
42	.757	.672	.610	.565	.530	.497	.471	.450	.428	.411	.379	.354	.333	.298
41	.747	.662	.600	.554	.514	.485	.459	.435	.415	.398	.367	.342	.320	.285
40	.737	.645	.589	.538	.502	.473	.446	.423	.401	.386	.354	.328	.306	.274
39	.727	.635	.572	.527	.490	.457	.431	.408	.389	.371	.340	.316	.295	.262
38	.717	.625	.561	.511	.474	.445	.419	.394	.376	.356	.328	.303	.282	.250
37	.700	.608	.544	.499	.462	.429	.403	.379	.361	.343	.314	.290	.270	.239
36	.689	.596	.533	.481	.445	.417	.390	.367	.349	.332	.301	.279	.258	.227
35	.671	.578	.515	.469	.428	.400	.375	.354	.334	.316	.289	.266	.247	.217
34	.653	.560	.497	.452	.416	.388	.362	.339	.321	.305	.276	.256	.236	.207

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
33	.642	.542	.484	.434	.399	.371	.346	.326	.306	.290	.264	.243	.225	.198
32	.623	.523	.466	.422	.386	.355	.334	.312	.294	.279	.253	.232	.215	.189
31	.605	.511	.449	.405	.370	.342	.318	.299	.282	.267	.243	.222	.207	.181
30	.586	.493	.431	.388	.357	.330	.306	.285	.268	.255	.230	.212	.197	.174
29	.568	.475	.418	.374	.340	.314	.291	.273	.257	.243	.220	.203	.189	.167
28	.549	.457	.401	.357	.324	.301	.279	.261	.244	.230	.207	.191	.177	.154
27	.537	.444	.384	.345	.311	.285	.262	.244	.229	.216	.193	.176	.160	.138
26	.519	.427	.371	.329	.295	.269	.249	.228	.215	.201	.178	.161	.145	.124
25	.499	.408	.353	.311	.281	.256	.233	.215	.200	.186	.165	.147	.133	.113
24	.480	.390	.335	.298	.265	.241	.222	.205	.189	.176	.157	.141	.128	.108
23	.454	.371	.317	.280	.253	.229	.210	.194	.179	.168	.149	.134	.122	.104
22	.435	.352	.299	.263	.237	.216	.196	.184	.171	.160	.141	.127	.116	.100
21	.408	.333	.285	.251	.225	.203	.186	.171	.161	.152	.134	.122	.112	.097
20	.388	.314	.268	.234	.209	.190	.174	.161	.151	.141	.125	.114	.105	.091
19	.377	.301	.251	.222	.196	.178	.162	.149	.139	.131	.116	.105	.097	.084
18	.358	.283	.238	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
17	.339	.265	.221	.189	.169	.152	.137	.127	.117	.110	.098	.090	.083	.074
16	.319	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
15	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
14	.291	.217	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
13	.275	.200	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
12	.263	.182	.152	.135	.121	.111	.102	.096	.089	.086	.079	.073	.069	.063
11	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
10	.235	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
9	.216	.133	.119	.109	.101	.094	.088	.083	.079	.077	.072	.068	.065	.061
8	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
7	.160	.112	.101	.095	.088	.084	.079	.076	.074	.071	.067	.063	.062	.059
6	.131	.101	.095	.088	.083	.079	.076	.073	.070	.068	.064	.062	.061	.058
5	.131	.093	.087	.081	.078	.075	.071	.069	.067	.065	.062	.061	.059	.057

AMENDATORY SECTION (Amending Order 86-18, filed 2/25/86)

WAC 296-17-91902 TABLE III.

RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective January 1, 1986

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
84	Basic Premium Ratio	.998	.997	.995	.993	.992	.990	.988	.987	.985	.983	.980	.977	.974	.967
	Loss Conversion Factor	.002	.003	.005	.007	.008	.010	.012	.013	.015	.017	.020	.023	.026	.033
83	Basic Premium Ratio	.998	.996	.995	.993	.991	.989	.987	.986	.984	.982	.978	.975	.971	.964
	Loss Conversion Factor	.002	.004	.005	.007	.009	.011	.013	.014	.016	.018	.022	.025	.029	.036
82	Basic Premium Ratio	.998	.996	.994	.992	.990	.988	.986	.984	.982	.980	.977	.973	.969	.961
	Loss Conversion Factor	.002	.004	.006	.008	.010	.012	.014	.016	.018	.020	.023	.027	.031	.039
81	Basic Premium Ratio	.998	.996	.994	.991	.989	.987	.985	.983	.981	.979	.974	.970	.966	.957
	Loss Conversion Factor	.002	.004	.006	.009	.011	.013	.015	.017	.019	.021	.026	.030	.034	.043
80	Basic Premium Ratio	.998	.995	.993	.991	.989	.986	.984	.982	.980	.977	.973	.968	.964	.955
	Loss Conversion Factor	.002	.005	.007	.009	.011	.014	.016	.018	.020	.023	.027	.032	.036	.045
79	Basic Premium Ratio	.998	.995	.993	.990	.988	.986	.983	.981	.978	.976	.971	.966	.961	.952
	Loss Conversion Factor	.002	.005	.007	.010	.012	.014	.017	.019	.022	.024	.029	.034	.039	.048
78	Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.982	.979	.976	.974	.968	.963	.958	.947
	Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.018	.021	.024	.026	.032	.037	.042	.053
77	Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.973	.971	.965	.959	.953	.941
	Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.027	.029	.035	.041	.047	.059
76	Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.975	.972	.969	.963	.957	.951	.939

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
	Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.025	.028	.031	.037	.043	.049	.061
75	Basic Premium Ratio	.997	.994	.990	.987	.984	.981	.978	.975	.971	.968	.962	.956	.949	.937
	Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.022	.025	.029	.032	.038	.044	.051	.063
74	Basic Premium Ratio	.997	.993	.990	.986	.983	.979	.976	.972	.969	.965	.959	.952	.945	.931
	Loss Conversion Factor	.003	.007	.010	.014	.017	.021	.024	.028	.031	.035	.041	.048	.055	.069
73	Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
	Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
72	Basic Premium Ratio	.996	.992	.988	.983	.979	.975	.971	.967	.963	.959	.950	.942	.934	.917
	Loss Conversion Factor	.004	.008	.012	.017	.021	.025	.029	.033	.037	.041	.050	.058	.066	.083
71	Basic Premium Ratio	.995	.991	.986	.982	.977	.972	.968	.963	.958	.954	.945	.935	.926	.908
	Loss Conversion Factor	.005	.009	.014	.018	.023	.028	.032	.037	.042	.046	.055	.065	.074	.092
70	Basic Premium Ratio	.995	.990	.985	.980	.974	.969	.964	.959	.954	.949	.939	.928	.918	.898
	Loss Conversion Factor	.005	.010	.015	.020	.026	.031	.036	.041	.046	.051	.061	.072	.082	.102
69	Basic Premium Ratio	.994	.989	.983	.978	.972	.967	.961	.956	.950	.945	.933	.922	.911	.889
	Loss Conversion Factor	.006	.011	.017	.022	.028	.033	.039	.044	.050	.055	.067	.078	.089	.111
68	Basic Premium Ratio	.994	.988	.982	.977	.971	.965	.959	.953	.947	.941	.930	.918	.906	.883
	Loss Conversion Factor	.006	.012	.018	.023	.029	.035	.041	.047	.053	.059	.070	.082	.094	.117
67	Basic Premium Ratio	.994	.988	.981	.975	.969	.963	.957	.950	.944	.938	.926	.913	.901	.876
	Loss Conversion Factor	.006	.012	.019	.025	.031	.037	.043	.050	.056	.062	.074	.087	.099	.124
66	Basic Premium Ratio	.993	.987	.980	.973	.966	.960	.953	.946	.939	.933	.919	.906	.892	.865
	Loss Conversion Factor	.007	.013	.020	.027	.034	.040	.047	.054	.061	.067	.081	.094	.108	.135
65	Basic Premium Ratio	.993	.985	.978	.971	.964	.956	.949	.942	.935	.927	.913	.898	.884	.855
	Loss Conversion Factor	.007	.015	.022	.029	.036	.044	.051	.058	.065	.073	.087	.102	.116	.145
64	Basic Premium Ratio	.992	.984	.977	.969	.961	.953	.946	.938	.930	.922	.907	.891	.875	.844
	Loss Conversion Factor	.008	.016	.023	.031	.039	.047	.054	.062	.070	.078	.093	.109	.125	.156
63	Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.925	.917	.900	.884	.867	.834
	Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.075	.083	.100	.116	.133	.166
62	Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
	Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
61	Basic Premium Ratio	.990	.981	.971	.962	.952	.943	.933	.923	.914	.904	.885	.866	.847	.808
	Loss Conversion Factor	.010	.019	.029	.038	.048	.057	.067	.077	.086	.096	.115	.134	.153	.192
60	Basic Premium Ratio	.990	.979	.969	.958	.948	.937	.927	.917	.906	.896	.875	.854	.833	.791
	Loss Conversion Factor	.010	.021	.031	.042	.052	.063	.073	.083	.094	.104	.125	.146	.167	.209
59	Basic Premium Ratio	.989	.977	.966	.955	.943	.932	.920	.909	.898	.886	.864	.841	.818	.773
	Loss Conversion Factor	.011	.023	.034	.045	.057	.068	.080	.091	.102	.114	.136	.159	.182	.227
58	Basic Premium Ratio	.988	.975	.963	.951	.938	.926	.914	.901	.889	.877	.852	.827	.803	.753
	Loss Conversion Factor	.012	.025	.037	.049	.062	.074	.086	.099	.111	.123	.148	.173	.197	.247
57	Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.893	.879	.866	.839	.812	.785	.732
	Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.107	.121	.134	.161	.188	.215	.268
56	Basic Premium Ratio	.986	.971	.957	.942	.928	.913	.899	.884	.870	.855	.826	.797	.768	.710
	Loss Conversion Factor	.014	.029	.043	.058	.072	.087	.101	.116	.130	.145	.174	.203	.232	.290
55	Basic Premium Ratio	.984	.969	.953	.938	.922	.906	.891	.875	.860	.844	.813	.782	.750	.688
	Loss Conversion Factor	.016	.031	.047	.062	.078	.094	.109	.125	.140	.156	.187	.218	.250	.312
54	Basic Premium Ratio	.983	.967	.950	.933	.917	.900	.883	.867	.850	.833	.800	.767	.733	.667
	Loss Conversion Factor	.017	.033	.050	.067	.083	.100	.117	.133	.150	.167	.200	.233	.267	.333
53	Basic Premium Ratio	.982	.964	.947	.929	.911	.893	.876	.858	.840	.822	.787	.751	.717	.646
	Loss Conversion Factor	.018	.036	.053	.071	.089	.107	.124	.142	.160	.178	.213	.249	.283	.354
52	Basic Premium Ratio	.981	.962	.943	.924	.905	.887	.868	.849	.830	.811	.773	.735	.697	.622
	Loss Conversion Factor	.019	.038	.057	.076	.095	.113	.132	.151	.170	.189	.227	.265	.303	.378
51	Basic Premium Ratio	.980	.960	.940	.919	.899	.879	.859	.839	.819	.798	.758	.718	.677	.597
	Loss Conversion Factor	.020	.040	.060	.081	.101	.121	.141	.161	.181	.202	.242	.282	.323	.403
50	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.804	.783	.739	.696	.652	.565
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.196	.217	.261	.304	.348	.435
49	Basic Premium Ratio	.977	.954	.930	.907	.884	.861	.837	.814	.791	.768	.721	.675	.628	.535
	Loss Conversion Factor	(.023 .023	.046 .046	.070 .070	.093 .093	.116 .116	.139 .139	.163 .163	.186 .186	.209 .209	.232 .232	.279 .279	.326 .326	.372 .372	.465 .465

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
48	Basic Premium Ratio	.975	.950	.926	.901	.876	.851	.826	.801	.777	.752	.702	.652	.603	.503
	Loss Conversion Factor	.025	.050	.074	.099	.124	.149	.174	.199	.223	.248	.298	.348	.397	.497
47	Basic Premium Ratio	.973	.947	.920	.893	.867	.840	.814	.787	.760	.734	.680	.627	.574	.467
	Loss Conversion Factor	.027	.053	.080	.107	.133	.160	.186	.213	.240	.266	.320	.373	.426	.533
46	Basic Premium Ratio	.972	.943	.915	.887	.859	.830	.802	.774	.745	.717	.660	.604	.547	.434
	Loss Conversion Factor	.028	.057	.085	.113	.141	.170	.198	.226	.255	.283	.340	.396	.453	.566
45	Basic Premium Ratio	.970	.940	.910	.880	.850	.820	.790	.760	.730	.700	.640	.579	.519	.399
	Loss Conversion Factor	.030	.060	.090	.120	.150	.180	.210	.240	.270	.300	.360	.421	.481	.601
44	Basic Premium Ratio	((.960	.936	.904	.872	.840	.808	.776	.744	.712	.680	.616	.552	.488	.360))
	Loss Conversion Factor	.968	.936	.904	.872	.840	.808	.776	.744	.712	.680	.616	.552	.488	.360
		.032	.064	.096	.128	.160	.192	.224	.256	.288	.320	.384	.448	.512	.640
43	Basic Premium Ratio	.966	.932	.898	.864	.829	.795	.761	.727	.693	.659	.591	.522	.454	.318
	Loss Conversion Factor	.034	.068	.102	.136	.171	.205	.239	.273	.307	.341	.409	.478	.546	.682
42	Basic Premium Ratio	.963	.926	.889	.853	.816	.779	.742	.705	.668	.631	.558	.484	.410	.263
	Loss Conversion Factor	.037	.074	.111	.147	.184	.221	.258	.295	.332	.369	.442	.516	.590	.737
41	Basic Premium Ratio	.960	.920	.880	.840	.799	.759	.719	.679	.639	.599	.519	.438	.358	.198
	Loss Conversion Factor	.040	.080	.120	.160	.201	.241	.281	.321	.361	.401	.481	.562	.642	.802
40	Basic Premium Ratio	.957	.913	.870	.826	.783	.739	.696	.652	.609	.565	.479	.392	.305	.131
	Loss Conversion Factor	.043	.087	.130	.174	.217	.261	.304	.348	.391	.435	.521	.608	.695	.869
39	Basic Premium Ratio	.953	.906	.859	.812	.765	.717	.670	.623	.576	.529	.435	.341	.246	.058
	Loss Conversion Factor	.047	.094	.141	.188	.235	.283	.330	.377	.424	.471	.565	.659	.754	.942
38	Basic Premium Ratio	.949	.898	.847	.796	.745	.694	.643	.592	.541	.490	.387	.285	.183	.000
	Loss Conversion Factor	.051	.102	.153	.204	.255	.306	.357	.408	.459	.510	.613	.715	.817	.993
37	Basic Premium Ratio	.944	.889	.833	.777	.721	.666	.610	.554	.498	.443	.331	.220	.108	.000
	Loss Conversion Factor	.056	.111	.167	.223	.279	.334	.390	.446	.502	.557	.669	.780	.892	.971
36	Basic Premium Ratio	.940	.880	.820	.761	.701	.641	.581	.521	.461	.402	.282	.162	.043	.000
	Loss Conversion Factor	.060	.120	.180	.239	.299	.359	.419	.479	.539	.598	.718	.838	.957	.951
35	Basic Premium Ratio	.935	.870	.804	.739	.674	.609	.544	.479	.413	.348	.218	.087	.000	.000
	Loss Conversion Factor	.065	.130	.196	.261	.326	.391	.456	.521	.587	.652	.782	.913	.988	.933
34	Basic Premium Ratio	.929	.858	.787	.717	.646	.575	.504	.433	.362	.291	.150	.008	.000	.000
	Loss Conversion Factor	.071	.142	.213	.283	.354	.425	.496	.567	.638	.709	.850	.992	.968	.916
33	Basic Premium Ratio	.922	.845	.767	.689	.612	.534	.456	.379	.301	.223	.068	.000	.000	.000
	Loss Conversion Factor	.078	.155	.233	.311	.388	.466	.544	.621	.699	.777	.932	.977	.945	.900
32	Basic Premium Ratio	.916	.832	.747	.663	.579	.495	.410	.326	.242	.158	.000	.000	.000	.000
	Loss Conversion Factor	.084	.168	.253	.337	.421	.505	.590	.674	.758	.842	.997	.958	.927	.885
31	Basic Premium Ratio	.908	.816	.724	.632	.540	.448	.356	.264	.172	.080	.000	.000	.000	.000
	Loss Conversion Factor	.092	.184	.276	.368	.460	.552	.644	.736	.828	.920	.972	.937	.911	.873
30	Basic Premium Ratio	.900	.799	.699	.598	.498	.397	.297	.196	.096	.000	.000	.000	.000	.000
	Loss Conversion Factor	.100	.201	.301	.402	.502	.603	.703	.804	.904	.999	.953	.920	.895	.862
29	Basic Premium Ratio	.889	.779	.668	.558	.447	.336	.226	.115	.005	.000	.000	.000	.000	.000
	Loss Conversion Factor	.111	.221	.332	.442	.553	.664	.774	.885	.995	.974	.934	.906	.882	.851
28	Basic Premium Ratio	.878	.757	.635	.513	.392	.270	.148	.027	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.122	.243	.365	.487	.608	.730	.852	.973	.977	.952	.915	.887	.865	.838
27	Basic Premium Ratio	.865	.730	.594	.459	.324	.189	.054	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.135	.270	.406	.541	.676	.811	.946	.981	.952	.929	.893	.866	.847	.819
26	Basic Premium Ratio	.849	.699	.548	.398	.247	.097	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.151	.301	.452	.602	.753	.903	.988	.954	.929	.906	.873	.849	.829	.802
25	Basic Premium Ratio	.832	.664	.497	.329	.161	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.168	.336	.503	.671	.839	.999	.961	.930	.906	.885	.855	.832	.814	.790
24	Basic Premium Ratio	.812	.624	.436	.247	.059	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.188	.376	.564	.753	.941	.971	.938	.911	.889	.874	.843	.822	.807	.785
23	Basic Premium Ratio	.788	.576	.363	.151	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.212	.424	.637	.849	.986	.947	.915	.892	.873	.856	.832	.814	.800	.781
22	Basic Premium Ratio	.757	.513	.270	.027	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.243	.487	.730	.973	.958	.924	.898	.875	.858	.844	.822	.806	.793	.777
21	Basic Premium Ratio	.719	.438	.158	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
20	Loss Conversion Factor	.281	.562	.842	.976	.933	.904	.880	.861	.844	.832	.813	.799	.788	.771
	Basic Premium Ratio	.674	.348	.022	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.326	.652	.978	.952	.913	.884	.862	.846	.831	.820	.803	.790	.780	.766
19	Basic Premium Ratio	.622	.245	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.378	.755	.979	.926	.891	.865	.845	.831	.818	.807	.792	.780	.772	.760
18	Basic Premium Ratio	.562	.124	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.438	.876	.951	.904	.871	.849	.830	.816	.805	.796	.782	.772	.764	.755
17	Basic Premium Ratio	.479	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.521	.995	.926	.883	.853	.832	.816	.803	.794	.786	.773	.765	.759	.750
16	Basic Premium Ratio	.374	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.626	.962	.902	.863	.837	.818	.803	.793	.784	.777	.767	.759	.753	.746
15	Basic Premium Ratio	.226	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.774	.943	.879	.844	.822	.806	.793	.783	.775	.770	.760	.755	.749	.743
14	Basic Premium Ratio	.148	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.852	.918	.859	.830	.812	.798	.787	.779	.771	.766	.757	.752	.748	.742
13	Basic Premium Ratio	.058	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.942	.899	.839	.818	.803	.791	.782	.775	.767	.764	.755	.750	.746	.741
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.992	.877	.825	.808	.795	.784	.776	.770	.764	.760	.753	.748	.745	.740
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.972	.861	.811	.798	.787	.778	.771	.766	.761	.757	.751	.747	.743	.739
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.950	.831	.799	.789	.780	.773	.766	.761	.757	.754	.749	.745	.742	.738
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.930	.802	.791	.782	.773	.767	.762	.758	.754	.752	.747	.743	.741	.737
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.899	.791	.781	.774	.767	.762	.758	.754	.751	.749	.744	.742	.740	.736
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.865	.780	.773	.767	.762	.757	.754	.751	.748	.747	.743	.740	.739	.736
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.829	.773	.766	.760	.757	.752	.750	.747	.745	.744	.741	.739	.737	.735
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.779	.763	.758	.755	.751	.749	.747	.744	.742	.741	.738	.737	.736	.735

AMENDATORY SECTION (Amending Order 86-18, filed 2/25/86)

WAC 296-17-91903 TABLE IV.

RETROSPECTIVE RATING PLAN A1
 MINIMUM PREMIUM RATIOS
 BASIC PREMIUM RATIO = .052
 LOSS CONVERSION FACTOR = .692
 Effective January 1, 1986

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84	.996	.990	.986	.982	.978	.973	.969	.966	.961	.957	.949	.941	.933	.919
83	.996	.989	.985	.981	.976	.971	.967	.963	.958	.954	.945	.936	.928	.913
82	.995	.989	.984	.979	.974	.969	.964	.960	.955	.950	.941	.932	.924	.908
81	.995	.988	.983	.978	.973	.966	.962	.957	.952	.947	.937	.927	.919	.902
80	.995	.987	.981	.976	.971	.964	.959	.955	.949	.944	.934	.923	.914	.896
79	.994	.986	.980	.975	.969	.962	.957	.952	.946	.940	.930	.919	.909	.891
78	.994	.985	.979	.973	.967	.960	.954	.949	.943	.937	.926	.914	.904	.885
77	.993	.984	.978	.972	.965	.958	.952	.946	.940	.933	.922	.910	.900	.880

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group 76	.993	.984	.977	.970	.964	.956	.949	.943	.937	.930	.918	.905	.895	.874	
75	((.993 <td>.983</td> <td>.976</td> <td>.969</td> <td>.962</td> <td>.953</td> <td>.947</td> <td>.941</td> <td>.934</td> <td>.927</td> <td>.914</td> <td>.901</td> <td>.890</td> <td>.868))</td> <td></td>	.983	.976	.969	.962	.953	.947	.941	.934	.927	.914	.901	.890	.868))	
74	.993	.983	.976	.969	.962	.953	.947	.941	.934	.927	.914	.901	.890	.868	
73	.992	.982	.975	.967	.960	.951	.944	.938	.931	.923	.910	.896	.885	.863	
72	.992	.981	.973	.966	.958	.949	.942	.935	.928	.920	.906	.892	.880	.857	
71	.991	.980	.972	.965	.956	.947	.939	.932	.925	.916	.902	.888	.876	.851	
70	.991	.979	.970	.962	.953	.942	.934	.927	.919	.910	.895	.879	.866	.840	
69	.990	.978	.969	.960	.951	.940	.932	.924	.916	.906	.891	.874	.861	.834	
68	.990	.977	.968	.959	.949	.938	.929	.921	.913	.903	.887	.870	.856	.829	
67	.989	.976	.967	.957	.948	.936	.927	.918	.910	.899	.883	.866	.851	.823	
66	.989	.976	.966	.956	.946	.934	.924	.915	.907	.896	.879	.861	.847	.817	
65	.989	.975	.964	.954	.944	.932	.921	.913	.903	.893	.875	.857	.842	.812	
64	.988	.974	.963	.953	.942	.929	.919	.910	.900	.889	.871	.852	.837	.806	
63	.988	.973	.962	.951	.940	.927	.916	.907	.897	.886	.867	.848	.832	.801	
62	.987	.972	.961	.950	.939	.925	.914	.904	.894	.882	.864	.844	.827	.795	
61	.987	.971	.960	.948	.937	.923	.911	.901	.891	.879	.860	.839	.823	.789	
60	.987	.971	.959	.947	.935	.921	.909	.899	.888	.875	.856	.835	.818	.784	
59	.986	.970	.958	.945	.933	.918	.906	.896	.885	.872	.852	.830	.813	.778	
58	.986	.969	.957	.944	.931	.916	.904	.893	.882	.869	.848	.826	.808	.772	
57	.985	.968	.955	.942	.930	.914	.901	.890	.879	.865	.844	.821	.803	.767	
56	.985	.967	.954	.941	.928	.912	.899	.887	.876	.862	.840	.817	.798	.761	
55	.985	.967	.953	.940	.926	.910	.896	.885	.873	.859	.836	.813	.794	.757	
54	.984	.966	.952	.938	.924	.908	.894	.882	.870	.856	.834	.810	.791	.753	
53	.984	.965	.951	.937	.922	.905	.892	.880	.867	.853	.831	.807	.787	.750	
52	.983	.964	.950	.935	.921	.903	.890	.878	.864	.851	.828	.804	.784	.746	
51	.983	.963	.949	.934	.919	.901	.888	.875	.862	.848	.825	.801	.781	.742	
50	.983	.963	.948	.932	.917	.899	.886	.873	.859	.845	.822	.798	.778	.739	
49	.982	.962	.946	.931	.915	.897	.883	.871	.857	.843	.819	.795	.774	.735	
48	.982	.961	.945	.929	.913	.895	.881	.868	.855	.840	.816	.792	.771	.732	
47	.981	.960	.944	.928	.912	.894	.879	.866	.852	.837	.813	.789	.768	.728	
46	.981	.959	.943	.926	.910	.892	.877	.863	.850	.835	.810	.786	.765	.725	
45	.981	.958	.942	.925	.909	.890	.875	.861	.847	.832	.807	.783	.761	.721	
44	.980	.958	.941	.923	.907	.888	.873	.859	.845	.829	.804	.780	.758	.718	
43	.980	.957	.940	.922	.905	.886	.871	.856	.843	.827	.801	.777	.755	.714	
42	.980	.956	.939	.921	.904	.884	.869	.854	.840	.824	.798	.774	.752	.710	
41	.979	.956	.937	.919	.902	.882	.867	.852	.838	.821	.796	.771	.748	.707	
40	.979	.955	.936	.918	.901	.881	.865	.849	.835	.819	.793	.768	.745	.703	
39	.979	.954	.935	.916	.899	.879	.863	.847	.833	.816	.790	.765	.742	.700	
38	.978	.954	.934	.915	.897	.877	.860	.845	.831	.813	.787	.762	.739	.696	
37	.978	.953	.933	.914	.896	.875	.858	.842	.828	.811	.784	.759	.735	.693	
36	.978	.952	.932	.912	.894	.873	.856	.840	.826	.808	.781	.756	.732	.689	
35	.978	.951	.930	.911	.892	.871	.854	.838	.824	.806	.779	.754	.730	.687	
34	.977	.950	.929	.909	.891	.870	.852	.836	.822	.804	.777	.752	.728	.686	
33	.977	.950	.928	.908	.889	.868	.850	.834	.820	.802	.775	.750	.726	.684	
32	.976	.949	.927	.906	.887	.866	.848	.832	.818	.799	.772	.748	.724	.682	
31	.976	.948	.926	.905	.886	.865	.847	.830	.816	.797	.770	.746	.722	.681	
30	.975	.947	.925	.904	.884	.863	.845	.828	.814	.795	.768	.744	.719	.679	
29	.975	.946	.924	.902	.882	.861	.843	.826	.812	.793	.766	.742	.717	.677	
28	.974	.946	.923	.901	.881	.859	.841	.824	.810	.791	.764	.740	.715	.675	
27	.974	.945	.922	.899	.879	.858	.839	.822	.808	.789	.762	.738	.713	.674	
26	.974	.944	.921	.898	.878	.856	.837	.821	.806	.787	.760	.736	.711	.672	
25	.973	.943	.919	.897	.876	.854	.835	.819	.803	.784	.757	.733	.709	.670	
24	.973	.942	.918	.895	.874	.853	.833	.817	.801	.782	.755	.731	.707	.669	
23	.972	.942	.917	.894	.873	.851	.831	.815	.799	.780	.753	.729	.705	.667	
22	.972	.941	.916	.892	.871	.849	.829	.813	.797	.778	.751	.727	.703	.665	
21	.971	.940	.915	.891	.869	.848	.828	.811	.795	.776	.749	.725	.701	.664	
20	.971	.939	.914	.890	.868	.846	.826	.809	.793	.774	.747	.723	.698	.662	
19	.970	.938	.913	.888	.866	.844	.824	.807	.791	.771	.744	.721	.696	.660	
18	.970	.938	.912	.887	.864	.842	.822	.805	.789	.769	.742	.719	.694	.658	
17	.969	.937	.911	.885	.863	.841	.820	.803	.787	.767	.740	.717	.692	.657	
16	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655	
15	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655	
14	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655	
13	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655	
12	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655	
11	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655	
10	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655	
9	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655	

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
8	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
7	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
6	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
5	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655

AMENDATORY SECTION (Amending Order 86-18, filed 2/25/86)

WAC 296-17-91904 TABLE V.

RETROSPECTIVE RATING PLAN A2
 MINIMUM PREMIUM RATIOS
 AND BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = .692
 Effective January 1, 1986

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
84	Basic Premium Ratio	.514	.504	.497	.491	.485	.481	.477	.474	.470	.467	.461	.455	.450	.441
	Minimum Premium Ratio	.994	.986	.981	.975	.969	.964	.960	.955	.951	.944	.936	.927	.918	.902
83	Basic Premium Ratio	.513	.503	.495	.488	.482	.477	.473	.469	.466	.462	.456	.450	.445	.435
	Minimum Premium Ratio	.993	.985	.979	.973	.967	.962	.957	.951	.947	.940	.931	.921	.912	.894
82	Basic Premium Ratio	.512	.501	.492	.485	.479	.474	.469	.466	.461	.458	.451	.445	.440	.429
	Minimum Premium Ratio	.993	.984	.978	.971	.964	.959	.953	.947	.943	.936	.926	.916	.906	.887
81	Basic Premium Ratio	.510	.499	.489	.483	.476	.471	.465	.461	.457	.453	.446	.440	.434	.424
	Minimum Premium Ratio	.992	.983	.976	.969	.962	.956	.950	.944	.939	.931	.921	.910	.899	.880
80	Basic Premium Ratio	.509	.496	.487	.479	.472	.467	.461	.457	.453	.449	.441	.435	.429	.417
	Minimum Premium Ratio	.991	.982	.975	.967	.959	.953	.947	.940	.935	.927	.916	.904	.893	.873
79	Basic Premium Ratio	.508	.495	.484	.476	.468	.463	.458	.453	.448	.444	.437	.430	.423	.411
	Minimum Premium Ratio	.990	.981	.973	.965	.957	.950	.943	.936	.930	.923	.911	.898	.887	.865
78	Basic Premium Ratio	.505	.492	.482	.474	.466	.459	.454	.449	.444	.440	.432	.425	.418	.405
	Minimum Premium Ratio	.990	.980	.972	.963	.955	.947	.940	.933	.926	.919	.906	.893	.881	.858
77	Basic Premium Ratio	.505	.491	.479	.470	.463	.457	.450	.446	.440	.436	.427	.420	.412	.399
	Minimum Premium Ratio	.989	.979	.970	.960	.952	.944	.936	.929	.922	.914	.901	.887	.875	.851
76	Basic Premium Ratio	.504	.490	.477	.468	.459	.453	.446	.441	.435	.431	.422	.413	.406	.393
	Minimum Premium Ratio	.988	.978	.969	.958	.950	.941	.933	.926	.918	.910	.896	.881	.869	.844
75	Basic Premium Ratio	.503	.486	.474	.465	.456	.449	.441	.436	.431	.426	.417	.408	.401	.386
	Minimum Premium Ratio	.988	.977	.967	.956	.947	.938	.929	.922	.914	.906	.891	.876	.865	.836
74	Basic Premium Ratio	.500	.485	.472	.461	.452	.445	.438	.432	.426	.421	.411	.403	.395	.380
	Minimum Premium Ratio	.987	.976	.966	.954	.945	.935	.926	.918	.910	.901	.886	.870	.856	.829
73	Basic Premium Ratio	.499	.482	.469	.458	.449	.441	.434	.428	.421	.417	.406	.398	.389	.374
	Minimum Premium Ratio	.986	.975	.964	.952	.942	.933	.923	.915	.906	.897	.881	.864	.850	.822
72	Basic Premium Ratio	.498	.480	.465	.455	.446	.438	.431	.423	.418	.412	.401	.392	.383	.367
	Minimum Premium Ratio	.985	.974	.963	.950	.940	.930	.919	.911	.901	.893	.875	.858	.844	.814
71	Basic Premium Ratio	.495	.477	.463	.451	.442	.433	.426	.419	.412	.407	.396	.387	.377	.360
	Minimum Premium Ratio	.985	.972	.961	.948	.937	.927	.915	.907	.896	.888	.869	.852	.837	.806
70	Basic Premium Ratio	.494	.476	.460	.448	.438	.430	.421	.414	.407	.402	.391	.380	.371	.353
	Minimum Premium Ratio	.984	.971	.959	.945	.934	.923	.911	.903	.891	.882	.863	.845	.830	.799
69	Basic Premium Ratio	.494	.472	.456	.445	.434	.425	.417	.410	.403	.396	.385	.375	.365	.347
	Minimum Premium Ratio	.983	.969	.956	.943	.931	.919	.907	.898	.886	.877	.857	.839	.823	.791
68	Basic Premium Ratio	.490	.468	.454	.441	.430	.421	.412	.404	.397	.392	.380	.368	.358	.340
	Minimum Premium Ratio	.983	.968	.954	.940	.928	.916	.903	.893	.881	.872	.851	.833	.816	.783
67	Basic Premium Ratio	.489	.467	.450	.437	.425	.416	.408	.400	.392	.386	.373	.363	.352	.334
	Minimum Premium Ratio	.982	.966	.952	.937	.924	.912	.899	.889	.876	.866	.845	.826	.809	.775

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
66	Basic Premium Ratio	.485	.463	.446	.433	.421	.412	.403	.395	.387	.381	.367	.357	.346	.327
	Minimum Premium Ratio	.981	.965	.950	.934	.921	.908	.895	.884	.871	.861	.840	.820	.802	.767
65	Basic Premium Ratio	.485	.461	.444	.429	.418	.407	.398	.390	.382	.375	.362	.350	.340	.321
	Minimum Premium Ratio	.980	.963	.948	.931	.918	.904	.891	.879	.866	.856	.834	.814	.795	.759
64	Basic Premium Ratio	.481	.458	.440	.426	.414	.403	.394	.385	.377	.369	.357	.344	.333	.314
	Minimum Premium Ratio	.979	.961	.946	.928	.915	.900	.887	.874	.861	.850	.828	.807	.788	.751
63	Basic Premium Ratio	.480	.454	.436	.421	.409	.398	.388	.380	.372	.364	.351	.338	.328	.307
	Minimum Premium Ratio	.979	.960	.943	.926	.912	.896	.883	.870	.856	.845	.822	.801	.781	.744
62	Basic Premium Ratio	.476	.452	.431	.418	.404	.393	.384	.375	.367	.359	.344	.331	.321	.301
	Minimum Premium Ratio	.978	.958	.941	.923	.908	.893	.879	.865	.851	.840	.816	.795	.774	.736
61	Basic Premium Ratio	.475	.448	.430	.413	.400	.388	.378	.370	.361	.353	.339	.326	.314	.294
	Minimum Premium Ratio	.977	.957	.939	.920	.905	.889	.875	.860	.846	.834	.810	.788	.767	.728
60	Basic Premium Ratio	.471	.444	.425	.409	.395	.383	.374	.363	.355	.347	.332	.319	.307	.286
	Minimum Premium Ratio	.976	.955	.937	.917	.902	.885	.871	.856	.841	.829	.804	.782	.760	.720
59	Basic Premium Ratio	.470	.443	.421	.404	.391	.379	.368	.358	.349	.341	.325	.312	.301	.279
	Minimum Premium Ratio	.975	.954	.935	.914	.899	.881	.867	.851	.836	.823	.798	.775	.753	.712
58	Basic Premium Ratio	.467	.439	.417	.400	.386	.374	.363	.352	.344	.335	.320	.306	.294	.273
	Minimum Premium Ratio	.974	.952	.933	.911	.895	.877	.863	.846	.831	.818	.793	.769	.746	.704
57	Basic Premium Ratio	.466	.435	.412	.395	.381	.368	.357	.347	.338	.330	.313	.299	.287	.266
	Minimum Premium Ratio	.973	.951	.930	.908	.892	.873	.859	.842	.826	.813	.787	.763	.739	.696
56	Basic Premium Ratio	.462	.433	.408	.391	.376	.363	.351	.342	.331	.322	.307	.293	.281	.259
	Minimum Premium Ratio	.972	.949	.928	.905	.888	.869	.855	.837	.821	.807	.781	.756	.732	.689
55	Basic Premium Ratio	.458	.429	.403	.385	.371	.358	.346	.336	.325	.316	.300	.287	.274	.253
	Minimum Premium Ratio	.972	.947	.925	.903	.885	.866	.851	.832	.816	.802	.775	.750	.725	.681
54	Basic Premium Ratio	.456	.424	.399	.381	.366	.353	.340	.329	.320	.311	.294	.280	.267	.246
	Minimum Premium Ratio	.971	.946	.923	.900	.881	.862	.847	.827	.811	.797	.769	.744	.718	.676
53	Basic Premium Ratio	.452	.419	.394	.376	.359	.346	.335	.323	.312	.303	.287	.274	.261	.240
	Minimum Premium Ratio	.969	.944	.920	.897	.878	.858	.843	.823	.807	.792	.764	.739	.713	.671
52	Basic Premium Ratio	.447	.415	.389	.370	.354	.340	.328	.318	.307	.298	.281	.266	.255	.234
	Minimum Premium Ratio	.968	.942	.918	.894	.874	.855	.839	.818	.803	.787	.759	.734	.708	.666
51	Basic Premium Ratio	.443	.410	.384	.365	.349	.335	.322	.310	.301	.292	.275	.260	.248	.227
	Minimum Premium Ratio	.966	.940	.915	.891	.871	.851	.834	.814	.798	.783	.755	.729	.704	.662
50	Basic Premium Ratio	.439	.405	.379	.360	.343	.329	.316	.304	.293	.285	.268	.254	.241	.221
	Minimum Premium Ratio	.965	.938	.913	.888	.867	.847	.830	.810	.794	.778	.750	.724	.699	.657
49	Basic Premium Ratio	.437	.401	.374	.355	.338	.322	.309	.298	.287	.278	.261	.247	.235	.215
	Minimum Premium Ratio	.964	.935	.910	.885	.863	.844	.826	.805	.790	.774	.745	.719	.694	.652
48	Basic Premium Ratio	.433	.396	.369	.348	.330	.316	.303	.291	.281	.271	.255	.241	.229	.208
	Minimum Premium Ratio	.962	.933	.908	.883	.860	.840	.822	.801	.786	.770	.741	.714	.689	.647
47	Basic Premium Ratio	.428	.391	.364	.342	.324	.310	.297	.285	.274	.265	.248	.235	.221	.202
	Minimum Premium Ratio	.961	.931	.905	.880	.856	.837	.818	.797	.781	.765	.736	.710	.684	.642
46	Basic Premium Ratio	.424	.386	.358	.336	.319	.303	.289	.277	.267	.258	.242	.228	.216	.197
	Minimum Premium Ratio	.959	.929	.903	.877	.853	.833	.814	.793	.777	.761	.732	.705	.680	.637
45	Basic Premium Ratio	.419	.381	.350	.329	.311	.296	.283	.271	.260	.251	.235	.222	.211	.192
	Minimum Premium Ratio	.958	.927	.900	.874	.849	.829	.810	.789	.773	.756	.727	.700	.675	.632
44	Basic Premium Ratio	.414	.373	.345	.323	.304	.288	.276	.265	.254	.245	.229	.216	.205	.186
	Minimum Premium Ratio	.957	.925	.898	.871	.846	.826	.806	.785	.768	.752	.723	.695	.670	.627
43	Basic Premium Ratio	.409	.367	.337	.315	.297	.282	.269	.257	.248	.239	.223	.210	.200	.182
	Minimum Premium Ratio	.955	.923	.896	.868	.842	.822	.802	.780	.764	.748	.718	.690	.665	.622
42	Basic Premium Ratio	.405	.362	.331	.309	.291	.275	.262	.251	.240	.232	.216	.203	.193	.175
	Minimum Premium Ratio	.954	.921	.893	.865	.839	.819	.798	.776	.760	.743	.714	.685	.661	.617
41	Basic Premium Ratio	.400	.357	.326	.303	.283	.269	.256	.244	.234	.225	.210	.197	.186	.169
	Minimum Premium Ratio	.952	.919	.891	.863	.835	.815	.794	.772	.756	.739	.709	.680	.656	.612
40	Basic Premium Ratio	.395	.349	.321	.295	.277	.263	.249	.238	.227	.219	.203	.190	.179	.163
	Minimum Premium Ratio	.951	.916	.888	.860	.832	.812	.790	.768	.751	.734	.705	.676	.651	.607
39	Basic Premium Ratio	.390	.344	.312	.290	.271	.255	.242	.230	.221	.212	.196	.184	.174	.157
	Minimum Premium Ratio	(.950)	.914	.866	.857	.828	.808	.786	.764	.747	.730	.700	.671	.646	.603

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group		.950	.914	.886	.857	.828	.808	.786	.764	.747	.730	.700	.671	.646	.603
38	Basic Premium Ratio	.385	.339	.307	.282	.263	.249	.236	.223	.214	.204	.190	.178	.167	.151
	Minimum Premium Ratio	.948	.912	.883	.854	.825	.804	.782	.760	.743	.726	.695	.666	.641	.598
37	Basic Premium Ratio	.376	.330	.298	.276	.257	.241	.228	.216	.207	.198	.183	.171	.161	.146
	Minimum Premium Ratio	.947	.910	.881	.851	.821	.801	.778	.755	.738	.721	.691	.661	.637	.593
36	Basic Premium Ratio	.371	.324	.293	.267	.249	.235	.221	.210	.201	.192	.177	.166	.155	.140
	Minimum Premium Ratio	.945	.908	.879	.848	.819	.797	.775	.751	.736	.717	.686	.658	.632	.588
35	Basic Premium Ratio	.362	.315	.284	.261	.240	.226	.214	.203	.193	.184	.171	.159	.150	.135
	Minimum Premium Ratio	.945	.906	.878	.847	.818	.796	.774	.750	.735	.716	.685	.658	.631	.587
34	Basic Premium Ratio	.353	.306	.275	.252	.234	.220	.207	.196	.187	.179	.164	.154	.144	.130
	Minimum Premium Ratio	.944	.904	.876	.846	.817	.795	.773	.749	.734	.715	.684	.657	.631	.588
33	Basic Premium Ratio	.347	.297	.268	.243	.226	.212	.199	.189	.179	.171	.158	.148	.139	.125
	Minimum Premium Ratio	.944	.904	.875	.844	.816	.794	.772	.748	.733	.715	.684	.657	.631	.588
32	Basic Premium Ratio	.338	.288	.259	.237	.219	.204	.193	.182	.173	.166	.153	.142	.134	.121
	Minimum Premium Ratio	.943	.903	.874	.843	.815	.793	.771	.747	.732	.714	.684	.657	.632	.589
31	Basic Premium Ratio	.329	.282	.251	.229	.211	.197	.185	.176	.167	.160	.148	.137	.130	.117
	Minimum Premium Ratio	.943	.903	.873	.842	.814	.792	.769	.746	.731	.714	.683	.656	.632	.590
30	Basic Premium Ratio	.319	.273	.242	.220	.205	.191	.179	.169	.160	.154	.141	.132	.125	.113
	Minimum Premium Ratio	.942	.902	.872	.840	.813	.791	.768	.745	.730	.713	.683	.656	.632	.591
29	Basic Premium Ratio	.310	.264	.235	.213	.196	.183	.172	.163	.155	.148	.136	.128	.121	.110
	Minimum Premium Ratio	.942	.902	.870	.839	.812	.790	.767	.744	.729	.713	.683	.656	.632	.591
28	Basic Premium Ratio	.301	.255	.227	.205	.188	.177	.166	.157	.148	.141	.130	.122	.115	.103
	Minimum Premium Ratio	.941	.901	.869	.838	.811	.789	.766	.743	.728	.712	.682	.655	.632	.592
27	Basic Premium Ratio	.295	.248	.218	.199	.182	.169	.157	.148	.141	.134	.123	.114	.106	.095
	Minimum Premium Ratio	(.941)	.900	.868	.837	.810	.788	.765	.742	.727	.712	.682	.655	.632	.592
		.941	.900	.868	.837	.810	.788	.765	.742	.727	.712	.682	.665	.632	.593
26	Basic Premium Ratio	.286	.240	.212	.191	.174	.161	.151	.140	.134	.127	.115	.107	.099	.088
	Minimum Premium Ratio	.940	.900	.867	.835	.809	.787	.764	.741	.726	.712	.682	.655	.632	.593
25	Basic Premium Ratio	.276	.230	.203	.182	.167	.154	.143	.134	.126	.119	.109	.100	.093	.083
	Minimum Premium Ratio	.940	.899	.866	.834	.808	.786	.763	.740	.725	.711	.682	.654	.632	.594
24	Basic Premium Ratio	.266	.221	.194	.175	.159	.147	.137	.129	.121	.114	.105	.097	.090	.080
	Minimum Premium Ratio	.939	.899	.865	.833	.807	.785	.762	.739	.724	.711	.681	.654	.632	.595
23	Basic Premium Ratio	.253	.212	.185	.166	.153	.141	.131	.123	.116	.110	.101	.093	.087	.078
	Minimum Premium Ratio	.939	.898	.863	.831	.806	.784	.761	.738	.723	.710	.681	.654	.633	.596
22	Basic Premium Ratio	.244	.202	.176	.158	.145	.134	.124	.118	.112	.106	.097	.090	.084	.076
	Minimum Premium Ratio	.939	.898	.862	.830	.805	.783	.760	.737	.722	.710	.681	.653	.633	.596
21	Basic Premium Ratio	.230	.193	.169	.152	.139	.128	.119	.112	.107	.102	.093	.087	.082	.075
	Minimum Premium Ratio	.935	.897	.861	.829	.804	.782	.759	.736	.721	.709	.680	.653	.633	.597
20	Basic Premium Ratio	.220	.183	.160	.143	.131	.121	.113	.107	.102	.097	.089	.083	.079	.072
	Minimum Premium Ratio	.930	.896	.860	.828	.803	.781	.758	.735	.720	.709	.680	.653	.633	.598
19	Basic Premium Ratio	.215	.177	.152	.137	.124	.115	.107	.101	.096	.092	.084	.079	.075	.068
	Minimum Premium Ratio	.924	.891	.859	.826	.802	.780	.757	.734	.719	.708	.680	.652	.633	.599
18	Basic Premium Ratio	.205	.168	.145	.129	.117	.108	.100	.095	.090	.086	.079	.075	.071	.066
	Minimum Premium Ratio	.919	.887	.858	.825	.801	.779	.756	.733	.718	.708	.679	.652	.633	.599
17	Basic Premium Ratio	.196	.159	.137	.121	.111	.102	.095	.090	.085	.081	.075	.071	.068	.063
	Minimum Premium Ratio	.913	.882	.853	.824	.800	.778	.755	.732	.717	.708	.679	.652	.633	.599
16	Basic Premium Ratio	.186	.150	.128	.114	.103	.095	.090	.085	.080	.077	.072	.068	.065	.061
	Minimum Premium Ratio	.908	.877	.849	.822	.799	.777	.754	.731	.716	.707	.679	.651	.633	.599
15	Basic Premium Ratio	.176	.141	.121	.108	.098	.090	.085	.080	.077	.074	.069	.066	.063	.059
	Minimum Premium Ratio	.902	.872	.845	.820	.798	.776	.753	.730	.715	.707	.678	.651	.633	.599
14	Basic Premium Ratio	.172	.135	.113	.103	.093	.088	.082	.078	.075	.072	.068	.065	.062	.059
	Minimum Premium Ratio	.897	.868	.841	.817	.795	.774	.752	.729	.714	.706	.678	.651	.634	.598
13	Basic Premium Ratio	.164	.126	.108	.097	.091	.084	.080	.076	.073	.070	.067	.064	.062	.058
	Minimum Premium Ratio	.892	.863	.837	.813	.791	.771	.751	.728	.713	.706	.678	.650	.634	.598
12	Basic Premium Ratio	.158	.117	.102	.094	.087	.082	.077	.074	.071	.069	.066	.063	.061	.058
	Minimum Premium Ratio	.886	.858	.833	.810	.788	.769	.749	.727	.712	.705	.677	.650	.633	.597

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
11	Basic Premium Ratio	.149	.107	.095	.089	.083	.079	.075	.072	.069	.068	.064	.062	.060	.057
	Minimum Premium Ratio	.881	.853	.829	.806	.785	.766	.748	.726	.711	.705	.676	.650	.632	.597
10	Basic Premium Ratio	.144	.100	.091	.085	.080	.075	.073	.070	.068	.066	.063	.061	.059	.057
	Minimum Premium Ratio	.875	.849	.825	.802	.782	.763	.746	.725	.710	.704	.675	.650	.632	.597
9	Basic Premium Ratio	.134	.093	.086	.081	.077	.073	.070	.068	.066	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.870	.844	.820	.799	.779	.761	.744	.724	.709	.704	.674	.649	.631	.596
8	Basic Premium Ratio	.121	.087	.082	.077	.074	.070	.068	.066	.065	.063	.061	.059	.058	.056
	Minimum Premium Ratio	.864	.839	.816	.795	.776	.758	.741	.723	.708	.704	.673	.649	.630	.596
7	Basic Premium Ratio	.106	.082	.077	.074	.070	.068	.066	.064	.063	.062	.060	.058	.057	.056
	Minimum Premium Ratio	.859	.834	.812	.792	.773	.755	.739	.722	.707	.703	.671	.649	.630	.596
6	Basic Premium Ratio	.092	.077	.074	.070	.068	.066	.064	.063	.061	.060	.058	.057	.057	.055
	Minimum Premium Ratio	.853	.830	.808	.788	.770	.753	.737	.721	.706	.695	.670	.648	.629	.595
5	Basic Premium Ratio	.092	.073	.070	.067	.065	.064	.062	.061	.060	.059	.057	.057	.056	.055
	Minimum Premium Ratio	.848	.825	.804	.785	.767	.750	.734	.720	.705	.693	.669	.648	.629	.595

AMENDATORY SECTION (Amending Order 86-18, filed 2/25/86)

WAC 296-17-91905 TABLE VI.

RETROSPECTIVE RATING PLAN A3
 MINIMUM PREMIUM RATIOS
 AND BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = .692
 Effective January 1, 1986

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
84	Basic Premium Ratio	.820	.813	.793	.783	.777	.766	.759	.732	.736	.727	.722	.706	.694	.673
	Minimum Premium Ratio	.986	.973	.964	.956	.948	.942	.935	.931	.924	.919	.909	.900	.891	.874
83	Basic Premium Ratio	.820	.812	.790	.780	.772	.760	.753	.728	.730	.721	.715	.698	.685	.663
	Minimum Premium Ratio	.985	.972	.962	.953	.944	.937	.931	.925	.919	.913	.903	.892	.883	.865
82	Basic Premium Ratio	.820	.810	.788	.776	.767	.755	.747	.724	.724	.715	.707	.690	.677	.653
	Minimum Premium Ratio	.984	.970	.958	.949	.940	.932	.925	.920	.913	.907	.896	.885	.876	.857
81	Basic Premium Ratio	.820	.808	.786	.772	.763	.750	.742	.720	.718	.709	.699	.683	.668	.643
	Minimum Premium Ratio	.981	.967	.954	.946	.936	.928	.920	.913	.907	.901	.889	.878	.868	.849
80	Basic Premium Ratio	.820	.806	.783	.768	.758	.745	.736	.716	.712	.703	.692	.675	.659	.633
	Minimum Premium Ratio	.981	.964	.951	.941	.931	.923	.915	.909	.901	.895	.882	.871	.860	.839
79	Basic Premium Ratio	.820	.804	.781	.765	.753	.739	.730	.712	.706	.697	.684	.667	.651	.622
	Minimum Premium Ratio	.979	.962	.948	.938	.927	.918	.910	.903	.895	.888	.876	.864	.852	.831
78	Basic Premium Ratio	.820	.803	.779	.761	.749	.734	.725	.708	.700	.691	.677	.659	.642	.612
	Minimum Premium Ratio	.976	.959	.945	.934	.924	.913	.905	.897	.890	.882	.869	.856	.844	.821
77	Basic Premium Ratio	(.820	.801	.776	.757	.744	.729	.719	.704	.694	.684	.669	.641	.633	.602)
	Minimum Premium Ratio	.975	.957	.942	.930	.919	.910	.900	.893	.884	.876	.862	.849	.836	.813
76	Basic Premium Ratio	.820	.799	.774	.754	.740	.724	.713	.700	.688	.678	.661	.644	.625	.592
	Minimum Premium Ratio	.974	.956	.940	.927	.915	.905	.895	.886	.878	.870	.855	.840	.828	.804
75	Basic Premium Ratio	.820	.797	.772	.750	.735	.718	.707	.696	.682	.672	.654	.636	.616	.582
	Minimum Premium Ratio	.974	.952	.936	.923	.911	.899	.889	.881	.872	.863	.848	.833	.820	.794
74	Basic Premium Ratio	.820	.795	.769	.746	.730	.713	.702	.692	.676	.666	.646	.628	.607	.572
	Minimum Premium Ratio	(.970	.950	.934	.918	.906	.894	.884	.875	.866	.857	.840	.825	.811	.786)
73	Basic Premium Ratio	.820	.794	.767	.743	.726	.708	.696	.688	.670	.660	.638	.620	.599	.562
	Minimum Premium Ratio	.969	.946	.929	.915	.902	.889	.879	.869	.859	.851	.833	.818	.803	.776
72	Basic Premium Ratio	.820	.792	.765	.739	.721	.703	.690	.684	.664	.654	.631	.613	.590	.552

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
	Minimum Premium Ratio	.968	.944	.925	.912	.898	.886	.874	.863	.854	.844	.826	.810	.795	.767
71	Basic Premium Ratio	.820	.790	.759	.734	.715	.697	.682	.674	.655	.645	.620	.602	.578	.540
	Minimum Premium Ratio	.965	.941	.923	.907	.893	.880	.868	.857	.847	.837	.819	.802	.786	.757
70	Basic Premium Ratio	.820	.788	.752	.729	.709	.690	.674	.665	.647	.636	.609	.591	.567	.529
	Minimum Premium Ratio	.964	.939	.919	.903	.889	.875	.862	.852	.841	.831	.812	.793	.778	.747
69	Basic Premium Ratio	.820	.785	.746	.723	.703	.684	.666	.655	.638	.626	.598	.579	.555	.517
	Minimum Premium Ratio	.963	.935	.914	.899	.883	.869	.857	.846	.835	.823	.804	.786	.770	.738
68	Basic Premium Ratio	.820	.783	.739	.718	.697	.677	.658	.645	.629	.617	.587	.568	.543	.505
	Minimum Premium Ratio	.959	.931	.912	.894	.878	.864	.851	.839	.828	.817	.797	.777	.760	.729
67	Basic Premium Ratio	.820	.779	.736	.712	.690	.670	.651	.636	.621	.608	.577	.558	.533	.495
	Minimum Premium Ratio	.957	.929	.907	.889	.873	.858	.845	.833	.821	.810	.789	.770	.752	.719
66	Basic Premium Ratio	.820	.776	.732	.707	.682	.663	.643	.628	.613	.599	.568	.548	.523	.485
	Minimum Premium Ratio	.954	.925	.903	.885	.868	.853	.839	.826	.814	.803	.781	.761	.744	.709
65	Basic Premium Ratio	.820	.772	.729	.701	.675	.655	.636	.619	.604	.590	.558	.537	.513	.475
	Minimum Premium Ratio	.953	.923	.900	.880	.864	.847	.833	.821	.808	.796	.773	.753	.735	.701
64	Basic Premium Ratio	.820	.768	.725	.695	.667	.648	.628	.610	.596	.581	.548	.527	.503	.465
	Minimum Premium Ratio	.949	.919	.895	.877	.859	.841	.827	.814	.801	.788	.766	.744	.726	.691
63	Basic Premium Ratio	.820	.764	.719	.690	.661	.641	.620	.601	.586	.571	.538	.517	.492	.454
	Minimum Premium Ratio	.948	.914	.891	.871	.853	.835	.820	.807	.794	.781	.758	.736	.718	.682
62	Basic Premium Ratio	.820	.759	.714	.684	.656	.634	.612	.592	.576	.562	.529	.507	.482	.444
	Minimum Premium Ratio	.944	.912	.886	.867	.848	.830	.815	.801	.788	.774	.750	.727	.708	.672
61	Basic Premium Ratio	.820	.755	.708	.679	.650	.627	.603	.582	.566	.552	.519	.496	.471	.433
	Minimum Premium Ratio	.943	.908	.884	.861	.843	.824	.808	.794	.781	.767	.743	.719	.699	.662
60	Basic Premium Ratio	.820	.750	.702	.673	.644	.620	.595	.573	.556	.542	.509	.486	.460	.422
	Minimum Premium Ratio	.939	.904	.879	.856	.837	.818	.802	.787	.773	.758	.734	.710	.690	.652
59	Basic Premium Ratio	.813	.743	.696	.664	.635	.611	.586	.564	.546	.532	.499	.475	.449	.411
	Minimum Premium Ratio	.937	.902	.874	.851	.832	.812	.795	.780	.766	.751	.725	.701	.681	.642
58	Basic Premium Ratio	.806	.737	.690	.655	.626	.602	.577	.555	.537	.522	.489	.464	.439	.401
	Minimum Premium Ratio	.934	.898	.869	.846	.825	.806	.789	.773	.759	.743	.718	.693	.672	.633
57	Basic Premium Ratio	.798	.730	.684	.645	.617	.593	.568	.545	.527	.511	.479	.452	.428	.390
	Minimum Premium Ratio	.932	.893	.864	.840	.820	.799	.781	.766	.752	.736	.709	.684	.663	.624
56	Basic Premium Ratio	.791	.723	.678	.636	.608	.584	.559	.536	.517	.501	.469	.441	.417	.379
	Minimum Premium Ratio	.928	.890	.859	.835	.814	.793	.775	.759	.743	.727	.701	.676	.654	.614
55	Basic Premium Ratio	.788	.717	.672	.629	.600	.575	.550	.526	.507	.491	.459	.432	.408	.370
	Minimum Premium Ratio	.924	.886	.854	.829	.808	.787	.768	.753	.736	.720	.692	.667	.645	.606
54	Basic Premium Ratio	.785	.710	.665	.623	.592	.566	.541	.517	.498	.481	.449	.423	.398	.361
	Minimum Premium Ratio	.922	.881	.849	.824	.802	.781	.761	.744	.729	.713	.685	.659	.637	.597
53	Basic Premium Ratio	.782	.704	.659	.616	.584	.556	.532	.507	.488	.470	.439	.413	.389	.352
	Minimum Premium Ratio	.918	.876	.844	.818	.794	.772	.755	.737	.720	.704	.677	.651	.629	.589
52	Basic Premium Ratio	.779	.697	.652	.609	.576	.547	.523	.497	.478	.460	.429	.404	.379	.343
	Minimum Premium Ratio	.913	.871	.838	.812	.789	.766	.747	.731	.713	.697	.669	.642	.621	.581
51	Basic Premium Ratio	.774	.691	.644	.600	.566	.537	.513	.487	.467	.450	.419	.394	.369	.333
	Minimum Premium Ratio	.908	.865	.833	.806	.782	.759	.740	.722	.706	.690	.662	.635	.613	.572
50	Basic Premium Ratio	.769	.685	.636	.591	.556	.527	.502	.477	.457	.440	.408	.383	.359	.323
	Minimum Premium Ratio	(.904)	.861	.826	.800	.775	.753	.733	.715	.697	.681	.653	.627	.604	.564
		.904	.861	.827	.800	.775	.753	.733	.715	.697	.681	.653	.627	.604	.564
49	Basic Premium Ratio	.763	.678	.627	.582	.546	.517	.492	.466	.446	.429	.398	.373	.349	.312
	Minimum Premium Ratio	.902	.856	.821	.795	.769	.744	.724	.708	.690	.673	.645	.619	.596	.556
48	Basic Premium Ratio	.758	.672	.619	.573	.536	.507	.481	.456	.435	.419	.387	.362	.339	.302
	Minimum Premium Ratio	.898	.850	.815	.786	.761	.737	.717	.699	.683	.665	.637	.611	.588	.548
47	Basic Premium Ratio	.749	.663	.607	.562	.525	.496	.470	.445	.424	.408	.377	.353	.330	.295
	Minimum Premium Ratio	.892	.845	.810	.780	.754	.731	.710	.692	.674	.657	.629	.603	.579	.540
46	Basic Premium Ratio	.740	.654	.595	.550	.513	.485	.459	.434	.414	.398	.367	.343	.321	.287
	Minimum Premium Ratio	.888	.839	.804	.773	.748	.723	.702	.683	.666	.650	.621	.595	.572	.533
45	Basic Premium Ratio	.731	.645	.583	.539	.502	.474	.448	.422	.403	.387	.357	.334	.312	.280
	Minimum Premium Ratio	.884	.834	.795	.765	.739	.715	.695	.676	.657	.641	.612	.587	.565	.526

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
44	Basic Premium Ratio	.722	.636	.571	.527	.490	.463	.437	.411	.392	.376	.347	.324	.303	.272
	Minimum Premium Ratio	.878	.826	.790	.758	.732	.706	.686	.669	.650	.633	.605	.580	.558	.519
43	Basic Premium Ratio	.714	.626	.561	.517	.479	.451	.426	.401	.382	.365	.337	.314	.293	.263
	Minimum Premium Ratio	.873	.820	.781	.750	.723	.699	.679	.659	.643	.627	.598	.572	.551	.513
42	Basic Premium Ratio	.705	.615	.551	.507	.467	.440	.414	.390	.371	.355	.327	.304	.284	.253
	Minimum Premium Ratio	.869	.814	.775	.743	.717	.691	.670	.652	.634	.618	.589	.564	.543	.504
41	Basic Premium Ratio	.697	.605	.540	.496	.456	.428	.403	.380	.361	.344	.316	.294	.274	.244
	Minimum Premium Ratio	.863	.809	.769	.737	.708	.684	.663	.644	.627	.610	.582	.557	.534	.496
40	Basic Premium Ratio	.688	.594	.530	.486	.444	.416	.391	.369	.350	.333	.306	.284	.264	.234
	Minimum Premium Ratio	.858	.800	.763	.728	.702	.677	.656	.636	.618	.603	.574	.548	.526	.489
39	Basic Premium Ratio	.677	.583	.519	.475	.434	.406	.380	.359	.340	.323	.296	.274	.255	.226
	Minimum Premium Ratio	.853	.795	.754	.722	.695	.668	.647	.628	.611	.594	.565	.541	.519	.481
38	Basic Premium Ratio	.666	.573	.508	.464	.424	.395	.370	.348	.329	.313	.286	.264	.246	.218
	Minimum Premium Ratio	.848	.790	.748	.713	.686	.661	.640	.620	.604	.585	.558	.533	.511	.473
37	Basic Premium Ratio	.654	.562	.497	.453	.413	.385	.359	.338	.319	.302	.276	.254	.237	.209
	Minimum Premium Ratio	.839	.781	.739	.707	.679	.652	.631	.611	.595	.577	.549	.525	.503	.466
36	Basic Premium Ratio	.643	.551	.486	.442	.403	.374	.348	.327	.308	.292	.266	.244	.228	.201
	Minimum Premium Ratio	.834	.774	.733	.697	.670	.645	.623	.604	.588	.570	.541	.518	.495	.458
35	Basic Premium Ratio	.631	.538	.473	.429	.392	.363	.338	.317	.299	.283	.257	.236	.220	.194
	Minimum Premium Ratio	.825	.765	.723	.690	.660	.636	.615	.596	.579	.561	.534	.510	.489	.452
34	Basic Premium Ratio	.618	.525	.461	.417	.380	.352	.328	.307	.289	.274	.249	.228	.212	.187
	Minimum Premium Ratio	.815	.755	.713	.681	.654	.629	.607	.588	.572	.555	.527	.504	.482	.447
33	Basic Premium Ratio	.606	.511	.448	.404	.369	.341	.317	.297	.280	.264	.240	.220	.203	.179
	Minimum Premium Ratio	.810	.746	.706	.671	.644	.620	.598	.580	.563	.546	.520	.497	.476	.441
32	Basic Premium Ratio	.593	.498	.435	.391	.357	.330	.307	.287	.270	.255	.231	.212	.195	.172
	Minimum Premium Ratio	.800	.736	.697	.664	.637	.611	.591	.572	.556	.539	.513	.490	.470	.436
31	Basic Premium Ratio	.578	.484	.422	.379	.345	.319	.296	.277	.260	.246	.222	.204	.188	.166
	Minimum Premium Ratio	.791	.730	.688	.655	.628	.604	.583	.565	.549	.532	.507	.484	.465	.431
30	Basic Premium Ratio	.563	.470	.409	.367	.333	.308	.285	.266	.251	.237	.214	.196	.181	.159
	Minimum Premium Ratio	.781	.720	.678	.646	.621	.597	.576	.557	.541	.525	.499	.478	.458	.427
29	Basic Premium Ratio	.548	.455	.396	.354	.321	.296	.274	.256	.241	.227	.205	.187	.174	.153
	Minimum Premium Ratio	.772	.711	.671	.638	.611	.588	.567	.550	.535	.518	.493	.473	.453	.422
28	Basic Premium Ratio	.533	.441	.383	.342	.309	.285	.263	.245	.231	.218	.196	.179	.167	.146
	Minimum Premium Ratio	.762	.702	.662	.629	.603	.580	.560	.543	.527	.511	.486	.466	.446	.415
27	Basic Premium Ratio	.519	.427	.369	.329	.297	.273	.251	.233	.219	.206	.185	.168	.156	.136
	Minimum Premium Ratio	.756	.695	.653	.622	.595	.572	.551	.533	.519	.503	.478	.457	.437	.406
26	Basic Premium Ratio	.504	.413	.355	.315	.284	.260	.239	.222	.208	.195	.174	.158	.145	.124
	Minimum Premium Ratio	.747	.686	.646	.614	.587	.563	.543	.525	.511	.494	.469	.449	.428	.398
25	Basic Premium Ratio	.490	.398	.341	.302	.272	.248	.227	.210	.196	.183	.162	.147	.133	.113
	Minimum Premium Ratio	.736	.676	.636	.604	.579	.555	.534	.517	.502	.485	.461	.440	.421	.392
24	Basic Premium Ratio	.475	.384	.327	.288	.259	.235	.215	.198	.184	.171	.151	.136	.123	.104
	Minimum Premium Ratio	.727	.666	.627	.597	.570	.547	.528	.511	.495	.479	.456	.436	.418	.389
23	Basic Premium Ratio	.454	.367	.312	.275	.247	.224	.205	.189	.176	.164	.145	.130	.119	.101
	Minimum Premium Ratio	.713	.657	.617	.587	.563	.540	.521	.505	.489	.474	.451	.432	.414	.386
22	Basic Premium Ratio	.434	.349	.298	.262	.235	.213	.195	.180	.167	.156	.138	.125	.114	.097
	Minimum Premium Ratio	.704	.647	.608	.578	.554	.533	.513	.499	.484	.469	.446	.427	.410	.383
21	Basic Premium Ratio	.408	.332	.283	.248	.222	.201	.184	.171	.159	.149	.132	.119	.110	.094
	Minimum Premium Ratio	.690	.637	.600	.571	.547	.526	.507	.491	.478	.464	.442	.424	.407	.381
20	Basic Premium Ratio	.388	.314	.268	.234	.209	.190	.174	.161	.150	.141	.125	.113	.105	.090
	Minimum Premium Ratio	.680	.627	.591	.562	.539	.518	.500	.485	.472	.458	.436	.419	.402	.377
19	Basic Premium Ratio	.374	.298	.251	.220	.196	.177	.162	.149	.139	.131	.116	.105	.097	.084
	Minimum Premium Ratio	.674	.620	.582	.555	.531	.511	.493	.478	.465	.451	.430	.413	.397	.372
18	Basic Premium Ratio	.355	.281	.237	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
	Minimum Premium Ratio	.664	.611	.575	.546	.523	.503	.485	.471	.458	.444	.424	.409	.392	.369
17	Basic Premium Ratio	.337	.265	.221	.189	.169	.151	.137	.127	.117	.110	.098	.090	.083	.074
	Minimum Premium Ratio	.654	.601	.566	.537	.516	.497	.479	.465	.452	.439	.419	.404	.388	.366

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
16	Basic Premium Ratio	.318	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
	Minimum Premium Ratio	.644	.592	.557	.530	.508	.488	.473	.459	.447	.434	.415	.399	.384	.362
15	Basic Premium Ratio	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
	Minimum Premium Ratio	.635	.583	.550	.524	.502	.484	.468	.455	.443	.430	.412	.397	.382	.361
14	Basic Premium Ratio	.291	.216	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
	Minimum Premium Ratio	.630	.577	.542	.519	.498	.481	.465	.452	.441	.428	.411	.397	.381	.360
13	Basic Premium Ratio	.275	.199	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
	Minimum Premium Ratio	.622	.568	.537	.513	.495	.478	.463	.450	.440	.427	.410	.396	.381	.360
12	Basic Premium Ratio	.263	.182	.151	.134	.121	.110	.102	.096	.089	.086	.078	.073	.069	.063
	Minimum Premium Ratio	.616	.559	.531	.510	.491	.475	.460	.449	.437	.426	.409	.394	.380	.359
11	Basic Premium Ratio	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
	Minimum Premium Ratio	.608	.549	.524	.505	.488	.472	.458	.447	.436	.424	.407	.393	.379	.359
10	Basic Premium Ratio	.229	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
	Minimum Premium Ratio	.602	.542	.520	.501	.484	.469	.456	.445	.434	.422	.406	.392	.378	.358
9	Basic Premium Ratio	.211	.133	.119	.109	.101	.094	.088	.083	.079	.077	.071	.068	.065	.061
	Minimum Premium Ratio	.593	.535	.515	.497	.481	.467	.453	.442	.432	.421	.405	.392	.378	.358
8	Basic Premium Ratio	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
	Minimum Premium Ratio	.579	.529	.511	.493	.478	.464	.451	.440	.431	.420	.404	.391	.377	.358
7	Basic Premium Ratio	.160	.112	.101	.095	.088	.083	.079	.076	.074	.071	.067	.063	.062	.059
	Minimum Premium Ratio	.565	.524	.506	.490	.475	.462	.449	.439	.430	.418	.403	.389	.376	.357
6	Basic Premium Ratio	.130	.101	.095	.088	.083	.079	.075	.072	.070	.068	.064	.062	.060	.058
	Minimum Premium Ratio	.550	.519	.503	.486	.472	.459	.447	.437	.428	.417	.401	.389	.376	.357
5	Basic Premium Ratio	.099	.092	.087	.081	.078	.074	.071	.069	.067	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.550	.515	.499	.483	.470	.457	.445	.435	.426	.415	.400	.388	.375	.356

WSR 86-17-003
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-264, Cause No. T-1979—Filed August 8, 1986]

In the matter of amending WAC 480-08-250 relating to rehearing or reconsideration.

This action is taken pursuant to Notice No. WSR 86-13-019 filed with the code reviser on June 10, 1986, and continued under Notice No. WSR 86-16-024, filed on July 30, 1986. The rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 86-13-019 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, July 23, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to July 18, 1986. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, July 23, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington.

At the July 23, 1986, meeting the commission considered the rule change proposal, giving specific consideration to written comments received from Boyd Hartman, attorney; Jack R. Davis, attorney; Theodore R. Schultz, attorney for the Washington Independent Telephone Association, and Charles F. Adams of the Public Counsel section of the Office of the Attorney General. Consideration of the proposal was then continued to the commission's regular meeting of August 6, 1986, and notice filed with the code reviser under WSR 86-16-024. At its meeting of August 6, the commission considered once more the written comments, as well as the oral presentation of Theodore R. Schultz on behalf of W.I.T.A.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-08-250 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-08-250 as amended will implement the provisions of RCW 34.04-.130 relating to rehearing or reconsideration upon petition of a party to a contested case.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-08-250 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 6th day of August, 1986.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Robert W. Bratton, Commissioner
 Richard D. Casad, Commissioner

APPENDIX "A"

~~AMENDATORY SECTION~~ (Amending Order R-5, filed 6/6/69, effective 10/9/69)

~~WAC 480-08-250 REHEARING OR RECONSIDERATION. (1) General. ((Proceedings shall be subject to rehearing or reconsideration in the manner prescribed by RCW 80.04.165 and 80.04.200, or the equivalent sections of Title 81 RCW, and in these and all other cases application for rehearing shall be made by petition verified under oath stating specifically the grounds thereof, and three copies thereof shall be filed with the commission and a copy thereof shall be served by the petitioner upon all other parties to the proceeding or their attorneys of record, together with proof of service, in accordance with WAC 480-08-060(5))) Any party to a contested case may file a petition for rehearing or reconsideration of a final order of the commission within ten days of the date the order is served. An original and two copies of the petition shall be filed with the commission and a copy of the petition served by petitioner on each party of record. The petition shall state with particularity each portion or portions of the challenged order contended to be erroneous or incomplete, and shall cite those portions of the record and the laws or rules of the commission relied upon to support the petition, together with brief argument. No party shall file an answer unless requested by the commission: PROVIDED, That if the commission determines that rehearing or reconsideration may be appropriate, it shall request answers from the other affected parties. Except upon specific direction of the commission, no oral argument shall be permitted on petitions for rehearing or reconsideration. If the petition is granted, the commission may modify its prior order or take such other action as it may deem appropriate. No petition for reconsideration of an order on reconsideration will be accepted by the commission.~~

~~(2) ((Contents. All such petitions for rehearing or reconsideration shall specifically identify each portion or portions of the challenged order which the petitioner~~

~~deems to be erroneous or incomplete. In addition, such petitions shall cite those portions of the evidence, the laws or rules of the commission which are relied upon in support of the allegations of the petition.~~

~~(3)) Amendment or rescission of orders or rules. Under RCW 80.04.210 and the equivalent section of Title 81 RCW, the commission, upon notice to the public service company or companies affected, and after allowing an opportunity for hearing as in the case of complaints, may amend or rescind any order or rule made, issued, or promulgated by it.~~

WSR 86-17-004

WITHDRAWAL OF PROPOSED RULES
 DEPARTMENT OF GAME

[Filed August 8, 1986]

The Department of Game hereby withdraws proposed amendment to WAC 232-16-380, Sprague Lake Game Reserve.

The CR-1 was filed July 2, 1986, Notice No. WSR 86-14-104.

Jack L. Smith
 Chief, Wildlife Management

WSR 86-17-005

EMERGENCY RULES
 DEPARTMENT OF NATURAL RESOURCES

[Order 482—Filed August 8, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to an emergency order suspending outdoor burning on lands protected by the Department of Natural Resources in San Juan County.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to the dry conditions and threat to life and property by fire in San Juan County, the use of fire needs to be restricted.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.205 and 76.04.315 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By Brian J. Boyle
 Commissioner of Public Lands

NEW SECTION

WAC 332-26-083 BURNING RESTRICTIONS. Effective midnight, Friday, August 8, 1986, through midnight Tuesday, August 12, 1986, all outdoor burning on lands protected by the Department of Natural Resources in San Juan County, as authorized in RCW 76.04.205 and WAC 332-24-070 and -090, is suspended.

**WSR 86-17-006
EMERGENCY RULES**

DEPARTMENT OF NATURAL RESOURCES

[Order 483—Filed August 8, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to logging restrictions on lands protected by the Department of Natural Resources in the state.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is continued hot and dry weather have brought the forest lands protected by the Department of Natural Resources to a condition which requires precautions and restrictions to be implemented to prevent a wildfire which would threaten life and property.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.315 and 76.04.325 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-084 LOGGING RESTRICTIONS. Effective midnight, Sunday, August 10, 1986, through midnight, Wednesday, August 13, 1986, the following restrictions will be in effect in the identified areas on lands protected by the Department of Natural Resources.

Restrictions:

(1) The operating of power saws, except at loading sites on landings, is prohibited from 11:00 A.M. until 8:00 P.M. local time.

(2) The operating of power at loading sites on landings is prohibited from 1:00 P.M. until 8:00 P.M. local time.

(3) The operating of tractors, mechanized yarding, mechanized loading, mechanized hauling of any product or material, mechanized treatment of slash, blasting, welding and operating acetylene or other torches with open flame is prohibited from 1:00 P.M. until 8:00 P.M. local time.

(4) The operating of any other spark-emitting equipment not specifically mentioned in sections (1), (2) or (3) above are prohibited from 1:00 P.M. until 8:00 P.M. local time.

(5) A one-hour fire watch is required at the site of sections (1) through (4) after ceasing operating at the required times.

(6) All outdoor burning, by permit or rule burn, and the use of burn barrels is suspended.

Affected areas:

Southwest Area:

Shutdown zone 621 East in Skamania County; shutdown zone 621 West in Skamania and Clark Counties; shutdown zone 655 in Cowlitz County; shutdown zone 660 in Cowlitz, Clark and Skamania Counties; shutdown zone 651 Low in Wahkiakum County; shutdown zone 651 High in Wahkiakum and Cowlitz Counties.

Central Area:

Shutdown zone 651 Low in Grays Harbor, Pacific, Lewis and Thurston Counties; shutdown zone 651 High in Pacific and Lewis Counties; shutdown zone 655 in Grays Harbor, Pacific, Thurston and Lewis Counties; shutdown zone 660 in Lewis County; shutdown zone 659 in Lewis County.

South Puget Sound Area:

Shutdown zone 652 in Mason County; shutdown zone 654 in King, Kitsap, Mason and Jefferson Counties; shutdown zone 655 in Mason County; shutdown zone 657 in King and Pierce Counties; shutdown zone 659 in King and Pierce Counties.

Northwest Area:

Shutdown zone 659 in Snohomish County; shutdown zone 658 in Snohomish County.

Olympic Area:

Shutdown zone 650 in Clallam, Jefferson and Grays Harbor Counties; shutdown zone 651 Low in Grays Harbor County; shutdown zone 652 in Jefferson and Grays Harbor Counties; shutdown zone 653 in Clallam and Jefferson Counties.

Southeast Area:

Shutdown zone 624 in Klickitat and Yakima Counties; shutdown zone 631 in Asotin, Garfield, Columbia and Walla Walla Counties; shutdown zone 633 in Asotin, Garfield, Columbia and Walla Walla Counties; shutdown zone 675 in Yakima and Kittitas Counties; shutdown zone 677 in Chelan County; shutdown zone 680 in Yakima and Kittitas Counties; shutdown zone 681 in Klickitat and Yakima Counties; shutdown zone 682 in Chelan County.

Northeast Area:

Shutdown zone 678 in Okanogan County; shutdown zone 679 in Okanogan County; shutdown zone 684 in Okanogan County; shutdown zone 685 in Okanogan County.

WSR 86-17-007
EMERGENCY RULES
COMMISSION ON
MEXICAN AMERICAN AFFAIRS
 [Order 3—Filed August 8, 1986]

Be it resolved by the Washington State Commission on Mexican American Affairs, acting at the Scooteny Springs Elementary School, Othello, Washington, that it does adopt the annexed rules relating to an amendment of WAC 322-12-010.

We, the Commission on Mexican American Affairs, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is commission's meeting schedule need to conform to applicable WAC provisions.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the [Commission on Mexican American Affairs] as authorized in RCW 43.115.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW), in the adoption of these rules.

APPROVED AND ADOPTED June 14, 1986.

By Hector Gonzalez
 Executive Secretary

AMENDATORY SECTION (Amending Order 1, filed 12/9/74)

WAC 322-12-010 ESTABLISHING REGULAR MEETINGS. Pursuant to section 7, chapter 250, Laws of 1971 ex. sess., and RCW 42.30.070, regular meetings of the Commission on Mexican-American Affairs shall be held on the second Saturday of every other month, beginning at 10:00 a.m., provided there are sufficient funds in the Commission's budget. Such meetings shall be held at a place designated by the Chairman of the Commission.

Reviser's note: RCW 34.04.058 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 86-17-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 86-73—Filed August 8, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable quota of salmon has been taken, and this rule is adopted under recommendations of the Pacific Fisheries Management Council, in furtherance of conservation needs.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By William R. Wilkerson
 Director

NEW SECTION

WAC 220-28-01000A EMERGENCY REGULATIONS—TROLL CLOSURE. Effective 12:01 a.m. August 9 through 11:59 p.m. September 30, 1986, it is unlawful for treaty Indian fishermen to fish for or possess salmon taken for commercial purposes with troll fishing gear in those waters of Puget Sound Salmon Management and Catch Reporting Area 4B and coastal waters.

WSR 86-17-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 86-74—Filed August 8, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available and these rules are adopted at the recommendation of the Pacific Fisheries Management Council.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000B SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 10, 1986 until further notice, it is unlawful to fish for or possess salmon taken for personal use from all waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, all waters west of the Buoy 10 Line and Strait of Juan de Fuca waters westerly of a line projected true north from the mouth of the Sekiu River except as provided for in this section:

(1) Those waters westerly of the mouth of the Sekiu River and northerly of a line projected true west from Klipsan Beach (46 degrees 28 minutes 12 seconds North Latitude) open to salmon fishing immediately until further notice except closed from 12:01 a.m. Friday through 11:59 p.m. Saturday each week during the open period.

(2) Minimum size limit 16 inches for coho and 24 inches for chinook salmon.

(3) Bag limit F.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 10, 1986:

WAC 220-56-19000A SALTWATER SEASONS AND BAG LIMITS—SALMON (86-51)

**WSR 86-17-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 86-75—Filed August 8, 1986]**

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is openings in Area 7B and 7C provide opportunity to harvest non-Indian chinook allocations. Openings in Area 12B and 12C provide opportunity to harvest non-Indian chinook allocations. Troll fishery openings in Area 5 and 6C provide opportunity to troll gear during Fraser Panel opening.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-47-703 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective August 9 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of Pacific Salmon Commission. Drift gill net gear restricted to 6-inch maximum mesh when open.

*Area 5, 6C – Under control of Pacific Salmon Commission. Drift gill net gear restricted to 6-inch maximum mesh when open. Open to trolling during the week of August 10-17 only on days open to all-citizen purse seine fishing from 5:00 AM through 9:30 PM, excluding Saturday and Sunday. Those waters within three miles of the shoreline remain closed to commercial troll fishing

Areas 6, 6A, 7, 7A – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

*Areas 7B, 7C – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, August 11 through the morning of August 14. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.

*Area 12B (south and west of a line projected from Hood Point to Quatsap Point) and Area 12C – closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM the night of August 11 through the morning of August 15, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 11 through August 14. That portion of Area 12B north of a line from Hood Point to Quatsap Point remains closed to commercial fishing. Fishery exclusion zones applicable to Areas 12B and 12C commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 9.

WAC 220-47-702 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY ORDER NO. 86-70

WSR 86-17-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 86-76—Filed August 8, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 4B, 5, 6, 6C provide protection for Puget Sound and Canadian chinook stocks while allowing a limited effort, limited impact immobile set net fishery. Restrictions in 6A, 7, 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in 10C, 10D, 10F, 10G and Cedar River provide protection for Lake Washington sockeye. Restrictions in the Dungeness River provide protection for summer/fall chinook. Restrictions in Area 12 provide protection for chinook returning to the Big Beef Creek experimental station. Restrictions in Areas 13A and the Nooksack, Quilcene, and White rivers and Minter Creek provide protection for Puget Sound spring chinook stocks. Restrictions in 8 and the Skagit River, provide protection for chinook and Baker River sockeye. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Area 10A provide protection for local summer/fall chinook. Restrictions in the Duwamish-Green, Hoko, Lyre, Pysht and the Sekiu rivers provide protection for summer/fall chinook. Restrictions in Area 6D and the Stillaguamish River provide protection for spring and summer/fall chinook. Restrictions in Area 7E provide protection for summer/fall chinook. Restrictions in Area 10 protect summer/fall chinook returning to Suquamish Hatchery.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
APPROVED AND ADOPTED August 8, 1986.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-28-606 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS. Effective August 10, 1986, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas in accordance with the following restrictions:

*Areas 4B, 5, 6, 6C, - Effective through September 6, drift gill net gear restricted to 6-inch maximum mesh when open. Additional regulations pertaining to troll fishing in Area 4B may be found in WAC 220-28-01000A.

*Areas 6A, 7, 7A - Effective through September 6, gill net gear restricted to 6-inch maximum mesh when open.

Area 6D - Effective through September 20, closed to all commercial fishing.

Area 7C - Effective until further notice, closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237 degrees true to a fishing boundary marker on Samish Island.

Area 7E - Effective through September 13, closed to all commercial fishing.

Area 8 and the Skagit River - (1) Below Mt. Vernon Bridge, effective through October 25, closed to all commercial fishing; (2) Mt. Vernon Bridge to Gilligan Creek, effective through November 1, closed to all commercial fishing; and (3) upstream of Gilligan Creek, effective until further notice, closed to all commercial fishing.

Area 10 - Effective until further notice, closed to all commercial fishing northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola Dock.

Area 10A - Effective through August 31, closed to all commercial fishing.

Area 10C - Effective until further notice, closed to all commercial fishing.

Area 10D - Effective through October 4, gill nets restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 10F - Effective through September 13, gill nets restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 10G - Effective through September 27, gill nets restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 12 - Effective through September 6, closed to all commercial fishing east of a line from Lone Rock southwest to the navigational light off the mouth of Big Beef Creek and thence southerly to the tip of the outermost northern headland of Little Beef Creek.

*Area 13A - Effective until further notice, closed to all commercial fishing north of a line from Allen Point to the southernmost point of land on Glen Cove.

Dungeness River - Effective through September 20, closed to all commercial fishing.

Duwamish/Green Rivers - Effective until further notice, closed to all commercial fishing.

Hoko, Lyre, Pysht, and Sekiu River - Effective through September 27, closed to all commercial fishing.

Nooksack River - Upstream of confluence of forks, effective through September 27, closed to all commercial fishing.

Quilcene River - Effective through August 30, closed to all commercial fishing.

Cedar and Samish River - Closed to all commercial fishing until further notice.

*Stillaguamish River - Effective through September 20, closed to all commercial fishing.

*White River and Minter Creek - Effective through September 27, closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 10, 1986.

WAC 220-28-605 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS ORDER NO. 86-69

**WSR 86-17-012
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2407—Filed August 8, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 388-54-690, 388-54-720, 388-54-735 and 388-54-740.

I, Lee D. Bomberger, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules implement a requirement in the food stamp program needed for federal financial participation. See also WSR Number 86-13-004 and [no further information supplied by agency].

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-690 RESOURCES—ALLOWABLE MAXIMUMS. (1) The maximum allowable resources of all members of the household shall not exceed:

(a) Three thousand dollars for ~~((aH))~~ any household ~~((s with two or more persons which include at least one))~~ with a member age sixty or over,

(b) ~~((One))~~ Two thousand ~~((five hundred))~~ dollars for all other households.

(2) The resources of a student as defined in WAC 388-54-670 determined to be ineligible shall not be considered available to other household members, nor shall the individual be counted as a household member in determining the resource eligibility limits.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-720 RESOURCES—TRANSFER OF PROPERTY. (1) A household member (or ineligible alien or disqualified person) ~~((which))~~ who has knowingly transferred any resource for the purpose of qualifying or attempting to qualify for food stamp benefits within the three months immediately preceding the application for food stamp benefits, or after the household is determined eligible, shall ~~((be disqualified))~~ result in disqualification of the entire household for up to one year from the date of discovery of the transfer. The penalty shall not apply to the following types of transfers:

(a) Resources which would not effect eligibility;

(b) Resources which are sold or traded at or near fair market value;

(c) Resources which are transferred between household members and ineligible aliens or disqualified persons of the same household;

(d) Resources transferred for reasons other than qualifying.

(2) The length of disqualification shall be based on the amount by which nonexempt and transferred resources, when added to other countable resources, exceed the allowable resource limits:

AMOUNT IN EXCESS OF RESOURCE LIMITS	PERIOD OF DISQUALIFICATION
\$0 - 249.99	1 month
250 - 999.99	3 months
1,000 - 2,999.99	6 months
3,000 - 4,999.99	9 months
5,000 and over	12 months

AMENDATORY SECTION (Amending Order 2315, filed 12/5/85)

WAC 388-54-725 INCOME-DEFINITIONS.

(1) Earned income shall include:

- (a) All wages and salaries of an employee.
- (b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.
 - (i) Payments from a roomer or boarder.
 - (ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of twenty hours a week.
- (c) Training allowances from vocational and rehabilitative programs recognized by federal, state, or local governments, such as WIN, to the extent training allowances are not a reimbursement.
- (d) Payments under Title I (VISTA, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 (P.L. 93-113, as amended).
- (e) Payments of earned income tax credit (EIC).
- (f) Earnings of individuals participating in on-the-job training programs under the Job Training Partnership Act (JTPA).
- (g) College work study funds.

(2) Unearned income shall include but not be limited to:

- (a) Payments received from federally-aided public assistance programs, general assistance, or other assistance programs based on need.
- (b) Moneys withheld from public assistance for purposes of recouping an overpayment resulting from the household's intentional failure to comply with the public assistance program's requirement.
- (c) An annuity, pension, retirement, veteran's, or disability benefit; workmen's or unemployment compensation; and old-age, survivor's, or Social Security benefits; or strike benefits.
- (d) The total payment to a household on behalf of a foster child or adult.
- (e) Support and alimony payments from nonhousehold members made directly to the household.
- (f) Scholarships, educational grants (including loans on which repayment is deferred), fellowships, and veteran's education benefits in excess of amounts excluded.
- (g) Payments received from government-sponsored programs.

(h) Dividends, interest, royalties, and all other direct money payments which are gain or benefit.

(i) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty hours a week.

(j) Child support refund payments received by AFDC recipients from the office of support enforcement.

(k) Cash prizes, awards, lottery winnings, and gifts.

(3) The following items shall be disregarded as income:

- (a) Moneys from any source voluntarily returned to repay a prior overpayment received from that same source.
- (b) Mandatory deductions from sources other than AFDC, refugee, GA-U, and GA-S grants to repay a prior overpayment from that same source.
- (c) Child support payments received by AFDC recipients which must be transferred to support enforcement.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-735 INCOME-EXCLUSIONS. The following income is excluded:

- (1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970:
 - (a) Payments to persons displaced as a result of the acquisition of real property;
 - (b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;
 - (c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.
- (2) Payments made under the Domestic Volunteer Services Act of 1973. Payments under Title I (VISTA) to volunteers shall be excluded for individuals receiving public assistance or food stamps at the time the individual joined VISTA and for households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.
- (3) Income derived from certain submarginal land of the United States held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.
- (4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.
- (5) Payments by the Indian Claims Commission to the Confederated Tribe of the Yakima Indian Nation (Public Law 95-443).
- (6) Any payments received by Alaskan natives under the terms of the Alaskan Native Claims Settlement Act.
- (7) Payments from the special crisis intervention program.
- (8) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:
 - (a) Youth incentive entitlement pilot projects;
 - (b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(9) Income received as compensation for services as an employee or income from self-employment by a child residing in the household, under eighteen years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college, or university. The exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from earnings or work performed by other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(10) Income received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(11) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(12) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, OASDI educational benefits, and the like to the extent the funds are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(13) Money received in the form of nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for) (~~cash prizes, awards and gifts (except those for support maintenance, or the expense of education)~~), inheritances, retroactive lump-sum Social Security and railroad retirement pension payments, income tax refunds, and similar, nonrecurring, lump-sum payments.

(14) The cost of producing self-employment income.

(15) Reimbursements for past or future expenses not to exceed the actual expense or reimbursements not representing a gain or benefit to the household:

(a) The following are considered reimbursements excludable(;) and do not represent a gain or benefit:

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms, and transportation to and from the job or training site;

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of the volunteers' work;

(iii) Reimbursement for medical or dependent care;

(iv) Reimbursements or allowances to students for specific education expenses. Portions of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books. For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant, and "grant or scholarship" shall include any grant used for educational purposes regardless of the fact the grantee must perform services to obtain

the grant. Schools or institutions do not have the authority to designate a portion of "Pell Grant" (formerly BEOG) (~~or work study funds~~). The United States Department of Education (DOE) is the only authority to earmark "Pell Grant" funds.

(b) The following are considered reimbursements not excludable(;) and do represent a gain or benefit.

Reimbursements for normal living expenses, such as rent or mortgage, personal clothing, or food eaten at home.

(16) Any gain or benefit not in money, such as in-kind benefits, including public housing, meals, or clothing.

(17) Money payments not owed or payable directly to a household, but paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses the person's or organization's own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household;

(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded;

(c) Money legally obligated and otherwise payable to the household, but is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(18) Money received and used for the care and maintenance of a third-party beneficiary not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household:

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded;

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members pro rata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

(19) Money received as a Department of Housing and Urban Development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two-month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

(20) Clearly identified supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.

AMENDATORY SECTION (Amending Order 2286, filed 9/24/85)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of ~~((ninety-five))~~ ninety-eight dollars per household per month.

(2) An earned income deduction of ~~((eighteen))~~ twenty percent of gross earned income. Earnings excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) A dependent care deduction for households not containing an elderly or disabled member shall be the amount actually paid not to exceed one hundred sixty dollars. Payments for the care of a child or other dependent will be allowed when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

~~((The amount to be deducted for child care shall be the amount actually paid not to exceed one hundred thirty-four dollars. The dependent care deduction in combination with the shelter deduction shall not exceed one hundred thirty-four dollars.))~~

(4) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, and dependent care deductions. The shelter deduction ~~((s alone or in combination with the dependent care deduction))~~ shall not exceed one hundred ~~((thirty-four))~~ forty-seven dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, sewage disposal, and a standard basic telephone allowance, and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts include utilities such as heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone. Cooling costs are defined as

central air conditioners or operation of a room air conditioner.

<u>Persons in Household</u>	<u>Annualized Utility Standards</u>
	((December 1, 1984))
1	\$ 131
2	140
3	150
4	158
5	169
6	178
7	184
8	191
9	199
10 or more	209

(e) Households not incurring any separate utility charges for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(f) If a household is not entitled to the standard utility allowance, the household may claim actual utility expenses for any utility which the household does pay separately.

(i) The telephone standard ~~((;))~~ for families incurring telephone costs, but not entitled to claim the standard utility allowance, is ten dollars.

(ii) The telephone allowance applies to households not entitled to claim the standard utility allowance, but which have telephone expenses.

(g) If a household requests and can verify the household's utility bills, the actual utility costs shall be used rather than the standard utility allowance.

(h) A household shall not be allowed to switch between actual utility costs and the utility standard for a period of twelve months unless:

- (i) The household changes residence; or
- (ii) The household begins to incur a heating and/or cooling cost; or
- (iii) The household no longer incurs a heating and/or cooling cost.

(i) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the individuals contributing to meeting the utility costs. The household shall only be permitted to use the household's prorated share of the standard allowance.

(j) Households living in a public housing unit or other rental housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(5) Households containing ~~((one or more members who are))~~ an elderly or disabled member, as defined in WAC 388-54-665 (2)(b), shall be authorized:

(a) A dependent care deduction up to one hundred ~~((thirty-four))~~ forty-seven dollars as specified in WAC 388-54-740(3), and

(b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is elderly or disabled, as defined in WAC 388-54-665 (2)(b), shall be authorized a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper, and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental), or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

WSR 86-17-013
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2408—Filed August 8, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 388-54-690, 388-54-720, 388-54-735 and 388-54-740.

This action is taken pursuant to Notice No. WSR 86-13-004 filed with the code reviser on June 5, 1986.

These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-690 RESOURCES—ALLOWABLE MAXIMUMS. (1) The maximum allowable resources of all members of the household shall not exceed:

(a) Three thousand dollars for ~~((aH))~~ any household ~~((s with two or more persons which include at least one))~~ with a member age sixty or over;

(b) ~~((One))~~ Two thousand ~~((five hundred))~~ dollars for all other households.

(2) The resources of a student as defined in WAC 388-54-670 determined to be ineligible shall not be considered available to other household members, nor shall the individual be counted as a household member in determining the resource eligibility limits.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-720 RESOURCES—TRANSFER OF PROPERTY. (1) A household member (or ineligible alien or disqualified person) ~~((which))~~ who has knowingly transferred any resource for the purpose of qualifying or attempting to qualify for food stamp benefits within the three months immediately preceding the application for food stamp benefits, or after the household is determined eligible, shall ~~((be disqualified))~~ result in disqualification of the entire household for up to one year from the date of discovery of the transfer. The penalty shall not apply to the following types of transfers:

(a) Resources which would not effect eligibility;

(b) Resources which are sold or traded at or near fair market value;

(c) Resources which are transferred between household members and ineligible aliens or disqualified persons of the same household;

(d) Resources transferred for reasons other than qualifying.

(2) The length of disqualification shall be based on the amount by which nonexempt and transferred resources, when added to other countable resources, exceed the allowable resource limits:

AMOUNT IN EXCESS OF RESOURCE LIMITS	PERIOD OF DISQUALIFICATION
\$0 - 249.99	1 month
250 - 999.99	3 months
1,000 - 2,999.99	6 months
3,000 - 4,999.99	9 months
5,000 and over	12 months

AMENDATORY SECTION (Amending Order 2315, filed 12/5/85)

WAC 388-54-725 INCOME—DEFINITIONS.

(1) Earned income shall include:

- (a) All wages and salaries of an employee.
- (b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(i) Payments from a roomer or boarder.

(ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of twenty hours a week.

(c) Training allowances from vocational and rehabilitative programs recognized by federal, state, or local governments, such as WIN, to the extent training allowances are not a reimbursement.

(d) Payments under Title I (VISTA, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 (P.L. 93-113, as amended).

(e) Payments of earned income tax credit (EIC).

(f) Earnings of individuals participating in on-the-job training programs under the Job Training Partnership Act (JTPA).

(g) College work study funds.

(2) Unearned income shall include but not be limited to:

(a) Payments received from federally-aided public assistance programs, general assistance, or other assistance programs based on need.

(b) Moneys withheld from public assistance for purposes of recouping an overpayment resulting from the household's intentional failure to comply with the public assistance program's requirement.

(c) An annuity, pension, retirement, veteran's, or disability benefit; workmen's or unemployment compensation; and old-age, survivor's, or Social Security benefits; or strike benefits.

(d) The total payment to a household on behalf of a foster child or adult.

(e) Support and alimony payments from nonhousehold members made directly to the household.

(f) Scholarships, educational grants (including loans on which repayment is deferred), fellowships, and veteran's education benefits in excess of amounts excluded.

(g) Payments received from government-sponsored programs.

(h) Dividends, interest, royalties, and all other direct money payments which are gain or benefit.

(i) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty hours a week.

(j) Child support refund payments received by AFDC recipients from the office of support enforcement.

(k) Cash prizes, awards, lottery winnings, and gifts.

(3) The following items shall be disregarded as income:

(a) Moneys from any source voluntarily returned to repay a prior overpayment received from that same source.

(b) Mandatory deductions from sources other than AFDC, refugee, GA-U, and GA-S grants to repay a prior overpayment from that same source.

(c) Child support payments received by AFDC recipients which must be transferred to support enforcement.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-735 INCOME—EXCLUSIONS.

The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970:

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Payments under Title I (VISTA) to volunteers shall be excluded for individuals receiving public assistance or food stamps at the time the individual joined VISTA and for households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.

(5) Payments by the Indian Claims Commission to the Confederated Tribe of the Yakima Indian Nation (Public Law 95-443).

(6) Any payments received by Alaskan natives under the terms of the Alaskan Native Claims Settlement Act.

(7) Payments from the special crisis intervention program.

(8) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(9) Income received as compensation for services as an employee or income from self-employment by a child residing in the household, under eighteen years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high

school, vocational school, technical school, training program, college, or university. The exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from earnings or work performed by other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(10) Income received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(11) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(12) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, OASDI educational benefits, and the like to the extent the funds are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(13) Money received in the form of nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for)(~~cash prizes, awards and gifts (except those for support maintenance, or the expense of education)~~), inheritances, retroactive lump-sum Social Security and railroad retirement pension payments, income tax refunds, and similar, nonrecurring, lump-sum payments.

(14) The cost of producing self-employment income.

(15) Reimbursements for past or future expenses not to exceed the actual expense or reimbursements not representing a gain or benefit to the household:

(a) The following are considered reimbursements excludable(;) and do not represent a gain or benefit:

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms, and transportation to and from the job or training site;

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of the volunteers' work;

(iii) Reimbursement for medical or dependent care;

(iv) Reimbursements or allowances to students for specific education expenses. Portions of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books. For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant, and "grant or scholarship" shall include any grant used for educational purposes regardless of the fact the grantee must perform services to obtain the grant. Schools or institutions do not have the authority to designate a portion of "Pell Grant" (formerly BEOG) (~~or work study funds~~). The United States Department of Education (DOE) is the only authority to earmark "Pell Grant" funds.

(b) The following are considered reimbursements not excludable(;) and do represent a gain or benefit.

Reimbursements for normal living expenses, such as rent or mortgage, personal clothing, or food eaten at home.

(16) Any gain or benefit not in money, such as in-kind benefits, including public housing, meals, or clothing.

(17) Money payments not owed or payable directly to a household, but paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses the person's or organization's own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household;

(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded;

(c) Money legally obligated and otherwise payable to the household, but is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(18) Money received and used for the care and maintenance of a third-party beneficiary not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household:

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded;

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members pro rata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

(19) Money received as a Department of Housing and Urban Development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two-month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

(20) Clearly identified supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.

AMENDATORY SECTION (Amending Order 2286, filed 9/24/85)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of (~~ninety-five~~) ninety-eight dollars per household per month.

(2) An earned income deduction of (~~eighteen~~) twenty percent of gross earned income. Earnings excluded in

WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) A dependent care deduction for households not containing an elderly or disabled member shall be the amount actually paid not to exceed one hundred sixty dollars. Payments for the care of a child or other dependent will be allowed when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

~~((The amount to be deducted for child care shall be the amount actually paid not to exceed one hundred thirty-four dollars. The dependent care deduction in combination with the shelter deduction shall not exceed one hundred thirty-four dollars.))~~

(4) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, and dependent care deductions. The shelter deduction ~~((s alone or in combination with the dependent care deduction))~~ shall not exceed one hundred ~~((thirty-four))~~ forty-seven dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, sewage disposal, and a standard basic telephone allowance, and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

(i) The household intends to return to the house;

(ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or

(iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts include utilities such as heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone. Cooling costs are defined as central air conditioners or operation of a room air conditioner.

Persons in Household	Annualized Utility Standards
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~~((December 1, 1984))~~

1	\$ 131
2	140
3	150

Persons in Household	Annualized Utility Standards
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~~((December 1, 1984))~~

4	158
5	169
6	178
7	184
8	191
9	199
10 or more	209

(e) Households not incurring any separate utility charges for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(f) If a household is not entitled to the standard utility allowance, the household may claim actual utility expenses for any utility which the household does pay separately.

(i) The telephone standard ~~((;))~~ for families incurring telephone costs, but not entitled to claim the standard utility allowance, is ten dollars.

(ii) The telephone allowance applies to households not entitled to claim the standard utility allowance, but which have telephone expenses.

(g) If a household requests and can verify the household's utility bills, the actual utility costs shall be used rather than the standard utility allowance.

(h) A household shall not be allowed to switch between actual utility costs and the utility standard for a period of twelve months unless:

(i) The household changes residence; or

(ii) The household begins to incur a heating and/or cooling cost; or

(iii) The household no longer incurs a heating and/or cooling cost.

(i) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the individuals contributing to meeting the utility costs. The household shall only be permitted to use the household's prorated share of the standard allowance.

(j) Households living in a public housing unit or other rental housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(5) Households containing ~~((one or more members who are))~~ an elderly or disabled member, as defined in WAC 388-54-665 (2)(b), shall be authorized:

(a) A dependent care deduction up to one hundred ~~((thirty-four))~~ forty-seven dollars as specified in WAC 388-54-740(3), and

(b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is elderly or disabled, as defined in WAC 388-54-665 (2)(b), shall be authorized a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper, and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental), or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

WSR 86-17-014

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1902—Filed August 8, 1986]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to recording thermometer installation on bulk milk farm tanks.

This action is taken pursuant to Notice No. WSR 86-13-051 filed with the code reviser on June 13, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.36 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By C. Alan Pettibone
Director

NEW SECTION

WAC 16-125-200 RECORDING THERMOMETERS—INSTALLATION. (1) After January 1, 1987, all new farm bulk tank installations shall include a recording thermometer and an automatic interval timer. Installation of a used milk tank shall be construed as a new installation.

(2) The installation and operation of recording thermometers and interval timers shall be the responsibility of the holder of the Grade A producer permit.

(3) A recording device shall not be installed on or attached to a farm tank. It may be suspended on metal brackets from the ceiling, firmly attached to the inside wall of the milk room, or at any location acceptable to the department.

(4) The sensor bulb or device shall be so located as to record the temperature of the milk in the tank before the milk reaches ten percent of the tank volume. A capillary system containing toxic gas or liquids shall not be used in a bare bulb sensor device.

(5) The recorder and chart shall be capable of recording from thirty-two degrees to one hundred eighty degrees Fahrenheit, or above, and shall be accurate within plus or minus two degrees.

(6) The case of the recording device shall be moisture-proof under operating conditions in the milk house or milk room.

(7) Means shall be provided for sealing the recording pen arm setting.

(8) The recording chart shall make one revolution every seven days. A strip chart shall not be used.

(9) The recording clock shall be electrically operated. The recorder pen shall reflect the actual time.

(10) If at any time, the recording device becomes inoperable or out of tolerance, the inspection service and the pooling agent or hauler shall be notified immediately by the producer. Repair or replacement of the device shall be made as soon as possible.

(11) The producer shall maintain an adequate supply of recording charts. The charts shall be of those recommended for the specific instrument which is installed.

(12) To preclude stratification, the interval timer shall be set and adjusted so the milk will be agitated for not less than a five minute period with a frequency of every hour.

NEW SECTION

WAC 16-125-210 RECORDING THERMOMETER—OPERATION. (1) Milk and milk products for consumption in the raw state or for pasteurization shall be cooled to forty degrees Fahrenheit or lower within two hours of completion of milking and maintained at

that temperature until picked up, as determined in accordance with RCW 15.36.110: PROVIDED, That the blend temperature after the first and subsequent milkings does not exceed fifty degrees Fahrenheit.

(2) In making a milk pick-up, the licensed grader and sampler shall:

(a) Remove the chart from the recorder before the chart has lapsed;

(b) Mark the date and time of pick-up;

(c) Sign the chart;

(d) Date and install a new chart, as necessary;

(e) File the completed charts under protected conditions, provided for by the producer, unless they are taken to the purchaser's premises for his review.

(f) If the charts are taken from the dairy farm, they shall be returned within ten days from the date they were taken: PROVIDED, That subject to the approval of its members and the department, a pooling agent, processing plant, receiving plant or regular place of business may file the recording thermometer charts at its place of business.

(g) The official milk temperature must be taken with an accurate, properly calibrated thermometer.

(3) The temperature recording charts may be used for more than one pick-up: PROVIDED, That all the pick-ups occur within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader and sampler shall identify each lot of milk with the date, time of pick-up and his/her signature.

(4) Before removing milk from a farm bulk tank, the licensed grader and sampler shall check the recording chart. If the licensed grader and sampler finds milk temperature variations extending beyond the legal limits, he/she shall immediately notify the producer, or in the absence of the producer, an employee, and the producer's marketing agent. The licensed grader and sampler shall sign the chart noting the date, time, stick reading and indicate that a temperature infraction has occurred. The producer's marketing agent shall notify the department of agriculture of temperature standard violations detected through the official milk quality testing program. Temperature standard violations reported to the department will become part of the producer's official record.

(a) Milk stored at temperatures beyond the legal limits shall be tested by a representative of the producer's marketing agent and determined to be of acceptable quality before the milk can be picked up as Grade A milk.

(b) If milk stored at temperatures beyond the legal limits is determined to be of unacceptable quality by a representative of the producer's marketing agent, the milk in question is subsequently picked up as manufacturing milk or condemned.

(5) Except as otherwise provided in subsection (2) of this section, recorder charts shall be held at the dairy farm for ninety days and shall be available to the dairy sanitarian.

WSR 86-17-015

EMERGENCY RULES

LOTTERY COMMISSION

[Order 94—Filed August 8, 1986]

Be it resolved by the Washington State Lottery Commission, acting at Longview, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 315-06-120	Payment of prizes—General provisions.
Amd	WAC 315-20-090	Form and content of decisions in contested cases and proposed orders.
New	WAC 315-04-230	Licensing of enterprises operated by or subject to jurisdiction.
New	WAC 315-06-125	Debts owed the state.
New	WAC 315-11-220	Definitions for Instant Game Number 22 ("Silver Lining"/"Silver Bells").
New	WAC 315-11-221	Criteria for Instant Game Number 22.
New	WAC 315-11-222	Ticket validation requirements for Instant Game Number 22.

We, the Washington State Lottery Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are required before permanent rules could be adopted. Delay in implementation would be contrary to public interest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 1, 1986.

By Duane Kovacevich
Deputy Director

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. The claimant must show their social security number (SSN) or federal employer's identification number (FEIN) on the lottery winner claim form. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification

number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name for publicity purposes upon award of the prize.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than ~~((+80))~~ one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) The director may delay payment of any prize that exceeds six hundred dollars and debts are owed by the claimant to a state agency or political subdivision, or that the state is authorized to enforce or collect as provided in WAC 315-06-125.

(7) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

(b) For the purposes of paying federal, state or local tax.

~~((+7))~~ (8) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

~~((+8))~~ (9) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

~~((+9))~~ (10) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

~~((+10))~~ (11) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

~~((+11))~~ (12) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

~~((+12))~~ (13) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

~~((+13))~~ (14) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

~~((+14))~~ (15) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

AMENDATORY SECTION (Amending Resolution No. 24, filed 6/17/83)

WAC 315-20-090 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES AND PROPOSED ORDERS. Whenever the director considers that any matter of proceeding will be best handled by the issuance of a proposed order by the director or a proposed or initial decision is issued by an administrative law judge, such an order shall be issued and the parties so notified. Upon receipt of such notice and proposed order, any party may file exceptions to the same within ~~((twenty))~~ ten days after the date of the service of the

proposed or initial order, unless a greater or lesser time for response is stated in the proposed or initial order or an extension of time is granted by the director for good cause shown. A copy of the exceptions shall be served upon all other parties who have appeared in the cause, or their attorneys of record, together with proof of such service in accordance with the rules governing service of process. Any party may answer the exceptions so filed and served within ten days after service of said exceptions upon him or her. Briefs may accompany the exceptions or answers thereto and shall be filed and served in the same manner. After a full consideration of the proposed order, the exceptions and the answers to exceptions so filed and briefs, the director may affirm the proposed or initial order by service of an order of affirmance upon the parties, or, if it deems the exception well taken, may revise the proposed order and issue a final order differing from the proposed order. The director, in his or her discretion, may allow the parties to present oral arguments. If no party files exceptions in a timely manner to a proposed or initial order, that order shall be final.

NEW SECTION

WAC 315-04-230 LICENSING OF ENTERPRISES OPERATED BY OR SUBJECT TO JURISDICTION OF INDIAN TRIBES. (1) The director is authorized to license as lottery retailers businesses which are operated by federally recognized Indian tribes, or operated upon lands subject to the jurisdiction of such Indian tribes, if the tribal council of the tribe having jurisdiction has passed an ordinance agreeing to the following provisions:

(a) All matters relating to the issuance and revocation of such license, as well as the manner in which the sale of lottery tickets is conducted by the licensee, shall be governed exclusively by the laws of the state of Washington, and no inconsistent tribal laws, ordinances, or rules exist or will be enacted.

(b) In the event of litigation involving the issuance or revocation of any such license, the conduct of the business as a lottery retailer, the financial relationship between any licensee and the lottery or any other matter connected with the lottery or its operation, the courts of the state of Washington shall have jurisdiction, and venue shall be proper only in Thurston county.

(c) Administrative disputes shall be submitted to the jurisdiction of the director, Washington state lottery, or any lawfully appointed designee thereof, and shall be conducted in accordance with Washington state law.

(d) Lottery employees and vendors, including investigators and enforcement officers, may enter upon trust lands and property including lands owned by the tribe or its members, solely for the purposes of conducting investigations and enforcing the provisions of chapter 67.70 RCW.

(2) A certified copy of such ordinance shall be filed along with the application for licensure of any business located on Indian lands, or operated by an Indian tribe.

NEW SECTION

WAC 315-06-125 DEBTS OWED THE STATE.

(1) The terms used in RCW 67.70.255 and these regulations are defined as follows:

(a) Creditor – Any state agency or political subdivision of this state that maintains records of debts owed to the state or political subdivision, or that the state is authorized to enforce or collect.

(b) Debt – A judgment rendered by a court of competent jurisdiction or obligations established pursuant to RCW 74.20A.055 or administrative orders as defined in RCW 74.20A.020(8).

(c) State – The state of Washington.

(d) Two working days – Two days not to include Saturdays, Sundays, and holidays as defined in RCW 1.16-.050 commencing the day following the date the claim was validated by the lottery.

(e) Verification – A facsimile or photo copy of a judgment or final order received by the lottery during the requisite two working day period.

(2) Any creditor may submit, to the lottery, in a format specified by the director, data processing tapes containing debt information specified by the director. Tapes which do not contain the required information or are not in the proper format will be returned to the creditor. The creditor submitting debt information tapes shall provide replacement tapes on a regular basis at intervals not to exceed one month or less than one week. The creditor shall be solely responsible for the accuracy of the information contained therein.

(3) Creditors submitting data processing tapes to the lottery shall also submit the name or names of designated contact persons.

(4) The lottery shall include the debt information submitted by the creditor in its validation and prize payment process. The lottery shall delay payment of a prize, exceeding six hundred dollars, for a period not to exceed two working days, to any person owing a debt to a creditor pursuant to the information submitted in subsection (2) of this section. The lottery shall make a reasonable attempt to contact the creditor's designated contact person(s) by phone, followed by written correspondence, to verify the debt. Three phone calls, excluding busy signals, shall constitute a reasonable attempt. The prize shall be paid to the claimant if the debt is not verified by the submitting creditor within two working days. If the debt is verified, the prize shall be disbursed pursuant to subsection (6) of this section.

(5) A creditor shall verify the debt by submitting to the lottery at lottery headquarters in Olympia, Washington within the requisite two working day period, a facsimile or photocopy of a judgment or final order which is the basis for the debt.

(6) Prior to disbursement, any verified debts owed to a creditor by the winner of any lottery prize exceeding six hundred dollars shall be set off against the prize owing to the winner. In the event a prize winner owes debts to more than one creditor, and the total prize is insufficient to pay all debts, the set off shall be paid to the creditors on a pro rata basis based on the amount of debt owed to each creditor unless priority is established by statute.

NEW SECTION

WAC 315-11-220 DEFINITIONS FOR INSTANT GAME NUMBER 22 ("SILVER LINING"/"SILVER BELLS"). (1) Play symbols: The following are the "play symbols": "FREE"; "\$2.00"; "\$5.00"; "10.00"; "20.00"; "50.00"; "\$100\$"; "10000". One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The ten-digit number of the form 2000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 22 constitute the "pack number" which starts at 2000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds 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 22, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL CAPTION</u>	
FREE	TICKET
\$2.00	TWO\$
\$5.00	FIVE
10.00	TEN\$
20.00	TWENTY
50.00	FIFTY
\$100\$	HUNDRED
10000	TEN-THOU

(5) 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 below \$25. For Instant Game Number 22, 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>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the lower front of the stub (right) portion of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

NEW SECTION

WAC 315-11-221 CRITERIA FOR INSTANT GAME NUMBER 22. (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 symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

- Three FREE play symbols – Win Free Ticket
- Three \$2.00 play symbols – Win \$2.00
- Three \$5.00 play symbols – Win \$5.00
- Three 10.00 play symbols – Win \$10.00
- Three 20.00 play symbols – Win \$20.00
- Three 50.00 play symbols – Win \$50.00
- Three \$100\$ play symbols – Win \$100.00
- Three 10000 play symbols – Win \$10,000

(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 22 set forth in WAC 315-11-222, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life with a minimum of \$1,000,000 guaranteed to the prize winner or the prize winner's estate. Qualifying entries from Instant Game Number 22 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols. The stubs may be from Instant Game Number 19, "Three Cards Up," and/or Instant Game Number 20, "Cash Code," and/or Instant Game 21, "Sun Dollars," and/or Instant Game 22, "Silver Lining"/"Silver Bells."

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," WASHINGTON LOTTERY, TACOMA, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) An entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within five days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the

winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package, including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 22, shall provide additional compensation for lottery retailers pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall provide additional compensation of \$2,100 to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The compensation shall be paid to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing. Provided, the lottery may require such retailers to display point-of-sale material as a condition of receiving the additional compensation.

(c) The lottery retailers will be selected as follows:

(i) The \$2,100 will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The compensation awarded to the lottery retailer(s) will be paid as follows:

(i) The amount received will be credited to any overdue balance owed the lottery.

(ii) The balance, if any, will be paid to the lottery retailer(s).

(e) Washington state liquor control board stores and agencies are not eligible to participate in this program.

(f) Any moneys not paid as additional compensation under this program shall be retained by the lottery.

(8) The lottery shall conduct in conjunction with Instant Game Number 22 an incentive program and provide additional compensation pursuant to WAC 315-04-190(3). The purpose of the program is to increase sales of lottery tickets through increased and more effective use of point-of-sale material.

(a) The program shall be conducted as follows:

(i) Four drawings, using licensed agent numbers, will be held during Instant Game Number 22 at times and places and pursuant to procedures established by the director. At each drawing, twenty-five primary and five alternate licensed agent numbers will be drawn.

(ii) Licensed agents whose number is drawn and whose license is active and accounts receivable are current within thirty days at the time of the drawing will be qualified for further participation in the program. Agents whose license is inactive or accounts receivable are not current within thirty days at the time of the drawing will be disqualified and replaced by a licensed agent whose number was drawn as an alternate number.

(iii) Licensed agents selected for further participation at any drawing will not be eligible for participation in future drawings.

(iv) Lottery personnel shall visit each licensed agent qualified for further participation to determine whether point-of-sale material is displayed at each checkout area where lottery tickets are sold. Those agents with point-of-sale material displayed at each such checkout area will be eligible for the finalist drawing.

(v) The finalist drawing will be held at a time and place and pursuant to procedures established by the director.

(vi) The number of winners and prizes to be awarded will be established and announced by the director.

(vii) Each winner shall be liable for the federal income tax due, if any, as a result of being awarded a prize.

(b) Washington state liquor control board stores and agencies are not eligible to participate in this incentive program.

(9) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 22; and/or

(b) Vary the number of tickets sold in Instant Game Number 22 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-222 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 22.

(1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 22 all of the following validation requirements apply:

(a) Exactly one play symbol must appear under each of the six rub-off spots 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) 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	15 point Archer font
Captions	5 x 12 Matrix font
Pack-Ticket Number	9 x 12 Matrix font
Validation Number	5 x 11 Matrix font
Retailer Verification Code	7 x 12 Matrix font
Stub Play Symbols	9 x 12 Matrix font
Stub Number	5 x 9 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number, retailer verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-220(1) and each of the captions must be exactly one of those described in WAC 315-11-220(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-220(7) and the stub number as described in WAC 315-11-220(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) 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 86-17-016

ADOPTED RULES

UNIVERSITY OF WASHINGTON

[Order 86-3—Filed August 11, 1986]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

Amd ch. 478-116 WAC Parking fees for football and stadium events; parking fees for wheelchair patrons; bicycle parking regulations.

Amd WAC 478-138-050 Use of university stadium boat moorage facilities; moorage fee (for each event).

This action is taken pursuant to Notice No. WSR 86-11-031 filed with the code reviser on May 14, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the University of Washington as authorized in RCW 28B.10.300, 28B.10.560 and 28B.20.130.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 23, 1986.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-080 BICYCLE PARKING AND TRAFFIC REGULATIONS. (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. All bicycle owners are encouraged to register their bicycles at the university police department.

(2) Bicycles shall be parked in racks. At no time shall a bicycle be parked in a building, near a building exit, on a path or sidewalk, in planted areas nor chained or otherwise secured to trees, lamp standards or sign posts.

Except for racks adjacent to the residence halls, bicycle racks in campus areas are for parking and shall not be used for overnight storage.

(3) Bicycles may be ridden any place where vehicles are permitted. They may be ridden on sidewalks, though pedestrians always have the right of way. Bicycles shall not be ridden on paths or streets where signs indicate such is prohibited. An audible signal shall be used by bicycle operators to warn pedestrians of oncoming bicycles.

(4) Moving a bicycle into any unauthorized area is prohibited.

(5) Impounding for illegal parking.

(a) Bicycles parked in violation of WAC 478-116-080(2) will be subject to seizure and impounding by the university.

(b) A bicycle abandoned or parked on university land for twenty-one days or longer is subject to seizure and impound by the university. A bicycle will not be considered abandoned when the owner/operator is unable to remove it and so notifies the university police department.

(c) Impounded bicycles will be stored at the university police department. Bicycles will be released at specified times and upon presentation of proof of ownership and payment of a \$3.00 fine. Owners of impounded bicycles, if identifiable, will be notified as soon as reasonably possible after impoundment and must reclaim the bicycle within seven days. Bicycles unclaimed after seven days will be released to the sole custody and control of the Seattle police department. The university and its officers, employees and agents shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-140 PARKING WITHIN DESIGNATED SPACES. No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within a parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse or defense for a violation of this section. This section shall not apply to stack parking for athletic events.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-270 EVENING PERMITS. Evening permits will allow daily parking during the period of time printed on the permit, as well as on Saturdays or Sundays in assigned areas, except football parking.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-570 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. (1) The ((chief plant engineer)) plant engineering manager or his or her designee is authorized to erect signs, barricades and other structures and to paint marks and other directions

upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of the University of Washington. Such signs, barricades, structures, markings and directions shall be so made and placed as in the opinion of the ((chief plant engineer)) plant engineering manager or his or her designee will best effectuate the objectives stated in WAC 478-116-020 of these regulations.

(2) No person, without authorization from the ((chief plant engineer)) plant engineering manager or his or her designee shall remove, move, deface, or in any way change a sign, barricade, structure, marking, or direction so placed, or previously placed, for the purpose of regulating traffic or parking. Authority to make permanent changes of this nature must be obtained from the ((chief plant engineer)) plant engineering manager or his or her designee. Authority to make temporary changes of this nature with respect to parking areas must be obtained from the manager of the parking division or his or her designee. Authority to make temporary changes of this nature with respect to streets or roadways must be obtained from the chief of the university police department or his or her designee.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-582 IMPOUNDMENT FOR FAILURE TO PAY FINES. Any vehicle may be impounded for outstanding fines when, after ((14)) fourteen days after judgment of the university parking court imposing liability for fines, the owner has neither paid such fines nor requested a hearing before the ((university parking)) university parking court to contest the judgment. ((In)) In no case shall failure to comply with a judgment of the parking court constitute grounds for impoundment unless notice is sent to the registered owner or alleged violator prior to the hearing informing him of the violations with which he/she was charged and of his/her right to elect between paying the fine prior to the date set for hearing before the parking court or appearing on that date to contest such fines. Such notice shall clearly indicate that failure to respond by either payment of the fines or appearance in court will result in a judgment against the owner and that failure to comply with an order of the parking court will subject the vehicle to impoundment if it is found parked on university lands.

AMENDATORY SECTION (Amending Order 84-4, filed 7/25/84, effective 9/1/84)

WAC 478-116-600 FEES. (1) For purposes of this section the following lots are in:

- (a) Zone A -
 - (i) Central campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18, C19;
 - (ii) East campus: E3, E6, E7, E8, E13, E15, E16;
 - (iii) North campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28;
 - (iv) South campus: S1, S4, S5, S6, S7, S8, S9, S10;

(v) West campus: W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W19, W20, W21, W22, W23, W24, W25, W29, W34, W39, W41, W42.

(b) Zone B -

(i) East campus: E2, E9, E10, E11, E12;

(ii) North campus: N1, N5, N25;

(iii) South campus: S13;

(iv) West campus: W2, W26, W27, W28, W33, W35, W36, W40.

(2) The following schedule of parking fees is hereby established:

	PER	AMOUNT
(a) Type of permit -		
(i) Annual permits:		
(A) Zone A permits	Year	\$204.00
(B) Zone B permits	Year	150.00
(C) Reserved - general	Year	420.00
(D) Wheelchair permits	Year	150.00
(E) Motorcycles, scooters and mopeds	Year	30.00
(F) Drive-through permits (Full-time faculty and staff only)	Year	6.00
(G) 24-hour storage, garages	Year	240.00
(H) Carpool permits	Year	24.00
(I) Retiree permits	Month	6.80
(ii) Quarterly permits:		
(A) Zone A permits	Quarter	51.00
(B) Zone B permits	Quarter	37.50
(C) Reserved - general	Quarter	105.00
(D) Wheelchair permits	Quarter	37.50
(E) Drive-through permits (Full-time faculty and staff only)	Quarter	2.00
(F) Motorcycles, scooters and mopeds	Quarter	7.50
(G) 24-hour storage, garages	Quarter	60.00
(H) Carpool permits	Quarter	6.00
(I) Retiree permits	Quarter	20.40
(iii) Night permits (4:00 p.m. to 7:30 a.m. and Saturday a.m. (only) except football parking)		
(A) Zone A annual permits	Year	96.00
(B) Zone B annual permits	Year	54.00
(C) Zone A quarterly permits	Quarter	24.00
(D) Zone B quarterly permits	Quarter	13.50
(iv) Academic year permits (9 months - 24-hour storage)		
(A) Zone A	Academic year	153.00
(B) Zone B	Academic year	112.50
(C) 24-hour storage-garages	Academic year	180.00
(b) Hourly parking rates for designated areas on main campus and south campus (6:00 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 0-30 minutes (wheelchair patrons)	No charge	
(iii) 15 minutes to 30 minutes		\$ 1.00
((iii)) (iv) To 1 hour		1.50
((iv)) (v) 1 hour to 2 hours		2.00
((v)) (vi) 2 hours to 3 hours		2.50
((vi)) (vii) Over 3 hours		3.00
((vii)) (viii) Gate issued	Week	6.50
(c) Hourly parking rates for designated areas on the periphery of campus (6:00 a.m. to 11:00 p.m. weekdays only) -		

PER AMOUNT

(i) 0-15 minutes	No charge	
(ii) 0-30 minutes (wheelchair patrons)	No charge	
(iii) 15 minutes to 1 hour		1.00
((iii)) (iv) 1 hour to 2 hours		1.50
((iv)) (v) Over 2 hours		1.75
(d) Evening parking (4:00 p.m.-7:30 a.m.)		
(i) 0-15 minutes	No charge	
(ii) 0-30 minutes (wheelchair patrons)	No charge	
(iii) 15-30 minutes		.75
((iii)) (iv) Over 30 minutes		1.25
(e) Saturday morning parking (6:00 a.m.-noon) except football parking	Day	1.25
(f) Special permits -		
(i) Short term	Week	4.50
(ii) Short-term motorcycle	Day	.50
(iii) Ticket books (persons identified in WAC 478-116-240(6) and 478-116-250(1) only)		
(A) 5 ticket book - Dept./Indv.		4.25
(B) 10 ticket book - Dept./Indiv.		8.50
(C) 25 ticket book - Dept./Indiv.		21.25
(iv) Steno person (SP) and special services (SS)	Year	204.00
	Quarter	51.00
((f)) (g) Mechanically controlled parking areas as designated (parking meters, ticket dispensers, automatic gates, etc.)		.25-.75
((g)) (h) Athletic events -		
(i) Football and other stadium events in excess of 24,000 attendance		
(A) Automobiles		((3-00))
(I) One occupant		7.00
(II) Two occupants		6.00
(III) Three or more occupants		3.00
(B) Motor homes		6.00
(C) Buses		10.00
(ii) All other events - Pavilion and stadium lots		
(A) When staffed by attendants		2.00
(B) When controlled by mechanical equipment (E1-only)		.60
((h)) (i) Miscellaneous fees -		
(i) Transfer from one area to another by request of individual		2.00
(ii) Gate keycard replacement - not to exceed		5.40
(iii) Vehicle gate keycard deposit (Amount of deposit will be set by the manager of the parking division. Deposit will be returned to individual when key is returned to parking division.)	Not to exceed	10.00
(iv) <u>Wheelchair patrons - with the advice of the transportation advisory committee, the director of the transportation office is authorized to equitably adjust the automobile occupant rates to accommodate wheelchair patrons.</u>		
(v) Permit replacement		
(A) With signed certificate of destruction or theft		1.10
(B) Without certificate of destruction or theft		2.15
(v) Impound fee	At cost	
(vi) Carpools - (Daily pay parking in certain designated areas. Two or more persons.)		.25-.50

NOTE: The schedule above includes applicable Washington state sales tax.

AMENDATORY SECTION (Amending Order 81-2, filed 6/24/81)

WAC 478-138-050 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—MOORAGE FEE (FOR EACH EVENT).

Private Boats:

Length to ((20)) 50 feet	\$ ((3.00))
	.30 per foot
((Length 21 to 30 feet	\$ 6.00
Length 31 to 40 feet	\$10.00))
Length over ((40)) 50 feet	\$((+2.00))
	20.00

The number of permits issued to private boats over fifty feet in length may be limited as determined by the manager of the parking division.

Private boat owners must submit a copy of certificate of insurance and boat registration to the parking division prior to issuance of a moorage permit.

Charter Boats:

Load and unload plus moorage .	\$((60.00))
	70.00
Load and unload only	\$((+2.00))
	15.00

Other Craft: Set by manager of the parking division if necessary for single occurrence.

WSR 86-17-017

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed August 11, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning load limits on SR 11, repealing WAC 468-38-430;

that the agency will at 10:00 a.m., Tuesday, September 23, 1986, in the Board Room, 1D 2, Transportation Building, Olympia, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 47.01.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 18, 1986.

Dated: August 11, 1986

By: Duane Berentson
Secretary

STATEMENT OF PURPOSE

Title: WAC 468-38-430 Weight limits on SR 11.

Description of Purpose: Repeal of WAC 468-38-430.

Statutory Authority: RCW 47.01.260, authority of department.

Summary of Rule: Limits weights allowed on a 3 1/2 mile segment of SR 11.

Reason for Repeal: Restricts weights for reasons that were valid at the time of its adoption. The roadway now has been improved and the weight limits need to be increased. Since this is the only WAC rule that restricts weights on a short segment of highway, it should be repealed so that such changes can be made by administrative action.

Agency Proposing Action: Washington State Department of Transportation.

Department Personnel Responsible for Drafting and Implementation: Mr. D. D. Ernst, State Maintenance Engineer, Department of Transportation, Room 1C9, Transportation Building, Olympia, WA 98504, (206) 753-6014.

Agency Comments or Recommendations: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-38-430 LOAD LIMITATION ON STATE ROUTE 11.

WSR 86-17-018

ADOPTED RULES

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Order 86-2—Filed August 11, 1986]

I, Milly LaPalm, deputy director acting for Ralph C. Ruff, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water, Olympia, WA, the annexed rules relating to:

Amd	WAC 326-02-030	Definitions.
New	WAC 326-08-095	Burden of proof at a hearing.
Amd	WAC 326-20-110	Application process.
New	WAC 326-20-171	Denial of certification—Show cause review.
New	WAC 326-20-172	Revocation of certification.
Amd	WAC 326-20-220	Resubmission of applications.
New	WAC 326-30-038	Goals for 1986-87.

This action is taken pursuant to Notice No. WSR 86-14-101 filed with the code reviser on July 2, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 39.19 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 11, 1986.

By Milly LaPalm
Deputy Director acting for
Ralph C. Ruff
Director

AMENDATORY SECTION (Amending Order 85-6, filed 7/2/85)

WAC 326-02-030 DEFINITIONS. Words and terms used in these rules shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in these rules, or the context in which they are used clearly indicates that they be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(3) "Combination minority and women's business enterprise" means a business organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by this office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by this office. The owners must be United States citizens or lawful permanent residents.

(4) "Commercially useful function" means ~~((being responsible for execution of a contract or a distinct element of the work under a contract by actually performing, managing and supervising the work involved))~~ the performance of real and actual services in the discharge of any contractual endeavor.

(a) In determining whether a business is or will be performing a commercially useful function, factors, including but not limited to the following, will be considered:

(i) Whether the business is or will be responsible for executing a distinct element of work as defined in a bid or proposal;

(ii) Whether principals or employees of the business actually perform, manage, and supervise the work for which the business is or will be responsible;

(iii) Whether the business could be considered a "conduit," "front," or "pass-through" as defined in this section.

(b) For the purpose of these rules, a supplier will be considered to be performing a commercially useful function when:

(i) It either assumes the actual and contractual responsibility for furnishing goods or materials and executes material changes in the logistics or configuration of those goods or materials; or

(ii) Is the manufacturer of those goods or materials;

or
(iii) Is recognized as a distributor of goods or materials by representatives of the industry involved in the supply of such goods or materials; and

(iv) It owns or leases warehouses, yard buildings, or other facilities which are viewed as customary or necessary by the industry; and

(v) It distributes or delivers goods or materials with its own staff or employees.

(5) "Contract" means a mutually binding legal relationship, including a lease, or any modification thereof,

obligating the seller to furnish goods or services, including construction, and the buyer to pay for them.

(6) "Contract by contract basis" means a single contract within a specific class of contracts.

(7) "Contractor" means a party who enters into a contract to provide a state agency or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(8) "Director" means the director of the office of minority and women's business enterprises.

(9) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(10) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume for participation by minority and women-owned businesses, and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. Goals shall be met on a contract by contract or class of contract basis. In meeting their goals on either a contract by contract or a class of contract basis state agencies and educational institutions should facilitate the entry of minority and women's business enterprises into types of businesses in which MBE's and WBE's are underrepresented.

(11) "Goods and/or services" means all goods and services, including professional services.

(12) "Joint venture" means a single enterprise partnership of two or more persons or businesses created to carry out a single business enterprise for profit for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(13) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

Persons who are visibly identifiable as a minority need not provide documentation of their racial heritage but may be required to submit a photograph. Persons who are not visibly identifiable as a minority must provide documentation of their racial heritage which will be determined on a case-by-case basis. The final determination will be in the sole discretion of the office.

(14) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more minority individuals or minority business enterprises certified by this office. Owned and controlled means a business in which one or more minorities or MBE's certified by this office own at least fifty-one percent, or in

the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The minority owners must be United States citizens or lawful permanent residents.

(15) "MWBE" means a minority-owned business enterprise, a women-owned business enterprise; and/or a combination minority and women's business enterprise certified by the office of minority and women's business enterprises of the state of Washington.

(16) "Office" means the office of minority and women's business enterprises of the state of Washington.

(17) "Procurement" means the purchase, lease, or rental of any goods or services.

(18) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(19) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(20) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more women or women's business enterprises certified by this office. Owned and controlled means a business in which one or more women or WBE's certified by this office own at least fifty-one percent or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The women owners must be United States citizens or lawful permanent residents.

(21) "Common industry practices" mean those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

(22) "Conduit" means a WBE, MBE, or combination MWBE which agrees to be named as a subcontractor on a contract in which such WBE, MBE, or combination MWBE does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other non-MWBE business.

(23) "Front" means a business which purports to be: (a) A WBE but is in fact owned or controlled by a man or men; (b) a MBE but is owned or controlled by a nonminority person or persons; or (c) a combination MWBE but is owned or controlled by a man or men or by a nonminority person or persons to a greater extent than is allowed by WAC 326-02-030(3).

(24) "Pass-through" means a business which buys goods from a non-WBE, non-MBE, or noncombination MWBE without materially changing the configuration or logistics of the goods and resells those goods to the

state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

(25) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

(26) "Supplier" means a business which provides or furnishes goods or materials, performs a commercially useful function, and is not considered a conduit, front, or pass-through.

(27) "Switch business" means a business which was previously owned and controlled by a man, men or nonminorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

NEW SECTION

✓ WAC 326-08-095 BURDEN OF PROOF AT A HEARING. At a hearing held pursuant to WAC 326-08-010, the burden of proof shall be on the applicant to demonstrate why the applicant qualifies for certification under RCW 39.19 and Title 326 WAC. The administrative law judge may consider evidence on the issue of whether OMWBE's decision to deny, revoke, or refuse to renew certification was correct at the time it was made.

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

✓ WAC 326-20-110 APPLICATION ((FORM)) PROCESS. (1) The office will develop and make available an application form for certification ((as a MWBE, which may be modified at any time:)) under Chapter 39.19 RCW, and WAC 326-20-010 and -020. The application form may be modified at any time. The form will solicit enough information to determine whether the applicant is eligible for MWBE certification for state-funded projects and may include supplemental questions necessary to determine whether the applicant is eligible for certification for a specific federally-funded project. As part of its investigation, the office may require minority and women owners to provide information in addition to that requested on the application forms.

(2) Where additional information is required from the applicant business to complete the investigation, the office may request the information by certified letter and may impose a time limit of not less than ((seven)) 30 days in which the applicant must respond. ((If the applicant fails to provide the information in the time requested, the office may give notice to the applicant of its intention to close the file administratively. The notice shall be by certified letter and shall give the applicant twenty days after the mailing of the letter in which to provide the information requested by the office:)) The letter shall include notice to the applicant that, if the applicant fails to provide the information within the time requested, the file will be closed administratively. If all

the requested information is not received by the office within the ((twenty)) 30 days, the office may administratively close the file. The applicant will be notified in writing that the file has been administratively closed.

(3) Upon receipt of a written request for extension of the time to respond to the request for additional information, received by OMWBE prior to expiration of the 30-day time period, an extension of time to respond may be granted by the director. A showing of extenuating circumstances may be required, and granting of such request for extension is in the sole discretion of the director.

(4) Administrative closure means that the file is placed in inactive status, and further processing of the application is suspended. An applicant may petition the agency for reopening or reactivation of the application file, by written request to the director. Requests to reopen will be granted in the sole discretion of the agency director. The applicant will be notified in writing of the director's decision to grant or deny the request to reactivate the file. If the request is denied, the applicant may resubmit an application pursuant to WAC 326-20-220. If the file is administratively reopened and processing resumed, the application will be processed as if it had been received on the date the request to reopen the file is granted by the director.

NEW SECTION

✓ WAC 326-20-171 DENIAL OF CERTIFICATION - SHOW CAUSE REVIEW. (1) If the Office has reached the conclusion that an application for certification should be denied, the Office shall notify the applicant in writing, by certified mail, of its denial of certification. Within 30 days of receipt of this notification, the applicant must either: (a) submit a written request for a meeting with the director or designee, to show cause why the decision to deny is incorrect; (b) present additional written or documentary information to the director; or (c) submit a written request for a contested case hearing, pursuant to WAC 326-08-015.

(2) When an applicant requests a show cause review, by meeting or by providing additional written documentation within 30 days of receipt of the denial letter, the finality of the denial for appeal purposes is stayed until the show cause review is complete.

(3) Upon receipt of a timely request for the opportunity to submit additional information at a show cause meeting, the Office may schedule such a meeting. Subsequent to the meeting, the Office shall review any additional information provided at the meeting and may conduct further investigation. The Office will notify the applicant by certified mail of its decision either to affirm the denial or to grant certification. This notification is considered final for purposes of WAC 326-08-015.

(4) Upon timely receipt of additional written or documentary information by the applicant, the Office shall review such additional information and may conduct further investigation. The Office will then notify the applicant by certified mail of its decision either to affirm the denial or to grant certification. This denial letter is considered final for purposes of WAC 326-08-015.

(5) Supporting documentation which existed prior to the reconsideration period, but which is presented to OMWBE subsequent to the reconsideration period, will not be accepted by OMWBE. If the applicant desires such documentation to be considered for purposes of the application in question, then the applicant must request a contested case hearing pursuant to WAC 326-08-015.

(6) If a change in business circumstances occurs after the reconsideration period, then the applicant must submit a new application pursuant to WAC 326-20-220, and is not entitled to appeal the denial of the application in question on the basis of the change in business circumstances.

(7) "Reconsideration period," for purposes of this section, shall mean the 30 days after receipt of the denial letter, described in subsection (1) above, or the period between receipt of the denial letter and the show cause meeting, if requested pursuant to subsection (1) above, plus any additional time authorized by the director in writing.

NEW SECTION

✓ WAC 326-20-172 REVOCATION OF CERTIFICATION. (1) When the Office has determined that a certified MWBE no longer meets the certification criteria and/or the certified MWBE fails to return the renewal of certification application forms or to supply additional information requested by the Office in a timely manner, the Office will notify the applicant in writing of its intent to revoke certification.

(2) Upon receipt of an "intent to revoke certification" letter, the MWBE may request a show cause review by the Director. The request must be in writing and must be received by the Office within thirty (30) calendar days of receipt of the notice of intent to revoke certification. The MWBE's request for a show cause review must set forth the reasons the MWBE believes the Office's decision to revoke certification is in error and must include any additional information and documentation the business has to offer.

(3) Upon receipt of the request for a show cause review, the Office shall review the request and any additional information provided and may conduct further investigation and/or request that the MWBE attend a show cause meeting with the Director. The Office will thereafter notify the MWBE by certified mail of its decision to either affirm or reverse its intent to revoke certification. This revocation decision is considered final for purposes of WAC 326-08-015.

(4) If a show cause review is requested and the revocation of certification is affirmed, any aggrieved party may request a hearing. The request must be made in writing and must be made within thirty (30) days of receipt of the Office's decision affirming the revocation of certification.

(5) If the Office has not received a request for a show cause review nor any additional written documentation within thirty (30) days of receipt of the "intent to revoke" letter, the Office will notify the MWBE by certified mail of its decision to affirm its previous intent to revoke certification. This revocation decision is considered final for purposes of WAC 326-08-015.

(6) A business shall remain certified until (a) the time provided by WAC 326-08-015 for appeal of the decision to revoke has expired without action by the MWBE, of (b) the entry of a final revocation order issued by the Director pursuant to WAC 326-08-130. Revocation shall be effective immediately upon the occurrence of (a) or (b) above, and will not be stayed pending review by any court.

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

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

WAC 326-20-220 RESUBMISSION OF APPLICATIONS. (1) An applicant which has withdrawn its application or whose application has been denied may file a new application if there has been a substantial change in ownership, control, or organization of the business. However, no business may file more than two applications in any calendar year.

(2) An applicant which has experienced a substantial change in ownership, control, or organization of the business after the reconsideration period shall not be entitled to certification based on such changed circumstances, and must file a new application.

(3) "Reconsideration period," for purposes of this section, shall mean the 30 days after receipt of the denial letter, described in WAC 326-20-175(1), or the date of the show cause meeting if requested pursuant to WAC 326-20-175(1), plus any additional time authorized in writing by the director.

NEW SECTION

WAC 326-30-038 GOALS FOR 1986-87. The annual overall goals for each state agency and educational institution for each of the following classes of contracts for the period July 1, 1986 through June 30, 1987, shall be:

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

These MWBE participation goals are based on the state agency's or educational institution's total contracts subject to this chapter within each of the above noted classes of contracts, less excluded contracts.

WSR 86-17-019

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 484—Filed August 12, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of an emergency rule restricting industrial operations and burning in parts of the state and maintaining industrial operation restrictions and burning restrictions in Eastern Washington.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is weather conditions have reduced the level of fire danger in Western Washington enough to allow normal activities to resume. Conditions in Eastern Washington have not changed necessitating the continuation of restrictions.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.315 and 76.04.325 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 12, 1986.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-084a LOGGING RESTRICTIONS. Effective midnight, Sunday, August 10, 1986, through midnight, Wednesday, August 13, 1986, the following restrictions will be in effect in the identified areas on lands protected by the Department of Natural Resources.

Restrictions:

(1) The operating of power saws, except at loading sites on landings, is prohibited from 11:00 A.M. until 8:00 P.M. local time.

(2) The operating of power saws at loading sites on landings is prohibited from 1:00 P.M. until 8:00 P.M. local time.

(3) The operating of tractors, mechanized yarding, mechanized loading, mechanized hauling of any product or material, mechanized treatment of slash, blasting, welding and operating acetylene or other torches with open flame is prohibited from 1:00 P.M. until 8:00 P.M. local time.

(4) The operating of any other spark-emitting equipment not specifically mentioned in sections (1), (2) or (3) above are prohibited from 1:00 P.M. until 8:00 P.M. local time.

(5) A one-hour fire watch is required at the site of sections (1) through (4) after ceasing operating at the required times.

(6) All outdoor burning, by permit or rule burn, and the use of burn barrels is suspended.

Affected areas:

Southeast Area:

Shutdown zone 624 in Klickitat and Yakima Counties; shutdown zone 631 in Asotin, Garfield, Columbia and Walla Walla Counties; shutdown zone 633 in Asotin, Garfield, Columbia and Walla Walla Counties; shutdown zone 675 in Yakima and Kittitas Counties; shutdown zone 677 in Chelan County; shutdown zone

680 in Yakima and Kittitas Counties; shutdown zone 681 in Klickitat and Yakima Counties; shutdown zone 682 in Chelan County.

Northeast Area:

Shutdown zone 678 in Okanogan County; shutdown zone 679 in Okanogan County; shutdown zone 684 in Okanogan County; shutdown zone 685 in Okanogan County.

Southwest Area:

Shutdown zone 621 east in Clark and Skamania Counties.

REPEALER

The following section of the Washington Administrative Code is repealed:

- 1) WAC 332-26-084 Logging Restrictions.

WSR 86-17-020

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 485—Filed August 12, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to an emergency order suspending outdoor burning on lands protected by the Department of Natural Resources in San Juan County.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to the dry conditions and threat to life and property by fire in San Juan County, the use of fire needs to be restricted.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.205 and 76.04.315 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 12, 1986.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-083a BURNING RESTRICTIONS. Effective midnight, Tuesday, August 12, 1986, through midnight Monday, August 18, 1986, all outdoor burning on lands protected by the Department of Natural Resources in San Juan County, as authorized in RCW 76.04.205 and WAC 332-24-070 and -090, is suspended.

REPEALER

The following section of the Washington Administrative Code is repealed:

- 1) WAC 332-26-083 Burning Restrictions.

WSR 86-17-021

ADOPTED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2401A—Filed August 12, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to correction of Administrative Order 2401 filed on August 1, 1986. WSR 86-16-045, WAC 388-86-009, prepaid health plans.

This action is taken pursuant to Notice No. WSR 86-13-033 filed with the code reviser on June 11, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 11, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2327, filed 1/15/86)

WAC 388-86-009 PREPAID HEALTH PLANS.

(1) The department may enter into agreements with prepaid health plans including, but not limited to((;));

(a) Health Maintenance Organizations (HMOs)((;));

(b) Preferred Provider Organizations (PPOs); and

(c) Health Insuring Organizations (HIOs).

((Eligible)) (2) Recipients enrolled in such plans are ((required)) limited to ((utilize)) the providers and services covered under these plans ((exclusively)), except for:

(a) Services not included in the agreement ((or for));

(b) Service delivery arrangements otherwise approved by the department; or

(c) Services which are immediately required due to an unforeseen injury, illness or condition.

((2)) (3) Enrollment in these plans may be voluntary or mandatory depending on the requirements of the plan as determined by the department.

((3)) (4) A recipient shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall result in a written decision stating the basis for the decision. The recipient has

the right to request a fair hearing if the decision is adverse or a written decision is not received within thirty days from the date the plan received the grievance.

(5) Voluntary prepaid health plans that have a contract with the department may include a stay-in requirement. Recipients choosing one of these plans must stay in the same plan for a period, as required by the contract, not to exceed six months, except that:

(a) The recipient may disenroll without cause:

(i) During the first month of enrollment; or

(ii) During the semi-annual one-month disenrollment period.

(b) The recipient may be disenrolled if:

(i) Eligibility for medical assistance is terminated; or

(ii) The recipient moves out of the area served by the prepaid health plan.

(c) The recipient may disenroll if he/she has good cause which shall include but not be limited to:

(i) Medically necessary services are not reasonably available from or through the HMO; or

(ii) The HMO has denied medically necessary services to the recipient; or

(iii) A change in circumstances results in geographical barriers making it unreasonably difficult for the recipient to obtain medically necessary services from or through the HMO.

(d) Voluntary disenrollment by the recipient will not hinder the recipient's right to reenroll at any time in any prepaid health plan that has a contract with the department.

(6) Effective February 1, 1986, certain recipients will be enrolled in a Health Insuring Organization designated by the department. Enrollment in this plan is mandatory for individuals certified as recipients of aid to families with dependent children—regular (AFDC-R), who live in Kitsap and Mason counties.

WSR 86-17-022

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2409—Filed August 12, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-84-110 Application—Disposition.
Amd WAC 388-99-030 Allocation of excess income—Spendedown.
Amd WAC 388-99-050 Limited casualty program—Medically needy—Application process.

This action is taken pursuant to Notice No. WSR 86-12-042 filed with the code reviser on May 30, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 12, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2375, filed 5/14/86)

WAC 388-84-110 APPLICATION—DISPOSITION. (1) Timely determination standards are:

(a) Sixty days for applicants based on disability,

(b) Forty-five days for all other categories,

(c) The standards for timely processing of applications shall not be used as a waiting period for determining eligibility. Each application shall be acted upon as quickly as possible.

(2) Each application shall be acted upon within the standards of subsection (1) of this section ((unless exceptional circumstances in an individual case require a longer period of time. Such exceptional circumstances shall include)). When CSO has otherwise acted promptly at all stages of the application process the time standard may be extended if the CSO cannot reach a timely eligibility decision because:

(a) ((When the CSO cannot reach a decision because)) The applicant or an examining physician delays or fails to provide information or fails to take a required action; or

(b) ((When there is)) The eligibility determination depends upon out-of-state or intercity correspondence and no other verification is available to establish the eligibility factor at issue; or

(c) The occurrence of an administrative or other emergency beyond the control of the CSO. Administrative burdens do not justify delayed processing of applications.

(3) For cash assistance, approval of the medical assistance is concurrent.

(4) Applicants for medical assistance will be notified of departmental action by means of a notification of eligibility letter.

(5) Approval, denial, or withdrawal of the application for medical assistance, medical care services, or the limited casualty program will follow cash assistance standards and criteria in chapter 388-38 WAC, with the exception of WAC 388-38-110. For time limits for disposal of a medical application, subsections (1) and (2) of this section shall apply.

(6) The department may rescind a denial and approve assistance based on a denied application when:

(a) The applicant, within thirty days from the date of denial, provides additional information needed to establish eligibility, or

(b) Following this thirty-day period:

(i) The applicant timely requests a fair hearing to appeal the denial; and

(ii) The applicant provides the additional information needed to establish eligibility.

AMENDATORY SECTION (Amending Order 2206, filed 2/13/85)

WAC 388-99-030 ALLOCATION OF EXCESS INCOME—SPENDDOWN. (1) On initial or subsequent applications previously incurred medical expenses are deducted from excess countable income subject to the following restrictions.

(a) The medical expense must be a current liability of the individual or financially responsible relative in the same household. See WAC 388-92-025(4).

(b) The medical expenses have not been used at any other time to reduce excess countable income on a medical application which resulted in eligibility.

(c) The portion of the medical expense paid or covered by third-party liability can not be considered toward spenddown.

(i) When a health insurer has failed to send either payment or notice of the portion of a medical services bill covered within forty-five days of the date of service or thirty days from the last day of the base period, whichever is sooner, the department shall disregard the possible payment as a resource and allow the entire expense for spenddown.

(ii) When Medicare is the only insurance available and the applicant is hospitalized, the department shall take the following action:

(A) If there has not been a previous hospital stay within sixty days, and the client still owes the bill, allow the Medicare deductible toward the spenddown.

(B) If there has been a previous hospital stay within sixty days, do not allow the hospital deductible, and follow the procedure for health insurance in (c)(i) of this subsection.

(d) Only medical services provided by practitioners recognized under state law will be considered.

(2) If the incurred medical bills equal or exceed the excess countable income at the time of application, the applicant is certified eligible.

(3) If the incurred medical bills are less than the excess countable income, the application is not approved and the individual is required to spenddown the remaining excess countable income. The applicant is certified eligible only when excess countable income has been completely spentdown. Medical expenses incurred during the spenddown period are deducted in the following order:

(a) Medicare and other health insurance premiums, deductibles, coinsurance charges, enrollment fees, or copayments.

(b) Expenses for necessary medical and remedial care not covered by the limited casualty program.

(c) Expenses for necessary medical and remedial care covered by the limited casualty program which have been paid by the applicant.

(d) Expenses for necessary medical and remedial care covered by the limited casualty program which have not been paid.

(4) The applicant is responsible for providing complete documentation of incurred medical expenses within

thirty days of the end of the base period. Once medical eligibility has been approved, expenses which were not listed or which were omitted will not be considered. Such expenses may be used to reduce excess countable income on a subsequent application provided:

(a) For expenses incurred prior to the certification date the conditions in subsection (1) of this section are met.

(b) For medical care or supplies received and paid for, on or after the certification date and prior to receiving coupons, the conditions in subsections (1)(b) through (d) of this section are met.

(5) The applicant is liable for any expenses incurred prior to the spenddown satisfaction date.

AMENDATORY SECTION (Amending Order 1684, filed 7/29/81)

WAC 388-99-050 LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY—APPLICATION PROCESS. (1) Applications will be disposed of according to WAC 388-84-105 and 388-84-110.

(2) The effective date shall be as in chapter 388-84 WAC, except that:

(a) The effective date for LCP-MN in own home shall be the date spenddown, if any, has been met, and

(b) Denials based upon failure to meet spenddown shall not be made until at least thirty days after the end of the base period.

(3) Following a spenddown denial the CSO will reopen and process the case when:

(a) The conditions in WAC 388-84-110 are met; or
(b) An applicant, more than thirty days after the denial:

(i) Presents bills sufficient to meet spenddown and shows reasonable cause for the delay in providing the bills; and

(ii) Timely requests a fair hearing to appeal the denial.

WSR 86-17-023

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 3-86—Filed August 12, 1986]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 192-28-105 Recovery of benefit overpayment—Notification to individual.
- Amd WAC 192-28-110 Recovery of benefit overpayment—Fault provisions.
- Amd WAC 192-28-115 Recovery of benefit overpayment—Equity and good conscience provisions.
- Amd WAC 192-28-120 Recovery of benefit overpayment—By repayment or offset against future benefits.
- Amd WAC 192-28-125 Recovery of benefit overpayment—Notification of right to appeal.

This action is taken pursuant to Notice No. WSR 86-14-095 filed with the code reviser on July 2, 1986. These

rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 6, 1986.

By Ernest F. LaPalm
Deputy Commissioner

AMENDATORY SECTION (Amending Order 6-85, filed 10/10/85)

WAC 192-28-105 RECOVERY OF BENEFIT OVERPAYMENT—NOTIFICATION TO INDIVIDUAL. (1) When the department has information which causes it to believe that an individual has been paid more benefits than he or she is entitled to receive, ~~((it))~~ the department will provide that individual with a written notice, the overpayment advice of rights, explaining that a potential overpayment exists. This notice shall contain the following:

(a) The reasons for the department's belief that the individual has been overpaid benefits.

(b) The amount of the overpayment as of the mailing or delivery date of the overpayment advice of rights.

(c) The fact that the department will collect overpayments in accordance with WAC 192-28-120.

(d) The fact that final overpayment assessments constitute legally enforceable debts which individuals are liable to repay whether or not they are claiming or receiving unemployment benefits. These debts can be used to obtain warrants which could result in liens, garnishment of salaries, and possible sale of real and personal properties.

(e) An explanation that if an individual is found to be not at fault, he or she has the right to request a waiver of the overpayment and that waiver means the individual would not have to repay the overpayment because it would be against the principles of equity and good conscience.

(f) An explanation that at the individual's request, an overpayment may be repaid by account adjustment without an overpayment assessment if both the individual and the department agree to the circumstances, the amount of the overpayment and the method of repayment. If an individual agrees to an account adjustment, he or she can repay the overpayment by authorizing the department to deduct past and/or future benefits payable. No account adjustment action whether formal or informal, will be taken until the individual has been advised of his or her rights and has been given an opportunity to be heard on the overpayment issue. All individuals will be advised in writing of their right to a formal overpayment assessment, the possibility of waiver and their appeal rights. The individual can ask for and the department will issue a formal overpayment assessment, even after an account adjustment has been completed.

(g) A statement that an individual has 10 days to submit information to the local job service center regarding or disputing the existence of an overpayment and whether or not he or she was at fault. Failure to do so will result in the department making a decision, based on available information, regarding the existence of the overpayment and the individual's eligibility for waiver.

AMENDATORY SECTION (Amending Order 6-85, filed 10/10/85)

WAC 192-28-110 RECOVERY OF BENEFIT OVERPAYMENT—FAULT PROVISIONS. (1) ~~((in each instance where))~~ When an overpayment occurs, the department will make a finding of fault or nonfault based on information provided by the individual and/or by the employer and from information contained in ((its)) the department's records. After reviewing all such information, the individual will be considered to be at fault when the overpayment is:

(a) The result of fraud, misrepresentation, wilful non-disclosure; or

(b) The result of a disqualification for a felony or gross misdemeanor pursuant to the provisions of RCW 50.20.060(2), or if all of the following three elements are established:

(i) The individual was paid benefits in an amount greater than he or she was entitled to receive and he or she accepted and retained those benefits; and

(ii) The payment of these benefits was based on incorrect information or a failure to furnish information which the individual should have provided as outlined in the ~~((EMS-8139-))~~ Information for Claimants ((B))booklet, The Presentation of Benefit Rights, claimant directives and other reasonable written communications issued by the department; or information which the individual caused another to fail to disclose; and

(iii) The individual had sufficient notice that the information should have been reported.

(2) In accordance with WAC 192-23-900, an individual who is overpaid as the result of a conditional payment is liable for repayment.

~~((3))~~ The individual will be considered to be without fault in situations where he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision and the overpayment is:

(a) ~~The result of agency error or omission, employer error or omission; or~~

(b) ~~The result of the reversal of a lower level decision by the office of administrative hearings, the commissioner or a court; or~~

(c) ~~Not a payment that the individual should have known was improper. Examples of nonfault situations where an individual would not reasonably have known that an overpayment of benefits had been made would include, but not be limited to, overpayments resulting from: Back pay awards, receipt of retroactive pensions, claims filed improperly against the state of Washington instead of against another state, or the receipt of extended benefits when the individual was entitled to regular benefits in this or another state.~~

(4) ~~In determining whether or not an individual is at fault, the department shall also consider education, mental abilities, emotional state and other elements of the individual's personal situation which affect his or her knowledge and ability to comply with reporting all material information that is relevant to benefit eligibility. This includes information contained in the EMS 8139 - Information for Claimant Booklet, The Presentation of Benefit Rights, claimant directives and other reasonable written communications issued by the department.)~~

(3) The individual may be considered to be at fault, even though he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision, if the overpayment is the result of payment that the individual should reasonably have known was improper. Following are some, but not all, examples of instances in which an individual should reasonably have known that a payment was improper and therefore is at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The individual correctly reported earnings but the department paid benefits at the full amount or incorrectly deducted the earnings.

(b) The individual reported that he or she was unavailable for one or more customary work days, but the department paid at the full amount and the payment was not a conditional payment.

(c) The individual received a retroactive pension payment that he or she had applied for and was reasonably sure would be awarded.

(d) The individual did not inform the department that he or she was eligible for benefits on an unexpired claim against another state.

(e) A lower level decision was reversed by the office of administrative hearings, the commissioner or a court because of new information that the individual failed to disclose to the department.

(f) Other circumstances in which department fact finding indicates that the individual knew the payment was improper.

(4) In determining whether or not an individual is at fault, the department shall also consider education, mental abilities, emotional state, the individual's experience with claiming unemployment insurance and other elements of the individual's personal situation which affect his or her knowledge and ability to comply with reporting all material information that is relevant to benefit eligibility. This includes information contained in the Information for Claimants booklet, The Presentation of Benefit Rights, claimant directives and other reasonable written communications issued by the department.

(5) The individual will be considered without fault when he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision and the overpayment is the result of payment that the individual would not reasonably have known was improper. Following are some, but not all, examples of instances in which an individual may not reasonably have known that a payment was improper and therefore is not at fault. These are intended as

examples only and do not mean that the department would rule in this manner in every such situation.

(a) The department erroneously removed a payment stop, resulting in improper payment.

(b) The individual received a retroactive pension which was backdated by the pension source, not at the individual's request.

(c) A combined wage or federal claim was filed against Washington that should have been filed against another state.

(d) Extended benefits were paid by the department when the individual would have been eligible for a new claim against this or another state.

(e) A lower level decision, in which all information was provided by the individual, was reversed by the office of administrative hearings, the commissioner or a court.

(f) Other circumstances in which department fact finding indicates that the individual did not know the payment was improper.

(6) Fault and waiver are not considered if the individual agrees to an account adjustment as explained in WAC 192-28-120(5).

Reviser's note: RCW 34.04.058 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 6-85, filed 10/10/85)

WAC 192-28-115 RECOVERY OF BENEFIT OVERPAYMENT—EQUITY AND GOOD CONSCIENCE PROVISIONS. (1) The department will grant waiver of an overpayment when it is found that the individual was without fault in the overpayment and when it is determined that to require repayment would be against equity and good conscience. It will be against equity and good conscience to deny waiver ((in situations where)) when repayment of the overpayment would deprive the individual of income required for ((ordinary and)) necessary living expenses unless there are unusual circumstances which would militate against waiver.

(2) The individual will be required to provide financial information for the determination of waiver of the overpayment. Failure on the part of the individual to provide such information within 10 days from the request date will result in ((a denial of)) the department making a decision, based on available information, regarding the individual's eligibility for waiver. All such information is subject to verification by the department ((and, upon request, will be provided to interested employers as defined in WAC 192-28-125)). Any overpayment amount waived on the basis of information which is later determined to be ((based on fraud, malfeasance or misrepresentation)) fraudulent or misrepresented shall be restored to the overpayment balance.

(3) The financial information requested shall include:

(a) An account of the individual's income and to the extent available to the individual, other financially contributing members of the household((s income,)) for the

month preceding, the current month and the month following the date ~~((that))~~ the ~~((overpayment))~~ financial information is ~~((assessed))~~ requested.

(b) An account of the individual's current and readily available liquid assets. Liquid assets may include, but are not limited to, checking and savings account balances, stocks, bonds and cash on hand.

(c) An account of the individual's expenses for the month preceding, the current month and the month following the date ~~((that))~~ the ~~((overpayment))~~ financial information is ~~((assessed))~~ requested.

(4) ~~If average monthly expenses equal or exceed average monthly income and there are no substantial liquid assets available, waiver of the overpayment will be considered. ((If average monthly income exceeds average monthly expenses and unemployment insurance is considered as projected income in this calculation, either in the current or the next month, then the department will recalculate average monthly income based on potential benefits that would be paid considering the 50% offset provisions contained in WAC 192-28-120. If based on this recalculation, average monthly expenses exceed average monthly income, waiver of the overpayment will be considered.))~~ The presence of unusual circumstances may justify waiver on other than a financial basis when not to waive would be unconscionable.

(5) ~~((In cases where an individual has been denied waiver but at a later date there is a change in his or her financial situation, the individual may request the consideration of an offer in compromise pursuant to the provisions of RCW 50.24.020. Individuals who are found to be at fault, with the exception of those denied pursuant to RCW 50.20.060(2) or RCW 50.20.070, may also request consideration of an offer in compromise, based on their financial situation. Prior to the acceptance of an offer in compromise all base year employers will be provided with a copy of the individual's completed offer in compromise form and will be allowed 10 days to provide information to the department regarding the offer in compromise request. The allowance or denial of a request for consideration of an offer in compromise will be in accordance with the financial criteria used by the department for the allowance or denial of waiver of an overpayment together with other factors deemed pertinent in the individual case. Any overpayment amount compromised which is later determined to have been based on fraud, malfeasance or misrepresentation shall be restored to the overpayment balance.))~~ When an individual has been denied waiver or waiver was not considered, the individual may enter into a payment agreement with the department.

(6) When an individual has been denied waiver or has been unable to reach a payment agreement with the department, he or she may make an offer in compromise pursuant to the provisions of RCW 50.24.020. The allowance or denial of an offer in compromise will be in accordance with the same criteria used by the department for allowance or denial of waiver of an overpayment. Any overpayment amount compromised on the basis of information which is later determined to be fraudulent or misrepresented shall be restored to the overpayment balance.

AMENDATORY SECTION (Amending Order 6-85, filed 10/10/85)

WAC 192-28-120 RECOVERY OF BENEFIT OVERPAYMENT—BY REPAYMENT OR OFFSET AGAINST FUTURE BENEFITS. (1) An overpayment may be recovered either by offset or repayment by the individual. If not repaid by the individual, the amount assessed shall be deducted from benefits payable for any future week(s) claimed. If any recovery procedure is in conflict with federal regulations, the federal regulations shall apply.

(2) For overpayments ~~((assessed under))~~ brought about by a denial pursuant to RCW 50.20.070 for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will be 100% of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(3) ~~((For all other overpayments that are not waived, the amount to be deducted will be 50% of benefits payable for each future week(s) claimed.))~~ For overpayments assessed pursuant to RCW 50.20.010 because the individual asked to have his or her claim for unemployment insurance cancelled, the amount to be deducted will be 100% of benefits payable for each future week(s) claimed. The department will ensure that the individual was properly informed of the advantages and/or disadvantages of cancelling an existing claim to file a new claim.

(4) ~~((For combined wage claims, the amount to be deducted for another state will be 100 percent of the benefits payable for each future week(s) claimed for fraud overpayments and 50 percent of the benefits payable for each future week(s) claimed for all other overpayments. The individual will be issued prior written notice that the overpayment will be offset.))~~ For all other overpayments that are not waived, the amount to be deducted will be 50% of benefits payable for each future week claimed. Provided, that at the request of the individual, an overpayment can be repaid at 100% of benefits payable for each future week claimed.

(5) ~~((A repayment contract will be suspended whenever an individual is in current claim status and the overpayment is being offset from future week(s) payable in accordance with (2) or (3) above. When the individual is no longer in offset status, the provisions of the repayment contract will become enforceable.))~~ At the request of the individual, an overpayment may be repaid by account adjustment without an overpayment assessment if both the individual and the department agree to the circumstances, the amount of the overpayment and the method of repayment. If an individual agrees to an account adjustment, he or she can repay the overpayment by authorizing the department to deduct past and/or future benefits payable. No account adjustment action will be taken until the individual has been advised of his or her rights and has been given an opportunity to be heard on the overpayment issue. All individuals will be advised in writing of their right to a formal overpayment assessment, the possibility of waiver and their appeal rights. The individual can ask for and the

department will issue a formal overpayment assessment even after an account adjustment has been completed.

(6) For an overpayment assessed by another state, the amount to be deducted for the other state will be deducted in accordance with WAC 192-28-120.

(7) Those individuals who have been denied waiver, as well as those individuals for whom waiver was not considered, will be notified in writing of their right to enter into a payment agreement with the department or to make an offer in compromise. Offers in compromise will not be approved for individuals whose overpayment was brought about by a denial pursuant to RCW 50.20.060(2) or RCW 50.20.070.

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

AMENDATORY SECTION (Amending Order 6-85, filed 10/10/85)

WAC 192-28-125 RECOVERY OF BENEFIT OVERPAYMENT—NOTIFICATION OF RIGHT TO APPEAL. (1) The department shall ensure that all interested employers and the individual to whom the overpayment is assessed are notified in writing of the overpayment assessment and their right to appeal any or all of the following elements of the overpayment assessment:

- (a) The reason for the overpayment;
- (b) The amount of the overpayment;
- (c) The finding of fault or nonfault;
- (d) The reason for waiver or denial of waiver of the overpayment.

(2) For the purposes of this chapter, interested employer means (1) any employer who provides information to the department which results in an overpayment assessment and (2) ~~((in the case of an overpayment where))~~ when waiver has been ~~((considered, whether))~~ allowed ~~((or denied,))~~ all base year employers ~~((on which the claim is based))~~ who make payments in lieu of contributions to the department.

~~((3) The department shall also ensure that those individuals who have been denied waiver, as well as those individuals who were found to be at fault and waiver was not considered, are notified in writing of their right to apply for consideration of an offer in compromise. Offers in compromise will not be entertained from an individual whose overpayment was brought about by a final denial pursuant to RCW 50.20.060(2) or RCW 50.20.070. All base year employers on which a claim is based will be notified in writing of the acceptance of an offer in compromise.))~~

**WSR 86-17-024
EMERGENCY RULES**

DEPARTMENT OF NATURAL RESOURCES

[Order 486—Filed August 13, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency

rule restricting logging on lands protected by the Department of Natural Resources.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is continued hot and dry weather have brought the forest lands protected by the Department of Natural Resources to a condition which require a continuation of the restrictions implemented to prevent a wildfire from starting.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.315 and 76.04.325 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 13, 1986.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-084b LOGGING RESTRICTIONS. Effective midnight, Wednesday, August 13, 1986, through midnight, Monday, August 18, 1986, the following restrictions will be in effect in the identified areas on lands protected by the Department of Natural Resources.

Restrictions:

(1) The operating of power saws, except at loading sites on landings, is prohibited from 11:00 A.M. until 8:00 P.M. local time.

(2) The operating of power saws at loading sites on landings is prohibited from 1:00 P.M. until 8:00 P.M. local time.

(3) The operating of tractors, mechanized yarding, mechanized loading, mechanized hauling of any product or material, mechanized treatment of slash, blasting, welding and operating acetylene or other torches with open flame is prohibited from 1:00 P.M. until 8:00 P.M. local time.

(4) The operating of any other spark-emitting equipment not specifically mentioned in sections (1), (2) or (3) above are prohibited from 1:00 P.M. until 8:00 P.M. local time.

(5) A one-hour fire watch is required at the site of sections (1) through (4) after ceasing operating at the required times.

(6) All outdoor burning, by permit or rule burn, and the use of burn barrels is suspended.

Affected areas:

Southeast Area:

Shutdown zone 624 in Klickitat and Yakima Counties; shutdown zone 631 in Asotin, Garfield, Columbia and Walla Walla Counties; shutdown zone 633 in Asotin, Garfield, Columbia and Walla Walla Counties;

shutdown zone 675 in Yakima and Kittitas Counties; shutdown zone 677 in Chelan County; shutdown zone 680 in Yakima and Kittitas Counties; shutdown zone 681 in Klickitat and Yakima Counties; shutdown zone 682 in Chelan County.

Northeast Area:

Shutdown zone 678 in Okanogan County; shutdown zone 679 in Okanogan County; shutdown zone 684 in Okanogan County; shutdown zone 685 in Okanogan County.

Southwest Area:

Shutdown zone 621 east in Clark and Skamania Counties.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 332-26-084a Logging Restrictions.

WSR 86-17-025

PROPOSED RULES

STATE EMPLOYEES INSURANCE BOARD

[Filed August 13, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning eligible employees and retirees, amending WAC 182-12-115;

that the agency will at 9:15 a.m., Friday, October 10, 1986, in the Department of Transportation, Materials Lab Building, Tumwater, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 41.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1986.

Dated: August 13, 1986

By: C. H. Shay
Assistant Benefits Manager

STATEMENT OF PURPOSE

WAC 182-12-115 Eligible employees and retirees.

Statutory Authority: Chapter 41.05 RCW.

WAC 182-12-115 currently provides eligibility criteria for SEIB insurance. The proposed change extends eligibility to part-time faculty personnel.

Responsible for Drafting, Implementation and Enforcement: C. H. Shay, Assistant Benefits Manager, Department of Personnel, Insurance Benefits Division, 1400 Evergreen Park Drive S.W., Olympia, WA 98504, mailstop FX-11, phone 753-2364, scan 234-2364.

Proposed by: State Employees Insurance Board.

Agency Comments: None.

Not necessary due to federal law or federal/state court action.

AMENDATORY SECTION (Amending Order 2-83, filed 5/20/83)

WAC 182-12-115 ELIGIBLE EMPLOYEES AND RETIREES. The following definitions of eligible employees and retirees of an eligible entity, as defined in WAC 182-12-111, shall apply for all SEIB approved plans except as otherwise stated in this chapter:

(1) "Full-time employees." Those who work a full-time work week for their agency and are expected to be employed for more than six months.

(2) "Permanent part-time employees." Those who do not work full-time, but who are under continuous employment by an agency, and who are scheduled to work at least 80 hours per month.

(3) "Career seasonal employees." Those who work at least 80 hours per month during a designated season for a minimum of three months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay during the break between seasons shall be treated as "new" employees on return to work in a following season.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEIB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

((5)) (6) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

((6)) (7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEIB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for

an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

WSR 86-17-026
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Radiation Control)

[Order 2410—Filed August 13, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to purpose of uranium mill tailing areas, new WAC 402-52-090.

I, Lee D. Bomberger, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is emergency adoption is necessary in order to provide rationale for approval or disapproval of anticipated future applications for disposal. Without clarification of intent as proposed, the state of Washington may have to accept large quantities of radioactive materials which may pose a significant health hazard for people residing in Washington.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 70.98 and 70.121 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 13, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

NEW SECTION

WAC 402-52-090 PURPOSE OF URANIUM MILL TAILINGS AREAS. Uranium mill tailing areas shall be used only for disposal of radioactive wastes originating from the exploration, mining, and milling of uranium.

WSR 86-17-027
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Radiation Control)

[Order 2406—Filed August 13, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 402-19-530 Requirements for users of the Washington commercial low-level waste disposal site.
- New WAC 402-19-540 Large volumes of naturally occurring material.
- New WAC 402-52-090 Purpose of uranium mill tailing areas.

This action is taken pursuant to Notice No. WSR 86-11-019 filed with the code reviser on May 13, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.98.080 and chapter 70.121 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 13, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

~~WAC 402-19-530 REQUIREMENTS FOR USERS OF THE WASHINGTON COMMERCIAL LOW-LEVEL WASTE DISPOSAL SITE. (1) Purpose and scope. Each generator(=shipper) and each broker of low-level radioactive waste (LLRW) shall have a valid and unencumbered site use permit prior to ((the disposal of such wastes at any commercial low-level radioactive waste burial site located in the state of Washington. The term "broker" as used in these regulations shall mean a person who arranges for the transport or disposal of waste generated under a permit other than his own, provided it shall not include a carrier whose sole function is to transport low-level radioactive waste.~~

(2)) shipment of such waste to, or disposal of such waste at, any commercial low-level radioactive waste burial site located in the state of Washington; and each generator and each broker of such waste shall prepare a low-level radioactive waste shipment certification prior to shipment of such waste to any commercial low-level radioactive waste burial site located in the state of Washington.

(2) Definitions.

(a) The term "generator" as used in these regulations shall mean the last person who puts radioactive material to practical use, and who then declares it to be no longer of use or value.

(b) The term "broker" as used in these regulations shall mean a person who performs one or more of the following functions for a low-level radioactive waste generator:

(i) Arranges for the transportation of the low-level radioactive waste;

(ii) Collects and/or consolidates shipments of such low-level radioactive waste;

(iii) Processes such low-level radioactive waste in some manner;

Provided it shall not mean a carrier whose sole function is to transport such low-level radioactive waste.

(3) Site use permit.

(a) Filing application for site use permit.

(i) Application for a site use permit shall be filed on departmental form RHF-30 or a clear legible record containing all the information required on that form including but not limited to: United States Nuclear Regulatory Commission or agreement state license number, name of company, address, 24-hour telephone number, and contact person.

(ii) Each application shall be signed by the applicant or a person duly authorized to act for or on the applicant's behalf.

(b) A site use permit must be obtained before disposal of low-level radioactive waste at any waste burial site is permitted. A generator who provides broker services for waste generated at the generator's own facility shall not be required to obtain a broker permit in addition to a generator permit.

(c) Each permit shall be renewed annually.

(d) Revocation of permit.

(i) The failure of one or more packages in a shipment ~~((of waste))~~ to be in compliance with the requirements of the license issued to the commercial low-level radioactive waste disposal site operator, Title 402 WAC, the United States Nuclear Regulatory Commission, or the United States Department of Transportation, may cause the revocation of this use permit for the responsible waste generator ~~((/shipper))~~ or broker. Failure to comply with the requirements in the preceding sentence may bar the acceptance of any other or subsequent shipment by the same generator ~~((/shipper))~~ or broker at the site.

(ii) The site use permit may be revoked for a specific generator ~~((/shipper))~~ and/or broker if a refusal to accept one or more of the shipments has been made by any other licensed commercial low-level waste burial site within the United States.

(iii) The site use permit may be reinstated provided the generator ~~((/shipper))~~ and/or broker submits documentation approved by the department describing its quality assurance program to achieve compliance for future shipments.

~~((3))~~ (4) Waste shipment certification. A low-level radioactive waste shipment certification shall be required to accompany each shipment of radioactive waste to the licensed low-level waste burial site. The certification shall be submitted at the burial site to the department of

social and health services or its designee ~~((and))~~; must bear original signatures of the generator, broker, and carrier; and must be judged to be properly executed prior to acceptance of the waste by the site operator. If a broker is acting as the packager of the waste, the broker may act as the agent of the generator and may sign the certification statement for the generator, provided the name and site use permit number of the original generator are identified. The certification shall be on departmental form RHF-31 or a clear legible record containing all the information required in that form. The information shall include, but is not limited to, name of company, volume of waste in the shipment, shipment number, permit number, date, and whether or not a broker is involved.

NEW SECTION

~~WAC 402-19-540~~ LARGE VOLUMES OF NATURALLY OCCURRING MATERIAL. (1) In addition to requirements for a disposal site use permit contained in WAC 402-19-530, permittees and single generators of radioactive wastes shall obtain the specific approval of the department prior to offering wastes for disposal which: (a) Contain naturally occurring radioactive material, excluding source material, (b) contain an average total concentration less than, or equal to, 0.002 microcuries per gram, and (c) total in excess of 1,000 cubic feet per year.

(2) Applications for specific departmental approval shall describe: (a) The chemical processes which produce or have produced the waste, (b) the volume of waste to be disposed per year, (c) an estimate of how long the permittee's disposal needs will continue, (d) actions which have been taken or are planned which could decrease the volume of the waste, and (e) alternative methods of disposal which have been considered by the permittee.

(3) A request for specific approval may be approved if the department finds the material to be: (a) Consistent with disposal site volume utilization, (b) in conformance with conditions of all licenses and permits issued to the disposal site operator, (c) more appropriately disposed at Hanford than by alternative means consistent with the concepts contained in P.L. 99-240 Low Level Radioactive Waste Policy Amendments Act of 1985, and (d) consistent with protection of the public health, safety and environment.

(4) Denial by the department of a request for specific approval shall not be interpreted as an approval to dispose of naturally occurring radioactive material without regard to its radioactivity.

NEW SECTION

~~WAC 402-52-090~~ PURPOSE OF URANIUM MILL TAILINGS AREAS. Uranium mill tailing areas shall be used only for disposal of radioactive wastes originating from the exploration, mining, and milling of uranium.

WSR 86-17-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 86-77—Filed August 14, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 13, 1986.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-16000B COLUMBIA RIVER Notwithstanding the provisions of WAC 220-57-160 and WAC 220-56-116 effective 12:01 a.m. August 16 until 11:59 p.m. September 30, 1986, Bag Limit F, in those waters of the Columbia River downstream from the Megler-Astoria Bridge to a line drawn true north-south through Buoy 10. Barbed hooks are allowed.

WSR 86-17-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 86-78—Filed August 14, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable number of salmon are available, and this rule is adopted at the recommendation of the Pacific Fisheries Management Council.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.090 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 14, 1986.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000C SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 15, 1986, until further notice, it is unlawful to fish for or possess salmon taken for personal use from all waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, waters west of the Buoy 10 Line, and Puget Sound waters west of the mouth of the Sekiu River except as provided for in this section:

(1) Those waters southerly of a line projected true west from the mouth of the Queets River and northerly of a line projected true west from Klipsan Beach (46 degrees, 28 minutes, 12 seconds North Latitude): open to salmon fishing 12:01 a.m. August 15, 1986 until further notice, except closed from 12:01 a.m. Friday through 11:59 p.m. Saturday each week during the open period.

(2) Bag Limit F.

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 15, 1986:

WAC 220-56-19000B SALTWATER SEASONS AND BAG LIMITS. (86-74)

WSR 86-17-030
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1903—Filed August 15, 1986]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to miscellaneous agricultural commodity inspection standards, chapter 16-213 WAC.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the Washington State Department of Agriculture has received requests from the industry to certify rapeseed under numerical grade

standards with reference to erucic acid and glucosinolate levels which determine end use. Washington state standards have been prepared to facilitate international trade in rapeseed. Currently national standards do not exist, and grading criteria do not provide for these factors. The state rules have been proposed for permanent adoption with a hearing scheduled on September 15, 1986, in Ritzville, Washington.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Michael V. Schwisow
[Deputy] Director

NEW SECTION

WAC 16-213-240 RAPESEED INSPECTION DEFINITIONS. (1) **RAPESEED** shall be grain which before the removal of dockage consists of fifty percent or more of whole seeds of rapeseed (*Brassica capestris* and/or *Brassica napus*) and may be divided into four categories by erucic acid content in the oil and glucosinolate content in the meal as follows:

(a) **Canola (LEAR-LG)**—Low erucic acid content/low glucosinolate content.

(b) **LEAR-HG** Low erucic acid content/high glucosinolate content.

(c) **HEAR-LG** High erucic acid content/low glucosinolate content.

(d) **HEAR-HG** High erucic acid content/high glucosinolate content.

(2) **DOCKAGE** shall be all matter other than rapeseed, also underdeveloped and shriveled rapeseed and small pieces of rapeseed, which can be readily removed from a test portion of the original sample by use of approved devices and handpicking in accordance with the procedures as set down in these standards.

(3) **TOTAL CONSPICUOUS ADMIXTURE (INSEPARABLE FOREIGN MATERIAL)** shall be all matter other than rapeseed that is easily distinguished by visual inspection and shall include stones up to 0.05%, *Sclerotinia* up to 0.15%, and ergot up to 0.05%.

(4) **INCONSPICUOUS ADMIXTURE** shall be foreign seed which is difficult to distinguish from rapeseed and shall include, but not be limited to, Wild Mustard (*Brassica kaber*) and Domestic Brown Mustard (*Brassica juncea*).

(5) **PERCENTAGES** means percentages ascertained by weight except in the case of moisture.

(6) **MOISTURE** means a percentage ascertained by the air oven or by any device and method which gives equivalent results.

(7) **OIL CONTENT** shall be the percentage of oil in the rapeseed as determined by the American Oil Chemists' Society Method Ai 3-75, revised 1980, or any approved method yielding comparable results.

(8) **ERUCIC ACID CONTENT** shall be the percentage of erucic acid in the rapeseed as determined by gas liquid chromatography utilizing The Association of Official Analytical Chemists (AOAC) method 28.066 or any approved method that yields comparable results.

(9) **GLUCOSINOLATE CONTENT** shall be the micromoles per gram of the oil free, air dry solid component of the rapeseed of one or a mixture of 3-Butenyl Glucosinolate, 4-Pentenyl Glucosinolate, 2-Hydroxyl-3-Butenyl Glucosinolate, and 2-Hydroxyl-4-Pentenyl Glucosinolate as determined by any approved method.

(10) **CHLOROPHYLL CONTENT** shall be the parts per million of chlorophyll present in the rapeseed as determined by any approved method.

(11) **SAMPLE GRADE RAPESEED** shall be rapeseed which has a commercially objectionable foreign odor, or is musty, sour, heating or hot; or fails to meet the grade requirements of Washington numerical grades or is otherwise distinctly low quality.

(12) **STONES** shall be concreted, earthy or mineral matter or other substances of similar hardness that do not disintegrate readily in water.

(13) **SCLEROTINIA** shall be bodies in the resting stage of the fungal pathogen *Sclerotinia sclerotiorum*.

(14) **EARTHY PELLETS** shall be dirt bodies remaining in the mechanically cleaned sample of which up to 2.5% shall be added to the dockage. A percentage greater than 2.5% shall cause the rapeseed to grade Washington sample grade.

(15) **ERGOT** shall be the bodies of the ergot fungus which attacks cereal grains and replaces the kernels with a dark-colored growth. Ergot in excess of 0.05% will cause the rapeseed to grade Washington sample grade.

(16) **STAGHEAD RUST (WHITE RUST)** shall be the bodies of the staghead fungus which attacks the flowering portions of the rapeseed and mustard plants producing antler-like structures often covered with white or gray powdery spores. Staghead rust shall be considered conspicuous foreign material.

(17) **WEEVILY** shall be rapeseed that is infested with live weevils or other live insects injurious to stored rapeseed.

(18) **BROKEN SEEDS** shall be pieces of rapeseed which are sound (not materially damaged). Broken seeds that may be reclaimed by sieving shall not be assessed as dockage.

(19) **DAMAGED SEEDS** shall include seeds that are distinctly shrunken or shriveled as from frost, discolored as from mold, completely rimed (having a white or icy-like coating caused by moisture), distinctly ground and/or weather damaged, sprouted, distinctly green, heat damaged, or otherwise damaged. Distinctly green and heat damaged shall be determined by crushing the prescribed number of seeds. All other damages shall be determined by handpicking the prescribed portion size.

(20) **DISTINCTLY GREEN SEEDS** shall be seeds of rapeseed, which after being crushed, are a vivid green color throughout the seed.

(21) **GOOD NATURAL COLOR** shall be rapeseed which after crushing exhibits a color characteristic of sound rapeseed. Rapeseed that does not exhibit good natural

color shall not be graded higher than Washington Number 2.

(22) **HEAT DAMAGED SEEDS** shall be rapeseed which has been discolored and damaged by excessive respiration or any other heating or drying process and which exhibits a color, after being crushed, from light tan to charcoal black throughout the seed.

(23) **DISTINCTLY LOW QUALITY FACTORS FOR RAPESEED** shall include but not be limited to rapeseed which contains animal filth, broken glass, castor beans, crotalaria seeds or an unknown foreign substance.

(24) **CANOLA** shall be the seed of the species *Brassica napus* or *Brassica campestris*, the oil components of which seed contains less than two percent erucic acid and the solid components of which seed contains less than thirty micromoles of any one or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4-pentenyl glucosinolate per gram of air dry, oil free solid as determined by any approved method.

(25) **LOW ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATE (LEAR-HG)** rapeseed varieties shall contain less than two percent erucic acid in the oil of the rapeseed and more than thirty micromoles per one gram (um/g) glucosinolates in the rapeseed meal.

(26) **HIGH ERUCIC ACID RAPESEED - LOW GLUCOSINOLATE (HEAR-LG)** rapeseed shall be rapeseed varieties used for production of industrial type oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and less than thirty micromoles per one gram (um/g) glucosinolates in the meal of the rapeseed.

(27) **HIGH ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATE (HEAR-HG)** rapeseed shall be rapeseed varieties used for production of industrial type oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and more than thirty micromoles per one gram (um/g) glucosinolates in the meal of the rapeseed.

NEW SECTION

WAC 16-213-250 RAPESEED INSPECTION PROCEDURES. (1) The determination of dockage shall be on approximately five hundred grams cut from the representative sample.

(a) The Carter Dockage tester shall be set up as follows:

- (i) Set the air control at number five;
 - (ii) Set the feed control at number three;
 - (iii) Use the number 000 riddle in the riddle carriage;
 - (iv) Use the number four sieve in the top sieve carriage;
 - (v) Use no sieve in the middle sieve carriage;
 - (vi) Use no sieve in the bottom sieve carriage.
- (b) Dockage will then consist of:

- (i) Material removed by the Carter Dockage tester (air and riddle);
- (ii) Material removed by hand sieving the material in the bottom catch pan (material through no. 4 sieve) using a 3/64 X 3/8 or 3/64 X 11/32 sieve (thirty strokes on strand sizer - one hundred grams at a time) and then hand sieving the material that passed through these

sieves using a .028 X 15/32, .032 X 15/32, .035 X 15/32, or .040 X 15/32 sieve. Select the hand sieve that removes the maximum amount of weed seeds with the minimum loss of rapeseed. The material that remains on top of these sieves will be returned to the rapeseed;

(iii) **CONSPICUOUS ADMIXTURE.** That material that can be readily removed by handpicking a portion of the mechanically cleaned rapeseed. Conspicuous admixture up to one percent is added to the dockage percentage.

(c) The percentage of dockage will be recorded on the pan ticket to hundredths. The calculation for total dockage shall be the percentage, by weight, of material removed by the Carter Dockage tester and the material removed by hand sieving plus the adjusted percentage of conspicuous admixture (handpicked foreign material).

The adjustment of the percentage of conspicuous admixture will be made by subtracting the percentage of machine and sieve separated dockage (M&SD) from one hundred percent and then multiplying the result by the conspicuous admixture percentage (CA%).

$$(100 - M\&SD) \times CA\% = \text{Adjusted Conspicuous Admixture} \\ + \frac{\text{Machine and Sieve Separated Dockage}}{\text{Total Dockage (in hundredths)}}$$

The percentage of dockage shall be recorded on the certificate to the nearest tenth of a percent with fraction of a tenth disregarded as shown in the following examples:

- 0.00 to 0.05 percent is expressed as 0.0%.
- 0.06 to 0.14 percent is expressed as 0.1%.
- 0.15 to 0.25 percent is expressed as 0.2%.
- 0.26 to 0.34 percent is expressed as 0.3%, etc.

(2) The determination of conspicuous admixture (handpicked foreign material) shall be made on a representative portion of approximately fifteen grams cut from the mechanically cleaned work sample. The percentage of conspicuous admixture shall be shown on the pan ticket and the inspection certificate to the nearest tenth. Conspicuous admixture up to one percent is added to the total dockage percentage. Conspicuous admixture over one percent will cause the sample to grade Washington sample grade. If the sample grades Washington sample grade due to the percentage of conspicuous admixture, the percentage of conspicuous admixture will not be included in the total dockage.

(3) The determination for moisture shall be made on a representative portion of exactly two hundred sixty-five grams obtained from the representative sample before the removal of dockage. The percentage of moisture shall be shown on the pan ticket (and the inspection certificate) to the nearest tenth of a percent.

(4) The determination of distinctly low quality and Washington sample grade factors shall be made on the basis of the lot as a whole and/or a representative portion of approximately five hundred grams cut from the representative sample before the removal of dockage. Distinctly low quality factors shall include:

(a) **ANIMAL FILTH.** Rapeseed containing two or more rodent pellets, bird droppings, or an equivalent quantity of other animal filth shall be graded Washington sample grade.

(b) *BROKEN GLASS*. Rapeseed containing two or more pieces of glass shall be graded Washington sample grade.

(c) *CASTOR BEANS*. These multicolored bean-like seeds of the castor oil plant have been found to be highly toxic to animal life. Rapeseed containing three or more castor beans shall be graded Washington sample grade.

(d) *CROTOLARIA*. The seeds of *Crotolaria* (*Crotolaria* sp.) are highly toxic to animal life. These seeds can be various colors and are generally "kidney" or "boxing glove" shaped. Rapeseed containing three or more *crotolaria* seeds shall be graded Washington sample grade.

(e) *UNKNOWN FOREIGN SUBSTANCE*. Rapeseed containing four or more pieces or an unknown foreign substance shall be graded Washington sample grade. Pelletized material other than feed pellets shall be considered an unknown foreign substance. Feed pellets in rapeseed are considered dockage.

(5) When rapeseed is found to be Washington sample grade on one or more of these factors, this fact and the reasons therefore shall be shown on the pan ticket and the inspection ticket even though the rapeseed may be Washington sample grade on another factor.

(6) *STONES*. Rapeseed containing more than 0.05% of stones by weight shall be graded Washington sample grade. The determination of stones shall be made on a representative portion of approximately fifteen grams after the removal of machine and sieve separated dockage.

(7) The determination of inconspicuous admixture shall be made on a representative portion of approximately one gram after the removal of dockage.

(8) The determination of distinctly green seeds, heat damaged seeds, and good natural color shall be on a representative portion of approximately fifteen grams obtained from the dockage free sample that has had the visible damage removed. Strips of seeds totaling five hundred shall be crushed and examined for distinctly green seeds and heat damaged seeds. The seeds of Wild Mustard (*Brassica kaber*) and Domestic Brown Mustard (*Brassica juncea*) shall be removed prior to crushing.

(9) The following certification requirements are applicable to rapeseed under these standards:

DAMAGE			ADMIXTURES OF FOREIGN MATERIAL INCLUDED IN DOCKAGE									
GRADE	HEATED	DISTINCTLY GREEN	TOTAL DAMAGE	STONES	OTHER MINERAL MATTER	ERGOT	SCLEROTINIA	INSECT EXCRETA	TOTAL CONSPICUOUS ADMIXTURE	DOCKAGE	INCONSPICUOUS ADMIXTURE	SOUNDNESS
WASHINGTON NO. 1	0.1%	2.0%	3.0%	0.05%	0.75%	0.05%	0.05%	0.02%	1.0%	2.5%	5.0%	WELL MATURE GOOD NATURAL COLOR, SWEET ODOR
WASHINGTON NO. 2	0.5%	6.0%	10.0%	0.05%	0.75%	0.05%	0.10%	0.02%	1.0%	2.5%	5.0%	FAIRLY WELL MATURE, REASONABLY GOOD COLOR SWEET ODOR
WASHINGTON NO. 3	2.0%	20.0%	20.0%	0.05%	0.75%	0.05%	0.15%	0.02%	1.0%	2.5%	5.0%	MAY HAVE THE NATURAL ODOR ASSOCIATED WITH LOW QUALITY SEED
WASHINGTON SAMPLE GRADE	EXCESS 2.0%	EXCESS 20.0%	EXCESS 20.0%	EXCESS 0.05%	EXCESS 0.75%	EXCESS 0.05%	EXCESS 0.15%	EXCESS 0.02%	EXCESS 1.0%	DOCKAGE IN EXCESS OF 2.5%	EXCESS 5.0%	DISTINCTLY SOUR, RANCID, MUSTY OR OTHER ODORS INDICATING SERIOUS DETERIORATION OR CONTAMINA- TION

WSR 86-17-031
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed August 15, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning foods marketed and labeled using the term "organic" or a derivative of the term "organic."

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 29, 1986.

The authority under which these rules are proposed is chapter 15.86 RCW.

This notice is connected to and continues the matter in Notice No. WSR 86-16-033 filed with the code reviser's office on July 31, 1986.

Dated: August 15, 1986

By: Joe Suiter
 Operations Manager

WSR 86-17-032
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1905—Filed August 15, 1986]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hop grading and chemical analysis fees, chapter 16-218 WAC.

This action is taken pursuant to Notice No. WSR 86-14-098 filed with the code reviser on July 2, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Michael V. Schwisow
 Deputy Director

AMENDATORY SECTION (Amending Order 1710, filed 6/30/80)

WAC 16-218-010 SCHEDULE OF FEES FOR PHYSICAL GRADING. The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture ((as authorized by the Agricultural Marketing Act of 1946, as amended,)) shall be as follows:

(1) Lot inspection. ((Seventy-five)) One dollar and thirteen cents per bale in each lot, minimum charge shall be ((fifteen)) thirty dollars.

(2) Sample inspection. ((Fifteen)) Thirty dollars per unofficial sample submitted.

(3) Supplemental certificates. ((Two)) Five dollars per certificate.

(4) Appeal inspection. Charges for appeal inspections ((with)) shall be made by the Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.

(5) Retyping certificates. A charge of ((two)) five dollars ((with)) shall be made for retyping certificates if through no fault of the inspection service the information is submitted incorrectly.

(6) Extra copies. A charge of ((fifty cents)) two dollars per set ((with)) shall be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.

(7) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage ((rates will be in accordance with current applicable fees charged by the department)) shall be charged at the rate established by the state office of financial management.

To be considered available for sampling and certification, ((it is necessary that)) each and every bale in the lot of hops shall be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.

AMENDATORY SECTION (Amending Order 1596, filed 3/30/79)

WAC 16-218-02001 SCHEDULE OF CHARGES FOR CHEMICAL ANALYSES OF HOPS, HOP EXTRACT, HOP PELLETS OR HOP POWDER. The following is the schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder:

(1) ((When samples are submitted to the Yakima Chemical and Hop Laboratory, the charges will be: Twenty-five dollars per certificate for the Wollmer hop analysis method; fifteen dollars per certificate for the ASBC spectrophotometric or conductometric methods; and fifteen dollars per certificate for the EBC conductometric method. A submitted sample certificate will be issued.

((2))) Official samples of hops drawn by department personnel ((are)) shall be composited either from the cores drawn for grade analysis, or from cores ((specifically)) specifically drawn on ((federal sampling)) a schedule for brewing value only. Charges for analysis are: ((Fifteen cents per bale, with a minimum of twenty-five dollars for the Wollmer hop analysis method, fifteen)) Thirty cents per bale, with a minimum charge of ((fifteen)) thirty dollars for the ASBC spectrophotometric ((or)), and ASBC or EBC conductometric methods((; and fifteen cents per bale, with a minimum of fifteen dollars for the EBC conductometric method)). An official brewing value certificate ((with)) shall be used.

~~((3))~~ (2) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage ~~((rates will be in accordance with current applicable fees charged by the department))~~ shall be charged at the rate established by the state office of financial management.

To be considered available for sampling and certification, ~~((it is necessary that))~~ each and every bale in the lot of hops shall be readily accessible so that each bale may be properly stenciled and samples drawn from ~~((these))~~ those bales selected by the inspector.

~~((4))~~ The fee to be charged by the department for analyses for tannin, isoconversion products from alpha and beta resins, oil analysis and other components, and possible adulterants such as residues, when requested, shall be the actual cost to the department. Such fee shall be based on and include man hour costs, necessary material costs, laboratory equipment use and depreciation costs, and administrative and overhead costs of such tests.)

(3) The following fees shall be charged by the department for samples submitted to the chemical and hop laboratory for analysis:

(a) ASBC spectro	\$25.00
(b) ASBC conducto	\$30.00
(c) EBC conducto	\$30.00
(d) EBC conducto (Wollmer, Zurich, Mebak, Verzele, Ganzlin and hard and/or soft resins)	\$45.00
(e) Spectro of tannins, Wollmer, etc.	\$45.00
(f) Methylene chloride	\$75.00
(g) Tannin	\$30.00
(h) Ash	\$15.00
(i) SO ₂	\$25.00
(j) H ₂ O	\$10.00

(4) A fee shall be charged by the department for any other analysis not listed in this section such as oil analysis, isoconversion products from alpha and beta resins, and possible adulterants such as residues. Fees shall be based on labor costs, laboratory equipment costs, chemical and material costs, administrative and overhead costs.

WSR 86-17-033
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1904—Filed August 15, 1986]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hop grading and chemical analysis fees, chapter 16-218 WAC.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of

the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is hop production has dropped dramatically since 1981, and, in turn, the fees the department receives for grading and analyzing hops have dropped. By drawing on reserves in the hop fund, the department has managed to maintain fees at the 1980 level; however, for the 1986 season now beginning, it is necessary to increase these fees.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1710, filed 6/30/80)

WAC 16-218-010 SCHEDULE OF FEES FOR PHYSICAL GRADING. The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture ~~((as authorized by the Agricultural Marketing Act of 1946, as amended,))~~ shall be as follows:

(1) Lot inspection. ~~((Seventy-five))~~ One dollar and thirteen cents per bale in each lot, minimum charge shall be ~~((fifteen))~~ thirty dollars.

(2) Sample inspection. ~~((Fifteen))~~ Thirty dollars per unofficial sample submitted.

(3) Supplemental certificates. ~~((Two))~~ Five dollars per certificate.

(4) Appeal inspection. Charges for appeal inspections ~~((with))~~ shall be made by the Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.

(5) Retyping certificates. A charge of ~~((two))~~ five dollars ~~((with))~~ shall be made for retyping certificates if through no fault of the inspection service the information is submitted incorrectly.

(6) Extra copies. A charge of ~~((fifty cents))~~ two dollars per set ~~((with))~~ shall be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.

(7) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage ~~((rates will be in accordance~~

~~with current applicable fees charged by the department)) shall be charged at the rate established by the state office of financial management.~~

~~To be considered available for sampling and certification, ((it is necessary that)) each and every bale in the lot of hops shall be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.~~

AMENDATORY SECTION (Amending Order 1596, filed 3/30/79)

WAC 16-218-02001 SCHEDULE OF CHARGES FOR CHEMICAL ANALYSES OF HOPS, HOP EXTRACT, HOP PELLETS OR HOP POWDER. The following is the schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder:

~~(1) ((When samples are submitted to the Yakima Chemical and Hop Laboratory, the charges will be: Twenty-five dollars per certificate for the Wollmer-hop analysis method, fifteen dollars per certificate for the ASBC spectrophotometric or conductometric methods, and fifteen dollars per certificate for the EBC conductometric method. A submitted sample certificate will be issued:~~

~~(2)) Official samples of hops drawn by department personnel ((are)) shall be composited either from the cores drawn for grade analysis, or from cores ((specialty)) specifically drawn on ((federal sampling)) a schedule for brewing value only. Charges for analysis are: ((Fifteen cents per bale, with a minimum of twenty-five dollars for the Wollmer-hop analysis method, fifteen)) Thirty cents per bale, with a minimum charge of ((fifteen)) thirty dollars for the ASBC spectrophotometric ((or)), and ASBC or EBC conductometric methods((; and fifteen cents per bale, with a minimum of fifteen dollars for the EBC conductometric method)). An official brewing value certificate ((will)) shall be used.~~

~~((3)) (2) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage ((rates will be in accordance with current applicable fees charged by the department)) shall be charged at the rate established by the state office of financial management.~~

~~To be considered available for sampling and certification, ((it is necessary that)) each and every bale in the lot of hops shall be readily accessible so that each bale may be properly stenciled and samples drawn from ((these)) those bales selected by the inspector.~~

~~((4) The fee to be charged by the department for analyses for tannin, isoconversion products from alpha and beta resins, oil analysis and other components, and possible adulterants such as residues, when requested, shall be the actual cost to the department. Such fee shall be based on and include man-hour costs, necessary material costs, laboratory equipment use and depreciation costs, and administrative and overhead costs of such tests:))~~

(3) The following fees shall be charged by the department for samples submitted to the chemical and hop laboratory for analysis:

<u>(a) ASBC spectro.....</u>	<u>\$25.00</u>
<u>(b) ASBC conducto.....</u>	<u>\$30.00</u>
<u>(c) EBC conducto.....</u>	<u>\$30.00</u>
<u>(d) EBC conducto (Wollmer, Zurich, Mebak, Verzele, Ganzlin and hard and/or soft resins).....</u>	<u>\$45.00</u>
<u>(e) Spectro of tannins, Wollmer, etc.....</u>	<u>\$45.00</u>
<u>(f) Methylene chloride.....</u>	<u>\$75.00</u>
<u>(g) Tannin.....</u>	<u>\$30.00</u>
<u>(h) Ash.....</u>	<u>\$15.00</u>
<u>(i) SO₂.....</u>	<u>\$25.00</u>
<u>(j) H₂O.....</u>	<u>\$10.00</u>

(4) A fee shall be charged by the department for any other analysis not listed in this section such as oil analysis, isoconversion products from alpha and beta resins, and possible adulterants such as residues. Fees shall be based on labor costs, laboratory equipment costs, chemical and material costs, administrative and overhead costs.

WSR 86-17-034
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—August 14, 1986]

The Washington State Human Rights Commission will conduct a special meeting to consider staff recommendations on a request for reconsideration of a closed case on August 25, 1986. The meeting will be held by telephone conference call which will originate in the Olympia office beginning at 10:00 a.m.

WSR 86-17-035
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed August 15, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning Vacation leave—Accrual, amending WAC 356-18-090;

that the agency will at 10:00 a.m., Thursday, November 13, 1986, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 11, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-15-019 filed with the code reviser's office on July 11, 1986.

Dated: August 15, 1986
By: Leonard Nord
Secretary

WSR 86-17-036
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed August 15, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-15-061 Shift premium schedule.
New WAC 356-15-140 Special pay—Employment problems;

that the agency will at 10:00 a.m., Thursday, October 9, 1986, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 7, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-15-019 filed with the code reviser's office on July 11, 1986.

Dated: August 15, 1986
By: Leonard Nord
Secretary

WSR 86-17-037
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 255—Filed August 15, 1986]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, that it does adopt the annexed rules relating to overtime provisions and compensation, amending WAC 356-15-030.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the Youth Development and Conservation Corps camps are now in session and the camp supervisors are accumulating large

amounts of exchange time. They are not able to use their exchange time until the camps are over. The immediate effective date of this rule change would allow the camp supervisors to accrue exchange time to a higher maximum due to the unique nature of their summer hours.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 14, 1986.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION. (1) *The following conditions constitute overtime:*

(a) *For full-time employees, work in excess of the workshift within the work day.*

(b) *Work in excess of forty working hours in one workweek or eighty working hours in a scheduled four-teen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).*

(c) *Work on a holiday (except Sunday when it is within the assigned workshift).*

(d) *Work on a scheduled day off.*

(e) *Time worked in excess of the 28-day work period by law enforcement positions.*

(2) *Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section. However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience, and the employee still works no more than forty hours during a workweek.*

(3) *Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.*

(4) *Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.*

(a) *When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.*

(b) *Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.*

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp supervisor may be increased to four hundred eighty hours by the employing agency.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability

separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7) Part time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

WSR 86-17-038

ADOPTED RULES

DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 256—Filed August 15, 1986—Eff. October 1, 1986]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, that it does adopt the annexed rules relating to Y-rate—Administration, amending WAC 356-14-075.

This action is taken pursuant to Notice No. WSR 86-15-019 filed with the code reviser on July 11, 1986. These rules shall take effect at a later date, such date being October 1, 1986.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 14, 1986.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 221, filed 4/12/85)

WAC 356-14-075 Y-RATE—ADMINISTRATION. ((Y-rate = A "Y rate" is a dollar amount that:))

(1) A Y-rate is a dollar amount that is treated as the basic salary for an employee.

(2) A Y-rate is set by the director of personnel or other provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.

(3) Will remain in effect until one of the following occurs:

(a) A specific date established by the director of personnel is reached; or

(b) The employee leaves the class or voluntarily leaves the position he/she occupied when the ((^(#))Y-rate((^(#))) was approved except for transfers due to reduction-in-force; or

(c) The range for the employee's present class is increased to include the ((^(#))Y-rate((^(#))) amount which formerly exceeded the top of the range. At that time, the

employee's basic salary shall become the maximum step of the salary range for the class; or

(d) The range for the employee's present class is increased, but had already encompassed the employee's (([±]))Y_{rate}(([±])) which was between normal steps. At that time, the employee's basic salary shall advance to the normal step of the range which provides the closest to, but not greater than, the increase in the range; or

(e) The employee's salary is reduced pursuant to WAC 356-34-020; or

(f) The (([±]))Y_{rate}(([±])) is subsequently modified by the director of personnel.

(4) On its effective date, a Y_{rate} will cause the employee to lose his or her periodic increment date unless the salary is between steps of the range.

(5) Salary increases approved by the legislature shall not move the basic salary of a Y-rated employee higher than the top step of the salary range assigned to that employee's classification, unless the salary appropriations act specifically provides for increases above the top step for Y-rated employees.

(6) The director of personnel shall ((report)) keep records of all (([±]))Y_{rate}(([±])) approvals ((to the board)).

WSR 86-17-039
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 257—Filed August 15, 1986]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, that it does adopt the annexed rules relating to Career executive program—Appointment status, amending WAC 356-47-046.

This action is taken pursuant to Notice No. WSR 86-14-091 filed with the code reviser on July 2, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 14, 1986.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 250, filed 5/30/86, effective 7/1/86)

WAC 356-47-046 CAREER EXECUTIVE PROGRAM—APPOINTMENT STATUS. (1) Employees without permanent status shall serve a twelve-month probationary period once appointed to classified career executive positions. Persons appointed prior to July 1,

1986, shall serve an eighteen-month probationary period.

(2) Permanent employees receiving a promotional appointment to classified career executive positions shall serve a twelve-month trial service period. Employees appointed prior to July 1, 1986, shall serve a six-month trial service period.

(3) Employees who successfully complete probationary or trial service periods in the classified career executive positions to which they are appointed shall attain permanent status in that classification, unless the appointment was made under the provisions of subsection (4) of this section.

(4) The employee shall not attain permanent status in the class to which the position is allocated if so advised in writing by the appointing authority at the time of appointment. Employees with permanent status within classified service shall have return rights from career executive program positions as specified in WAC 356-47-065.

WSR 86-17-040
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION
 [Memorandum—August 14, 1986]

Notice is hereby given that the regular Conservation Commission meeting scheduled for "the third Thursday" (WAC 135-04-020) of September 1986 will be re-scheduled to September 17, 1986, 8:00 a.m. - 12:00 p.m., CUB, Room B-7, Washington State University, Pullman, Washington.

Please contact Shirley Casebier, Conservation Commission, Olympia, Washington 98504, phone 459-6226 for further information.

Dates and places for other forthcoming meetings are yet to be determined.

WSR 86-17-041
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 86-79—Filed August 15, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is openings in Area 7B and 7C provide opportunity to harvest non-Indian chinook allocations. Troll fishery openings in Area 5 and 6C provide opportunity to troll gear during Fraser Panel opening.

Openings in Area 12B and 12C provide opportunity to harvest non-Indian chinook allocations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-47-704 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective August 16 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of Pacific Salmon Commission. Drift gill net gear restricted to 6-inch maximum mesh when open.

**Areas 5, 6C – Under control of Pacific Salmon Commission. Drift gill net gear restricted to 6-inch maximum mesh when open. Open to trolling 5:00 AM through 9:30 PM Monday August 18 if Convention waters are open to all-citizen purse seine fishing on that day. Those water within three miles of the shoreline remain closed to commercial troll fishing*

Areas 6, 6A, 7, 7A – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

**Areas 7B – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, August 17 through the morning of August 21. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.*

**Area 7C – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, August 18 through the morning of August 21. Fishery exclusion zones applicable to Area 7C commercial fisheries are described in WAC 220-47-307.*

**Area 12B (south and west of a line projected from Hood Point to Quatsap Point) and Area 12C – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM the night of August 18 through the morning of August 20, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 19*

through August 20. That portion of Area 12B north of a line from Hood Point to Quatsap Point remains closed to commercial fishing. Fishery exclusion zones applicable to Areas 12B and 12C commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 16, 1986.

WAC 220-47-703 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY ORDER NO. 86-75

WSR 86-17-042

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 86-80—Filed August 15, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 4B, 5, 6, 6C provide protection for Puget Sound and Canadian chinook stocks while allowing a limited effort, limited impact immobile set net fishery. Restrictions in 6A, 7, 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in 10C, 10D, 10F, 10G and Cedar River provide protection for Lake Washington sockeye. Restrictions in the Dungeness River provide protection for summer/fall chinook. Restrictions in Area 12 provide protection for chinook returning to the Big Beef Creek Experimental Station. Restrictions in Areas 13A and the Nooksack, Quilcene, and White rivers and Minter Creek provide protection for Puget Sound spring chinook stocks. Restrictions in 8 and the Skagit River, provide protection for chinook and Baker River sockeye. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Area 10A provide protection for local summer/fall chinook. Restrictions in the Duwamish-Green, Hoko, Lyre, Pysht and the Sekiu rivers provides protection for summer/fall chinook. Restrictions in Area 6D and the Stillaguamish River provide protection for spring and summer/fall chinook. Restrictions in Area 7E provide protection for summer/fall chinook. Restrictions in Area 10 protect summer/fall chinook returning to Squamish Hatchery.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-28-607 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS. Effective August 17, 1986, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas in accordance with the following restrictions:

Areas 4B, 5, 6, 6C, – Effective through September 6, drift gill net gear restricted to 6-inch maximum mesh when open. Additional regulations pertaining to troll fishing in Area 4B may be found in WAC 220-28-01000A.

Areas 6A, 7, 7A – Effective through September 6, gill net gear restricted to 6-inch maximum mesh when open.

Area 6D – Effective through September 20, closed to all commercial fishing.

Area 7C – Effective until further notice, closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237 degrees true to a fishing boundary marker on Samish Island.

Area 7E – Effective through September 13, closed to all commercial fishing.

Area 8 and the Skagit River – (1) Below Mt. Vernon Bridge, effective through October 25, closed to all commercial fishing; (2) Mt. Vernon Bridge to Gilligan Creek, effective through November 1, closed to all commercial fishing; and (3) upstream of Gilligan Creek, effective until further notice, closed to all commercial fishing.

Area 10 – Effective until further notice, closed to all commercial fishing northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola Dock.

Area 10A – Effective through August 31, closed to all commercial fishing.

Area 10C – Effective until further notice, closed to all commercial fishing.

**Area 10D – Effective through October 4, gill nets restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open. Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shorelines of Lake Sammamish between the Sammamish River and Issaquah Creek.*

Area 10F – Effective through September 13, gill nets restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 10G – Effective through September 27, gill nets restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 12 – Effective through September 6, closed to all commercial fishing east of a line from Lone Rock southwest to the navigational light off the mouth of Big Beef Creek and thence southerly to the tip of the outermost northern headland of Little Beef Creek.

**Area 13A – Effective through August 31, closed to all commercial fishing in those waters within a 1,000-foot radius from the outer oyster stakes off Minter Creek and Minter Bay.*

Dungeness River – Effective through September 20, closed to all commercial fishing.

Duwamish/Green Rivers – Effective until further notice, closed to all commercial fishing.

Hoko, Lyre, Pysht, and Sekiu River – Effective through September 27, closed to all commercial fishing.

Nooksack River – Upstream of confluence of forks, effective through September 27, closed to all commercial fishing.

Quilcene River – Effective through August 30, closed to all commercial fishing.

Cedar and Samish River – Closed to all commercial fishing until further notice.

Stillaguamish River – Effective through September 20, closed to all commercial fishing.

White River and Minter Creek – Effective through September 27, closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 17, 1986.

WAC 220-28-606 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS ORDER NO. 86-76

WSR 86-17-043
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 86-81—Filed August 15, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of fish are available, and this rule is adopted at the recommendation of the Columbia River Compact Commission.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and 75.08.090 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Gene DiDonato
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-32-05100X SEASONS—SALMON.

(1) Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to fish for or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except:

(a) that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from:

Noon August 18 to Noon August 23

Noon August 25 to Noon August 30

Noon September 1 to Noon September 4

(b) The net length shall not exceed 400 feet.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between approximately 0.8 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River to 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(f) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(g) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(h) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(i) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to three-quarters mile downstream from the western shoreline.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100W SEASONS—SALMON.
 (86-50)

WSR 86-17-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 86-82—Filed August 15, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Gene DiDonato
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-57-16000C COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160 and WAC 220-56-116, effective 12:01 a.m. August 16 until 11:59 p.m. September 30, 1986: Bag Limit F, (1) in those waters of the Columbia River downstream from the Megler Astoria Bridge to the Buoy 10 line, and (2) from the river side of the north jetty at the mouth of the Columbia River. Barbed hooks are allowed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-16000B COLUMBIA RIVER. (86-77)

WSR 86-17-045
EMERGENCY RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
 [Order 86-11—Filed August 15, 1986]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Salary-compensation lid compliance, chapter 392-126 WAC.

I, Frank B. Brouillet, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 312, Laws of 1986, the state Operating Appropriations Act, established conditions for the allocation of state moneys for school districts during the 1986-87 school year, which commences September 1, 1986. The conditions affect negotiated agreements between districts and employees thereof. Therefore, the orderly commencement of the 1986 school year is dependent upon the promulgation of operational rules, contained herein, implementing the state Operating Appropriations Act prior to September 1, 1986.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 28A.58-.095 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Frank B. Brouillet
 Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-120 DEFINITION—LEAP DOCUMENT FOR BASIC EDUCATION STAFF SALARY ALLOCATIONS. As used in this chapter, "LEAP document for basic education staff salary allocations" (~~staff~~) means the computer tabulation of the derived base salaries for basic education certificated (~~staff~~) and (~~the average salaries for basic education~~) classified staff as established in the (~~1983-85~~) State Operating Appropriations Act (~~in effect at the time~~).

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-225 DEFINITION—CERTIFICATED STAFF SALARIES. As used in this chapter, "certificated staff salaries" (~~staff~~) means those moneys which a school district has agreed to pay all certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's additional days or duties including summer school (~~or~~) and extracurricular duties (~~regardless of whether such duties are a part of the regular employment contract or a~~) on supplemental employment contracts, as reported to the superintendent of public instruction on Form S-275. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-230 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "current school year certificated staff highest annual salaries" (~~shall~~) means, after completion of all adjustments, the district's aggregate basic education certificated staff salaries reported on the current school year Form S-275 and calculated as follows:

(1) Determine the highest annualized salary, which (~~shall~~) means the highest monthly salary multiplied by twelve, that was paid or would have been paid during the current school year for the individual reported on Form S-275;

(2) Multiply the highest annualized salary by the full-time equivalency for the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the current school year certificated staff highest annual salaries (~~for the current school year~~).

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-255 DEFINITION—CURRENT SCHOOL YEAR DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "current school year certificated district derived base salary" (~~shall~~) means the salary amount calculated as follows:

(1) Divide a district's current school year certificated staff highest annual salaries (~~for the current school year~~) by the district's number of full-time equivalent basic education certificated staff for the current school year to obtain (~~an~~) a current school year average salary amount (~~for the current school year~~);

(2) The (~~average salary amount~~) result obtained in subsection (1) of this section is (~~then~~) divided by the district current school year certificated staff mix factor (~~for the current school year~~); and

(3) The (~~quotient~~) result obtained is the current school year district certificated derived base salary (~~for the current school year~~) for purpose of salary compliance.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-260 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "maximum allowed basic education certificated derived base salary" (~~shall~~) means one of the following:

(1) The (~~appropriate~~) district certificated derived base salary shown on LEAP document for basic education staff salary allocations as defined in WAC 392-126-120 improved by the salary increase authorized in the State Operating Appropriations Act in effect for the current school year, or

(2) The prior school year district certificated derived base salary as defined in WAC 392-126-291.

The district certificated derived base salary as shown on the LEAP document for basic education staff allocations improved by the authorized salary increase shall be used to calculate the district's certificated compliance status unless the district requests that the superintendent of public instruction use the reported prior school year district certificated derived base salary. In the event that maximum allowed basic education certificated derived base salary is less than the district's reported prior school year certificated derived base salary, the district may request on Form 1043 that the superintendent of public instruction use the reported prior school year certificated derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not necessarily the amount authorized for salary increases in the current school year.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-285 DEFINITION—FORM 1043. As used in this chapter, "Form 1043" (~~shall~~) means the form distributed by the superintendent of public instruction on which the school district may request the (~~district's~~) reported prior school year district certificated derived base salary (~~or prior school year insurance benefits~~) be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-260 and 392-126-265.

NEW SECTION

WAC 392-126-290 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "prior school year certificated staff highest annual salaries" means, after completion of all adjustments, the district's aggregate basic education certificated staff salaries reported on the prior school year Form S-275 and calculated as follows:

(1) Determine the highest annualized salary, which means the highest monthly salary multiplied by twelve, that was paid or would have been paid during the prior school year for the individual reported on Form S-275;

(2) Multiply the highest annualized salary by the full-time equivalency for the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the prior school year certificated staff highest annual salaries.

NEW SECTION

WAC 392-126-291 DEFINITION—PRIOR SCHOOL YEAR DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "prior school year certificated district derived base salary" means the salary amount calculated as follows:

(1) Divide a district's prior school year certificated staff highest annual salaries by the district's number of

full-time equivalent basic education certificated staff for the current school year to obtain a prior school year average salary amount;

(2) The average salary amount is then divided by the district prior school year certificated staff mix factor, and

(3) The result obtained is the prior school year district certificated derived base salary for purpose of salary compliance.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-325 DEFINITION—CLASSIFIED STAFF SALARIES. As used in this chapter, "classified staff salaries" ((~~staff~~)) means moneys which a district has agreed to pay, exclusive of extracurricular duties (~~and~~), overtime pay, and additional days or duties on supplemental employment contracts to all classified staff who are employed as of November 1 of each school year as reported to the superintendent of public instruction on Form S-277.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-330 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "current school year classified staff highest annual salaries" ((~~staff~~)) means after completion of all adjustments, the district's aggregate basic education classified staff salaries reported on the current school year Form S-277 and calculated as follows:

(1) Determine the highest hourly rate(s) that was paid or would have been paid during the current school year for one or more district-assigned job classification(s) in which the individual was reported on Form S-277;

(2) Multiply the highest hourly rate(s) by two thousand eighty hours and further multiply the result by the full-time equivalency for one or more district-assigned job classification(s) occupied by the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the current school year classified staff highest annual salaries ((~~for the current school year~~)).

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-355 DEFINITION—CURRENT SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY. As used in this chapter, "current school year district classified derived base salary" ((~~staff~~)) means the salary amount calculated as follows:

(1) Divide the district's current school year classified staff highest average annual salaries ((~~for the current school year~~)) by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the current school year average classified salary ((~~for the current school year~~));

(2) Divide the result obtained in subsection (1) of this section by the district current school year classified increment mix factor ((~~for the current school year~~)); and

(3) The result obtained is the current school year district classified derived base salary ((~~for the current school year~~)) for purpose of salary compliance.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-360 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CLASSIFIED DERIVED BASE SALARY. As used in this chapter, "maximum allowed basic education classified derived base salary" ((~~staff~~)) means one of the following:

(1) The ((~~appropriate~~)) district ((~~average~~)) classified derived base salary shown on the LEAP document for basic education staff salary allocations as defined in WAC 392-126-120 improved by the salary increase authorized in the State Operating Appropriations Act in effect for the current school year ((~~divided by the district classified increment mix factor for the prior school year~~));

(2) The prior school year district classified derived base salary as defined in WAC 392-126-392; or

(3) The basic education district classified imputed derived base salary as defined in WAC 392-140-139.

The district classified derived base salary as shown on the LEAP document for basic education staff allocations improved by the authorized salary increase shall be used to calculate the district's classified compliance status unless the district requests that the superintendent of public instruction use the reported prior school year district classified derived base salary or the basic education district classified imputed base salary. In the event that the maximum allowed basic education classified derived base salary is less than the ((~~district's~~)) reported prior school year district classified derived base salary, the district may request on Form 1048 that the superintendent of public instruction use the reported prior school year district classified derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. In the event the district elects the alternate measure of salary compliance for classified staff pursuant to WAC 392-140-115 through 392-140-145, the district may request on Form 1049 that the superintendent of public instruction use the basic education district classified imputed base salary for the prior school year improved by the salary increase authorized in the State Operating Appropriations Act in effect for the current school year instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not necessarily the amount authorized for salary increases in the current school year.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-385 DEFINITION—FORM 1048. As used in this chapter, "Form 1048" ((~~staff~~)) means

the form distributed by the superintendent of public instruction on which the school district may request the ((~~district's~~)) reported prior school year district classified derived base salary ((~~or prior school year insurance benefits~~)) be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-360 and 392-126-365.

NEW SECTION

WAC 392-126-390 **DEFINITION—FORM 1049.** As used in this chapter, "Form 1049" means the same as the term defined in WAC 392-140-126.

NEW SECTION

WAC 392-126-391 **DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED STAFF HIGHEST ANNUAL SALARIES.** As used in this chapter, "prior school year classified staff highest annual salaries" means, after completion of all adjustments, the district's aggregate basic education classified staff salaries reported on the prior school year Form S-277 and calculated as follows:

(1) Determine the highest hourly rate(s) that was paid or would have been paid during the prior school year for one or more district-assigned job classification(s) in which the individual was reported on Form S-277;

(2) Multiply the result obtained in subsection (1) of this section by two thousand eighty hours and further multiply the result by the full-time equivalency for one or more district-assigned job classification(s) occupied by the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the prior school year classified staff highest annual salaries.

NEW SECTION

WAC 392-126-392 **DEFINITION—PRIOR SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY.** As used in this chapter, "prior school year district classified derived base salary" means the salary amount calculated as follows:

(1) Divide the district's prior school year classified staff highest average annual salaries by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the average classified salary for the prior school year;

(2) Divide the result obtained in subsection (1) of this section by the district prior school year classified increment mix factor; and

(3) The result obtained is the prior school year district classified derived base salary for the purpose of salary compliance.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-700 **SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF**

AVERAGE CLASSIFIED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-126-710, compliance with the salary-compensation lid shall be calculated as follows:

For basic education classified staff, if the district's reported classified derived base salary exceeds the district's maximum allowed classified derived base salary the district shall be considered in violation of the salary-compensation lid for the current school year: **PROVIDED**, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1045 pursuant to WAC 392-126-810 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: **PROVIDED FURTHER**, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1046 pursuant to WAC 392-126-810 may exclude new positions as defined in WAC 392-126-130: **PROVIDED FURTHER**, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1049 pursuant to WAC 392-126-810 shall use the basic education district classified imputed derived base salary pursuant to WAC 392-140-139 improved by 454.92.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-800 **SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—CLASSIFIED STAFF.** Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid for classified staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-370, 392-126-375, 392-126-380, ((and)) 392-126-385, and 392-126-390 for classified employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-815 **SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION—CLASSIFIED STAFF.** Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid for classified staff may submit additional data to the superintendent of public instruction: **PROVIDED**, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to

the superintendent of public instruction on forms specified in WAC 392-126-370 through ((392-126-385)) 392-126-390. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-126-830 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-830 unless or until such time as the district demonstrates compliance for that year.

WSR 86-17-046

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 86-12—Filed August 15, 1986]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Special allocations, instructions, and requirements, chapter 392-140 WAC.

I, Frank B. Brouillet, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 312, Laws of 1986, the state Operating Appropriations Act, established conditions for the allocation of state moneys for school districts during the 1986-87 school year, which commences September 1, 1986. The conditions affect negotiated agreements between districts and employees thereof. Therefore, the orderly commencement of the 1986 school year is dependent upon the promulgation of operational rules, contained herein, implementing the state Operating Appropriations Act prior to September 1, 1986.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 28A.58-.095 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-140-085 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—APPLICABLE PROVISIONS. The provisions of WAC 392-140-085 through 392-140-114 shall be applicable for the 1986-87 certificated staff salary enhancement allocations and related salary compliance for basic education certificated staff for districts pursuant to section 504(3)(f), chapter 312, Laws of 1986.

NEW SECTION

WAC 392-140-086 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—PURPOSE. The purpose of these provisions is to set forth the policies and procedures for certificated staff salary enhancement allocations and related salary compliance for basic education certificated staff for the eligible districts in categories A, B, C, and D as defined in WAC 392-140-087 which increase and maintain the certificated staff actual full-time equivalent salary of each individual of the district to a minimum of \$16,500 for the 1986-87 school year and increase the actual basic education district certificated derived base salary up to \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-087 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—ELIGIBLE DISTRICT AND CATEGORY. As used in this chapter, "eligible district and category" means a district which granted salary enhancements effective September 1, 1986, to certificated employees of the district under one of the following conditions:

(1) Category A district with a basic education certificated derived base salary less than \$16,500 on Revised LEAP Document 7 which increased the certificated staff actual full-time equivalent salary for each individual of the district as defined in WAC 392-140-092 to a minimum of \$16,500 for the 1986-87 school year and increased the actual basic education district certificated derived base salary as defined in WAC 392-140-093 up to \$16,500 for the 1986-87 school year (Category A districts shall comply with WAC 392-140-096 through 392-140-099);

(2) Category B district with a basic education certificated derived base salary less than \$16,500 on Revised

LEAP Document 7 and with no individuals having a prior school year certificated staff adjusted salary as defined in WAC 392-140-094 of less than \$16,500, which increased the basic education district certificated derived base salary as defined in WAC 392-140-093 up to \$16,500 for the 1986-87 school year (Category B districts shall comply with WAC 392-140-100 through 392-140-103);

(3) Category C district with a basic education certificated derived base salary of less than \$16,500 on Revised LEAP Document 7 whose actual cost of increasing the certificated staff actual full-time equivalent salary for all individuals of the district as defined in WAC 392-140-092 to a minimum of \$16,500 exceeded the increase of the district's total salary allocation obtained by modifying Revised LEAP Document 7 to \$16,500 for the 1986-87 school year (Category C districts shall comply with WAC 392-140-104 through 392-140-108); or

(4) Category D district with a basic education certificated derived base salary of \$16,500 or greater on Revised LEAP Document 7 which increased the certificated staff full-time equivalent actual salary for each individual of the district as defined in WAC 392-140-092 to a minimum of \$16,500 for the 1986-87 school year (Category D districts shall comply with WAC 392-140-109 through 392-140-112).

NEW SECTION

WAC 392-140-088 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—REVISED LEAP DOCUMENT 7. As used in this chapter, "Revised LEAP Document 7" means the computer tabulation of the derived base salaries for basic education certificated and classified staff as established by the legislative evaluation and accountability program committee on February 27, 1986, at 9:41 hours in the 1985-87 state operating appropriations act.

NEW SECTION

WAC 392-140-089 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—CERTIFICATED SALARY ENHANCEMENT ALLOCATION. As used in this chapter, "certificated salary enhancement allocation" means that amount allocated to eligible districts which effective September 1, 1986, increase the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year and increase the actual basic education district certificated derived base salary up to \$16,500 for the 1986-87 school year, excluding the general salary increase pursuant to section 504(2)(a), chapter 312, Laws of 1986. Districts shall receive certificated salary enhancement allocations for certificated staff in the state-supported programs as defined in WAC 392-140-091. Certificated salary enhancement allocations for the basic education program shall be as provided in WAC 392-140-096 through 392-140-113. Certificated

salary enhancement allocations for the other state-supported programs shall be as provided in WAC 392-140-114.

NEW SECTION

WAC 392-140-090 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION. As used in this chapter, "additional certificated salary enhancement allocation" means that amount allocated as follows:

(1) For Category C districts, the cost to increase the certificated staff actual full-time equivalent salary for all individuals of the district to a minimum of \$16,500 for the 1986-87 school year which exceeds the total salary allocation of modifying Revised LEAP Document 7 to \$16,500; and

(2) For Category D districts, the cost to increase the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-091 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—STATE-SUPPORTED PROGRAMS FOR PURPOSE OF ALLOCATIONS. As used in this chapter, "state-supported programs for purpose of allocations" means the programs, as specified in the Accounting Manual for Public School Districts in the State of Washington, used for the purpose of allocations pursuant to WAC 392-140-085 through 392-140-114 as follows:

- (1) Basic education, programs 01, 31, 45, 94 and 97;
- (2) Handicapped, program 21;
- (3) State institutions, program 26 and 56;
- (4) Vocational-technical institutes, program 47;
- (5) Remediation, program 55;
- (6) Transitional bilingual, program 65;
- (7) Gifted and talented, program 74;
- (8) Adult education, program 83; and
- (9) Pupil transportation, program 99.

NEW SECTION

WAC 392-140-092 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—CERTIFICATED STAFF ACTUAL FULL-TIME EQUIVALENT SALARY. As used in this chapter, "certificated staff actual full-time equivalent salary" means those moneys which a district has agreed to pay an individual certificated employee who is employed as of October 1 for the 1986-87 school year under terms of the basic or regular contract between the district and the certificated employee, exclusive of those moneys which are paid for a certificated employee's additional days or duties including summer school and extracurricular duties on a supplemental employment

contract, as reported to the superintendent of public instruction on Form S-275. Moneys paid a certificated employee hired on an hourly basis are not included in this definition. The "certificated staff actual full-time equivalent salary" means the salary calculated for an individual certificated employee:

- (1) Determine the actual salary that will be paid during the 1986-87 school year for the individual certificated employee reported on Form S-275;
- (2) Divide the actual salary by the full-time equivalency for the individual; and
- (3) The result obtained is the certificated staff actual full-time equivalent salary for an individual for the 1986-87 school year.

NEW SECTION

WAC 392-140-093 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE—DEFINITION—DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "district certificated derived base salary" means the same as the term defined in WAC 392-126-255.

NEW SECTION

WAC 392-140-094 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED STAFF ADJUSTED SALARY. As used in this chapter, "prior school year certificated staff adjusted salary" means the salary as defined in WAC 392-126-225 that would have been paid, after all salary adjustments, during the 1985-86 school year using the employee's 1986-87 school year certificated professional experience and education preparation in the same position or positions held by the employee in the 1986-87 school year for each individual certificated employee reported as of October 1 on Form S-275 for the 1986-87 school year.

NEW SECTION

WAC 392-140-095 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—FORM SS-279. As used in this chapter, "Form SS-279" means the form distributed by the superintendent of public instruction on which the superintendent of a district shall certify that the district board of directors has effective September 1, 1986, increased the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year and/or increased the actual basic education district certificated derived base salary up to \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-096 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—REPORTING

REQUIREMENTS. Each Category A district in order to receive a certificated salary enhancement allocation shall certify on Form SS-279 to the superintendent of public instruction that salary enhancements were granted effective September 1, 1986, which both:

- (1) Increased the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year; and
- (2) Increased the actual basic education district certificated derived base salary to no more than \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-097 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7. For each Category A district which certified on Form SS-279 that salary enhancements were granted effective September 1, 1986, for the 1986-87 school year as stated in WAC 392-140-096, the superintendent of public instruction shall notify the legislative evaluation and accountability program committee that the Revised LEAP Document 7 shall be modified to reflect a basic education certificated derived base salary of \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-098 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION. For the purpose of allocating basic education moneys for the 1986-87 school year, the Category A district's certificated salary enhancement allocation means the amount calculated as follows:

- (1) Subtract the district's basic education certificated derived base salary as shown on Revised LEAP Document 7 from \$16,500;
- (2) Multiply the result obtained in subsection (1) of this section by the district certificated staff mix factor for basic education staff for the 1985-86 school year;
- (3) Multiply the result obtained in subsection (2) of this section by the district's basic education certificated staff formula units as shown on Report 1191 for the 1986-87 school year; and
- (4) The result obtained is the district's certificated salary enhancement allocation for the basic education program in the 1986-87 school year.

NEW SECTION

WAC 392-140-099 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY. For the purpose of certificated staff salary compliance pursuant to chapter 392-126 WAC, the Category A district's maximum allowed certificated derived base salary shall

be \$16,500 improved by \$500.43 for the 1986-87 school year.

NEW SECTION

WAC 392-140-100 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—REPORTING REQUIREMENTS. Each Category B district in order to receive a certificated salary enhancement allocation shall certify on Form SS-279 to the superintendent of public instruction that salary enhancements were granted effective September 1, 1986, which increased the actual basic education district certificated derived base salary to no more than \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-101 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7. For each Category B district which certified on Form SS-279 that salary increases were granted effective September 1, 1986, for the 1986-87 school year as stated in WAC 392-140-100, the superintendent of public instruction shall notify the legislative evaluation and accountability program committee that the Revised LEAP Document 7 shall be modified to reflect a basic education certificated derived base salary of \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-102 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION. For the purpose of allocating basic education moneys for the 1986-87 school year, the Category B district's certificated salary enhancement allocation means the amount calculated as follows:

(1) Subtract the district's basic education certificated derived base salary as shown on Revised LEAP Document 7 from \$16,500;

(2) Multiply the result obtained in subsection (1) of this section by the district certificated staff mix factor for basic education staff for the 1985-86 school year;

(3) Multiply the result obtained in subsection (2) of this section by the district's basic education certificated staff formula units as shown on Report 1191 for the 1986-87 school year; and

(4) The result obtained is the district's certificated salary enhancement allocation for the basic education program in the 1986-87 school year.

NEW SECTION

WAC 392-140-103 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—MAXIMUM ALLOWED

CERTIFICATED DERIVED BASE SALARY. For the purpose of certificated staff salary compliance pursuant to chapter 392-126 WAC, the Category B district's maximum allowed certificated derived base salary shall be \$16,500 improved by \$500.43 for the 1986-87 school year.

NEW SECTION

WAC 392-140-104 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—REPORTING REQUIREMENTS. Each Category C district in order to receive a certificated salary enhancement allocation and an additional certificated salary enhancement allocation shall certify on Form SS-279 to the superintendent of public instruction that salary enhancements were granted effective September 1, 1986, which both:

(1) Increased the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year; and

(2) Increased the actual basic education district certificated derived base salary, excluding the salary increase of three percent of the Revised LEAP Document 7 state-wide average certificated derived base salary, to greater than \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-105 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7. For each Category C district which certified on Form SS-279 that salary increases were granted effective September 1, 1986, for the 1986-87 school year as stated in WAC 392-140-104, the superintendent of public instruction shall notify the legislative evaluation and accountability program committee that section 504(3)(f), chapter 312, Laws of 1986 requires the Revised LEAP Document 7 shall be modified to reflect a basic education certificated derived base salary of \$16,500 for the 1986-87 school year. The superintendent of public instruction shall notify the legislative evaluation and accountability program committee that section 504(3)(f), chapter 312, Laws of 1986 will require the modification of the Revised LEAP Document 7 to reflect a basic education certificated derived base salary calculated by adding the amount in WAC 392-140-108(3) to \$16,500.

NEW SECTION

WAC 392-140-106 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION BY MODIFYING REVISED LEAP DOCUMENT 7 TO \$16,500. For the purpose of allocating basic education moneys for the 1986-87 school year, the Category C district's certificated salary enhancement allocation for the basic education program by modifying Revised LEAP Document

7 basic education certificated derived base salary to \$16,500 means the amount calculated as follows:

(1) Subtract the district's basic education certificated derived base salary as shown on Revised LEAP Document 7 from \$16,500;

(2) Multiply the result obtained in subsection (1) of this section by the district certification staff mix factor for basic education staff for the 1985-86 school year;

(3) Multiply the result obtained in subsection (2) of this section by basic education certificated staff formula units as shown on Report 1191 for the 1986-87 school year, and

(4) The result obtained is the district's total certificated staff salary enhancement allocation for the basic education program by modifying the district's Revised LEAP Document 7 salary to \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-107 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION. Each Category C district shall receive an additional certificated salary enhancement allocation for the excess cost to increase basic education certificated staff actual full-time equivalent salary for all individuals of the district to a minimum of \$16,500 for the 1986-87 school year. The Category C district's additional certificated salary enhancement means the amount calculated as follows:

(1) Determine the prior school year certificated staff adjusted salary as defined in WAC 392-140-094 for each certificated employee reported for the 1986-87 school year on Form S-275 as defined in WAC 392-126-210;

(2) Divide the prior school year certificated staff adjusted salary by the total full-time equivalency for each individual in all programs for the 1986-87 school year;

(3) Subtract the result obtained in subsection (2) of this section from \$16,500;

(4) Multiply the result obtained in subsection (3) of this section by the total full-time equivalency for each individual in all program assignments for the 1986-87 school year;

(5) Multiply the result obtained in subsection (4) of this section by the percent of full-time equivalency for each individual in the basic education program for the 1986-87 school year;

(6) Add the result obtained in subsection (5) of this section for all individuals assigned to the basic education program;

(7) Subtract the district's total certificated staff salary allocation for the basic education program by modifying the district's Revised LEAP Document 7 salary to \$16,500 as calculated in WAC 392-140-107 from the result obtained in subsection (6) of this section; and

(8) The result obtained is the district's additional certificated salary enhancement allocation for the basic education program for the 1986-87 school year.

NEW SECTION

WAC 392-140-108 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY. For the purpose of certificated staff salary compliance, the Category C district's additional certificated salary enhancement allocation for the basic education program as provided in WAC 392-140-107 means this amount converted to certificated derived base dollars as follows:

(1) Divide the district's additional certificated salary enhancement allocation calculated pursuant to WAC 392-140-108 for the basic education program for the 1986-87 school year by the district's number of full-time equivalent basic education certificated staff for the 1986-87 school year;

(2) Divide the result obtained in subsection (1) of this section by the district certificated staff mix factor for basic education staff for the 1986-87 school year, and

(3) The result obtained is the district's allowed additional certificated salary enhancement for the basic education staff for the purpose of salary compliance for the 1986-87 school year.

For the purpose of certificated staff salary compliance pursuant to chapter 392-126 WAC, the Category C district's maximum allowed certificated derived base salary shall be \$16,500 improved by \$500.43 further improved by the district's allowed additional certificated salary enhancement as calculated above for the purpose of salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-109 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—REPORTING REQUIREMENTS. Each Category D district in order to receive a certificated salary enhancement allocation shall certify on Form SS-279 to the superintendent of public instruction that the district increased the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 effective September 1, 1986, for the 1986-87 school year.

NEW SECTION

WAC 392-140-110 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE—MODIFICATION OF REVISED LEAP DOCUMENT 7. The superintendent of public instruction shall notify the legislative evaluation and accountability program committee that section 504(3)(f), chapter 312, Laws of 1986 will require the modification of the Revised LEAP Document 7 to reflect a basic education certificated derived base salary calculated by adding the amount in WAC 392-140-112(3) to district's basic education certificated derived base salary as shown on Revised LEAP Document 7.

NEW SECTION

WAC 392-140-111 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION. For the purpose of allocating basic education moneys for the 1986-87 school year, the Category D district's additional certificated salary enhancement means the amount calculated for the district's basic education certificated employees as follows:

(1) Determine the prior school year certificated staff adjusted salary as defined in WAC 392-140-094 for each certificated employee reported for the 1986-87 school year on Form S-275 as defined in WAC 392-126-210;

(2) Divide the prior school year certificated staff adjusted salary by the total full-time equivalency for each individual in all programs for the 1986-87 school year;

(3) Subtract the result obtained in subsection (2) of this section from \$16,500;

(4) Multiply the result obtained in subsection (3) of this section by the total full-time equivalency for each individual in all program assignments for the 1986-87 school year;

(5) Multiply the result obtained in subsection (4) of this section by the percent of full-time equivalency for each individual in the basic education program for the 1986-87 school year;

(6) Add the result obtained in subsection (5) of this section for all individuals assigned to the basic education program; and

(7) The result obtained is the district's additional certificated salary enhancement allocation for the basic education program for the 1986-87 school year.

NEW SECTION

WAC 392-140-112 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY. For the purpose of certificated staff salary compliance, the Category D district's additional certificated salary enhancement allocation for the basic education program as provided in WAC 392-140-111 means this amount converted to certificated derived base dollars as follows:

(1) Divide the district's additional certificated salary enhancement allocation for the basic education program calculated pursuant to WAC 392-140-111 for the 1986-87 school year by the district's number of full-time equivalent basic education certificated staff for the 1986-87 school year;

(2) Divide the result obtained in subsection (1) of this section by the district certificated staff mix factor for the basic education staff for the 1986-87 school year; and

(3) The result obtained is the district's allowed additional certificated salary enhancement for basic education certificated staff for the purpose of salary compliance for the 1986-87 school year.

For the purpose of certificated staff salary compliance pursuant to chapter 392-126 WAC, the Category D district's maximum allowed certificated derived base salary shall be the district's basic education certificated derived base salary shown on Revised LEAP Document 7 improved by \$500.43 further improved by the district's allowed additional certificated salary enhancement as calculated above for the purpose of salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-113 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR ALL ELIGIBLE DISTRICTS—FRINGE BENEFIT ALLOCATION FOR SALARY ENHANCEMENT ALLOCATIONS. Eligible districts shall receive an additional fringe benefit allocation for the district's certificated salary enhancement allocation and the district's additional certificated salary enhancement allocation in the basic education program calculated by multiplying the district's certificated salary enhancement allocation and the district's additional certificated salary enhancement allocation by the fringe benefit rate of 19.44 percent for the 1986-87 school year.

NEW SECTION

WAC 392-140-114 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—OTHER STATE-SUPPORTED PROGRAM ALLOCATIONS. Eligible districts shall receive certificated salary enhancement allocations in the other state-funded programs as described as follows:

(1) Eligible districts with a basic education certificated derived base salary of less than \$16,500 on Revised LEAP Document 7 and certified on Form SS-279 pursuant to WAC 392-140-095, the same percentage increase required to increase the district's Revised LEAP Document 7 certificated derived base salary for the basic education program to no more than \$16,500 shall be applied to the district's Revised LEAP Document 7 equivalent certificated derived base salaries for both the handicapped and state institutions programs for the purpose of making allocations to these two programs for the 1986-87 school year.

(2) Eligible districts shall receive an additional certificated salary enhancement allocation if the district's actual cost to increase certificated staff actual full-time equivalent salary for all individuals to a minimum of \$16,500 in the handicapped and state institution programs exceeds the district's total salary allocation by applying the percentage increase described above.

(3) Eligible districts with a basic education certificated derived base salary of \$16,500 or greater on Revised LEAP Document 7 and which certify on Form SS-279 pursuant to WAC 392-140-095 shall receive additional certificated salary enhancement allocations for increasing the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 in both the handicapped and state institutions

programs for the 1986-87 school year. The eligible district's additional certificated salary enhancement allocations for the handicapped and state institutions programs shall be calculated in the same manner as described for the basic education program in WAC 392-140-111.

(4) Eligible districts which certify on Form SS-279 pursuant to WAC 392-140-095 shall receive additional certificated salary enhancement allocations for increasing the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 in the other state-supported programs in addition to the handicapped and state institutions programs for the 1986-87 school year. The eligible district's additional certificated salary enhancement allocation for these other state-supported programs shall be calculated in the same manner as described for the basic education program in WAC 392-140-111.

All eligible districts shall also receive an additional fringe benefit allocation as described in WAC 392-140-113 for the certificated salary enhancement allocations and the additional certificated salary enhancement allocations for all of the other state-supported programs.

NEW SECTION

WAC 392-140-115 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—APPLICABLE PROVISIONS. The provisions of WAC 392-140-115 through 392-140-147 sets forth the alternate measure for classified staff salary compliance for districts pursuant to section 504(2)(g), chapter 312, Laws of 1986 and which if elected shall be applicable for the 1986-87 school year.

NEW SECTION

WAC 392-140-116 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—PURPOSE. The purpose of these provisions is to set forth the policies and procedures under which any district board of directors may elect the alternate measure for salary compliance for classified employees, as provided herein, for the 1986-87 school year.

NEW SECTION

WAC 392-140-117 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—APPLICATION OF THESE PROVISIONS. The application of this alternate measure for classified staff salary compliance shall be limited to amounts in excess of state-funded salary levels resulting from district personnel policies and salary schedule placements for classified staff that will result in a district obligation for one or more of the following:

- (1) New positions pursuant to WAC 392-140-121;
- (2) Reclassifications pursuant to WAC 392-140-122;
- (3) Employees with additional prior years of experience in other school districts, pursuant to WAC 392-140-123 (see RCW 28A.58.099 (2)(i)); and
- (4) Employees with additional other prior years of experience pursuant to WAC 392-140-124.

NEW SECTION

WAC 392-140-118 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT PERSONNEL POLICIES. As used in this chapter, "district personnel policies" means written statements adopted by the district board of directors prior to or on November 1, 1985, which establish the specific policies and procedures to be administered by the district relative to district employees, that shall at least include the following:

- (1) Job classifications including but not limited to position responsibilities and qualifications;
- (2) Job assignments;
- (3) Salary classifications;
- (4) Procedures for determination of salary classifications and salary schedule placement; and
- (5) Criteria by which current classified employee(s) may be assigned to a different salary classification subject to a review by the district of the employee's responsibilities or qualifications.

NEW SECTION

WAC 392-140-119 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT SALARY SCHEDULE PLACEMENT. As used in this chapter, "district salary schedule placement" means the assigning of individual employees to the appropriate steps within the appropriate salary classification on the district salary schedules as adopted by the district board of directors for classified employees.

NEW SECTION

WAC 392-140-120 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—SALARY CLASSIFICATION. As used in this chapter, "salary classification" means the designated salary range for an established job classification within the district commensurate with the position responsibilities and qualifications.

NEW SECTION

WAC 392-140-121 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—NEW POSITION. As used in this chapter, "new position" means the same as the term defined in WAC 392-126-130, but shall be limited under the alternate measure for classified staff salary compliance to a new position that the superintendent of public instruction has determined to meet the criterion in WAC 392-126-130 for the 1985-86 school year.

NEW SECTION

WAC 392-140-122 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—RECLASSIFICATION. As used in this chapter, "reclassification" means the reassignment, effective after November 1, 1985, but

prior to or on November 1, 1986, of an individual classified employee to a different salary classification commensurate with the individual's assigned responsibilities pursuant to district personnel policy which existed on November 1, 1985.

NEW SECTION

WAC 392-140-123 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—EMPLOYEES WITH ADDITIONAL PRIOR YEARS OF EXPERIENCE IN OTHER SCHOOL DISTRICTS. As used in this section, "employees with additional prior years of experience in other school districts" means the number of years of experience transferred pursuant to RCW 28A.58.099 (2)(i) for classified employees. Such experience shall only be allowed for classified employees placed in positions after November 1, 1985, but prior to or on November 1, 1986.

NEW SECTION

WAC 392-140-124 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—EMPLOYEES WITH OTHER ADDITIONAL PRIOR YEARS OF EXPERIENCE. As used in this section, "employees with other additional prior years of experience" means the number of years of experience recognized through district personnel policies other than that transferred pursuant to RCW 28A.58.099 (2)(i) for classified employees. Such experience shall only be allowed for classified employees placed in positions after November 1, 1985, but prior to or on November 1, 1986.

NEW SECTION

WAC 392-140-125 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT OBLIGATION. As used in this chapter, "district obligation" means that amount incurred by the district that is in excess of state-funded salary level. The sum of that amount shall be the sum of the results obtained pursuant to the calculations in WAC 392-140-135(8), 392-140-136(7), 392-140-137(6) and 392-140-138(6).

NEW SECTION

WAC 392-140-126 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—FORM 1049. As used in this chapter, "Form 1049" means the form on which the district shall submit data to the superintendent of public instruction pursuant to WAC 392-140-142 to calculate the 1985-86 basic education district classified imputed base salary for classified staff salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-127 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—REVISED LEAP

DOCUMENT 7. As used in this chapter, "Revised LEAP Document 7" means the same as the term defined in WAC 392-140-088.

NEW SECTION

WAC 392-140-128 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT ALLOWED CLASSIFIED STAFF SALARY INCREASE FACTOR. As used in this chapter, the "district allowed classified staff salary increase factor" means the allowed salary increase factor for the district basic education classified staff for the 1986-87 school year calculated rounded to four decimal points as follows:

(1) Determine the district's allowed basic education classified derived base salary as shown on Revised LEAP Document 7 as defined in WAC 392-140-127 for the 1986-87 school year;

(2) Divide the amount of \$454.92 by the district's allowed basic education classified derived base salary obtained in subsection (1) of this section;

(3) Add 1 to the result obtained in subsection (2) of this section; and

(4) The result obtained is the district allowed classified staff salary increase factor for the district's basic education program for the 1986-87 school year.

NEW SECTION

WAC 392-140-129 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—FORM S-277. As used in this chapter, "Form S-277" means the same as the term defined in WAC 392-126-310.

NEW SECTION

WAC 392-140-130 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE. As used in this chapter, "prior school year classified years of experience" means the level of experience determined according to the following criteria:

(1) For a classified employee reported on Form S-277 for both the current and prior school years, the prior school year classified years of experience means the years of experience recognized by the district for the purpose of placement of the employee on the district's prior school year salary schedule in the various district-assigned job classifications occupied by the classified employee in the current school year;

(2) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the district for the purpose of placement of the individual on the district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year, and

(3) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, in which a classified employee occupies a position not used by the district in the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the district for the purpose of placement of the individual on the district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year.

NEW SECTION

WAC 392-140-131 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED STAFF HIGHEST HOURLY RATE. As used in this chapter, "prior school year classified staff highest hourly rate" means that highest hourly rate that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

NEW SECTION

WAC 392-140-132 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "classified increment mix factor" means the same as the term defined in WAC 392-121-128.

NEW SECTION

WAC 392-140-133 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "district classified increment mix factor" means the same as the term defined in WAC 392-121-129.

NEW SECTION

WAC 392-140-134 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—CURRENT SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY. As used in this chapter, "current school year district classified derived base salary" means the same as the term defined in WAC 392-126-355.

NEW SECTION

WAC 392-140-135 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DERIVED BASE EXCESS SALARIES FOR NEW POSITIONS. As used in this chapter, "derived base excess salaries for new positions" for the district's basic education classified

staff means the result obtained from the following calculation rounded to two decimal points:

(1) Identify each basic education classified employee whose position met the criterion as a new position as defined in WAC 392-140-121 for the 1985-86 school year,

(2) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate with the individual's prior school year classified increment mix factor multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year,

(3) Determine the prior school year derived base salary for each classified employee identified in subsection (1) of this section by dividing the prior school year highest salary calculated in subsection (2) of this section by the prior school year classified increment mix factor for the individual in the basic education program,

(4) Determine the district's allowed basic education classified derived base salary as shown on Revised LEAP Document 7 as defined in WAC 392-140-127 for the 1986-87 school year,

(5) Subtract the result obtained in subsection (4) of this section from the result in subsection (3) of this section for each classified employee identified in subsection (1) of this section;

(6) Multiply the result obtained in subsection (5) of this section for each classified employee identified in subsection (1) of this section by the individual's classified increment mix factor in the basic education program for the 1986-87 school year,

(7) Multiply the result obtained in subsection (6) of this section for each classified employee identified in subsection (1) of this section by the district allowed classified staff salary increase factor as defined in WAC 392-140-128 for the 1986-87 school year,

(8) Add all such calculations for classified employees identified in subsection (1) of this section;

(9) Divide the result obtained in subsection (8) of this section by the district's number of full-time equivalency in the basic education program for the 1986-87 school year and further divide the result by the district classified increment mix factor for the basic education program for the 1986-87 school year, and

(10) The result obtained is the derived base excess salaries for new positions for the district's basic education classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-136 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DERIVED BASE EXCESS SALARIES FOR RECLASSIFICATIONS. As used in this chapter, "derived base excess salaries for reclassifications" for the district's basic education classified staff means the result obtained from the following calculation rounded to two decimal points:

(1) Identify each basic education classified employee whose position meets the criterion of a reclassification as defined in WAC 392-140-122;

(2) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate for the position after reclassification and the individual's classified increment mix factor before reclassification multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(3) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate for the position before reclassification and the individual's classified increment mix factor before reclassification multiplied by full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(4) Subtract the result obtained in subsection (3) of this section from the result obtained in subsection (2) of this section for each classified employee identified in subsection (1) of this section;

(5) Divide the result obtained in subsection (4) of this section for each classified employee identified in subsection (1) of this section by the individual's classified increment mix factor in the basic education program before reclassification;

(6) Multiply the result obtained in subsection (5) of this section for each classified employee identified in subsection (1) of this section by the district allowed classified staff salary increase factor as defined in WAC 392-140-128 for the 1986-87 school year;

(7) Add all such calculations for classified employees identified in subsection (1) of this section;

(8) Divide the result obtained in subsection (6) of this section by the district's number of full-time equivalency in the basic education program for the 1986-87 school year and further divide the result by the district classified increment mix factor for the basic education program for the 1986-87 school year; and

(9) The result obtained is the derived base for excess salaries for reclassifications for the district's basic education classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-137 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DERIVED BASE EXCESS SALARIES FOR EMPLOYEES WITH ADDITIONAL PRIOR YEARS OF EXPERIENCE IN OTHER SCHOOL DISTRICTS. As used in this chapter, "derived base excess salaries for employees with additional prior years of experience in other school districts" for the district's basic education classified staff means the result obtained from the following calculation rounded to two decimal points:

(1) Identify each basic education classified employee whose position meets the criterion of employees with additional prior years of experience in other school districts as defined in WAC 392-140-123;

(2) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff

highest hourly rate for the position including the additional prior school years of experience in other school districts multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(3) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate for the position excluding the additional prior school years of experience in school districts multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(4) Subtract the result obtained in subsection (3) of this section from the result obtained in subsection (4) of this section for each classified employee identified in subsection (1) of this section;

(5) Multiply the result obtained in subsection (4) of this section by the district allowed classified staff salary increase factor as defined in WAC 392-140-128 for the 1986-87 school year;

(6) Add all such calculations for classified employees identified in subsection (1) of this section;

(7) Divide the result obtained in subsection (6) of this section by the district's number of full-time equivalency in the basic education program for the 1986-87 school year and further divide the result by the district classified increment mix factor for the basic education program for the 1985-86 school year; and

(8) The result obtained is the derived base for excess salaries for employees with additional prior years of experience in other school districts for the district's basic education classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-138 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DERIVED BASE EXCESS SALARIES FOR EMPLOYEES WITH ADDITIONAL OTHER PRIOR YEARS OF EXPERIENCE. As used in this chapter, "derived base excess salaries for employees with additional other prior years of experience" for the district's basic education classified staff means the result obtained from the following calculation rounded to two decimal points as follows:

(1) Identify each basic education classified employee whose position meets the criterion of employees with additional other prior years of experience as defined in WAC 392-140-124;

(2) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year highest hourly rate for the position including the additional other prior school years of experience multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(3) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year highest hourly rate for the position excluding the additional other prior school years of experience multiplied by the full-time

equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(4) Subtract the result obtained in subsection (3) of this section from the result obtained in subsection (4) of this section for each classified employee identified in subsection (1) of this section;

(5) Multiply the result obtained in subsection (4) of this section by the district allowed classified staff salary increase factor as defined in WAC 392-140-128 for the 1986-87 school year;

(6) Add all such calculations for classified employees identified in subsection (1) of this section;

(7) Divide the result obtained in subsection (6) of this section by the district's number of full-time equivalency in the basic education program for the 1986-87 school year and further divide the result by the district classified increment mix factor for the basic education program for the 1985-86 school year; and

(8) The result obtained is the derived base for excess salaries for employees with additional other prior years of experience for the district's basic education classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-139 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—BASIC EDUCATION DISTRICT CLASSIFIED IMPUTED DERIVED BASE SALARY. As used in this chapter, "basic education district classified imputed derived base salary" for the district requesting the alternate measure of classified staff salary compliance means the derived base salary calculated as follows:

(1) Determine the district's allowed basic education classified staff derived base salary as shown on Revised LEAP Document 7 as defined in WAC 392-140-127;

(2) Add all of the derived base excess salaries for new positions as calculated in WAC 392-140-135, derived base excess salaries for reclassifications as calculated in WAC 392-140-136, derived base excess salaries for employees with additional prior years of experience in other school districts as calculated in WAC 392-140-137, and derived base excess salaries for employees with additional other prior years of experience as calculated in WAC 392-140-138 to the result obtained in subsection (1) of this section;

(3) The result obtained in subsection (2) of this section is the 1985-86 basic education district classified staff imputed derived base salary for the purpose of the alternate measure for classified salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-140 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DISTRICT PERSONNEL POLICIES AND SALARY SCHEDULES. The district board of directors shall adopt personnel policies and salary schedules prior to the district granting to one or more classified employees salary increases which create a

district obligation as defined in WAC 392-140-125 for the 1986-87 school year.

NEW SECTION

WAC 392-140-141 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—CERTIFICATION OF BY BOARD RESOLUTION. The district shall certify by board resolution that any amount in excess of state funded salary levels in each year henceforward is solely a district obligation as defined in WAC 392-140-125 created through district personnel policies and salary schedule placements and that the effect shall neither incur nor imply any current or future funding obligation by the state. Such board resolution shall state the estimated amount of the district's obligation incurred pursuant to the personnel actions enumerated in WAC 392-140-125. Districts availing themselves of the alternate measure for salary compliance for the 1986-87 school year shall comply with the following:

(1) For personnel actions subsequent to November 1, 1985, but prior to September 1, 1986, the district shall certify such board resolution by September 30, 1986;

(2) For personnel actions subsequent to September 1, 1986, but prior to October 1, 1986, the district shall certify such board resolution by October 31, 1986;

(3) For personnel actions subsequent to October 1, 1986, but prior to November 1, 1986, the district shall certify such board resolution by November 30, 1986; and

(4) For personnel actions on or after November 1, 1986, the district shall adopt such board resolution not later than the last day of the month following the month in which the placements occurred.

All such board resolutions shall be filed with the superintendent of public instruction not later than fourteen calendar days following certification by the district board of directors. Included in such resolutions shall be the same data that are required on Form 1049 pursuant to WAC 392-140-143.

NEW SECTION

WAC 392-140-142 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DISTRICT REQUEST. Each district that exceeds the salary-compensation lid for classified staff as calculated in WAC 392-126-700 may elect the alternate measure of classified staff salary compliance for the 1986-87 school year by submitting data on Form 1049 to the superintendent of public instruction.

NEW SECTION

WAC 392-140-143 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—REPORTING REQUIREMENTS. Each district requesting the alternate measure for classified staff salary compliance for the 1986-87 school year shall adopt a district board resolution requesting the alternate measure of classified staff compliance. The district shall submit the district board resolution with such

data on Form 1049 as the superintendent of public instruction deems appropriate to serve as the basis for determination whether the district is in compliance under WAC 392-126-700 for classified staff salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-144 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DATA ANALYSIS AND REVIEW. The superintendent of public instruction shall review the data submitted on Form 1049 to determine if the classified employees listed on such form are only classified employees previously submitted pursuant to WAC 392-140-141. If it is the superintendent of public instruction's determination that the appropriate classified employees have been submitted on Form 1049A, the basic education district classified imputed derived base salary as calculated in WAC 392-140-149 improved by \$454.92 shall be used instead of the district's allowed basic education classified derived base salary as shown on Revised LEAP Document 7 improved by \$454.92 pursuant to WAC 392-126-360 for the purpose of determining classified staff salary compliance for the 1986-87 school year. The basic education district classified imputed derived base salary improved by \$454.92 shall be compared to the reported current school year district classified derived base salary as defined in WAC 392-140-134 for the 1986-87 school year to determine if the district is in compliance for classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-145 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—REPORTING CYCLE AND PROCESS. The reporting cycle and process established for classified staff salary-compensation lid compliance as specified in WAC 392-126-700 and 392-126-800 through 392-126-830 shall also apply for the alternate measure of classified staff salary compliance for districts for the 1986-87 school year.

WSR 86-17-047

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 86-13—Filed August 15, 1986]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Administrative salary and insurance benefits compliance, chapter 392-127 WAC.

I, Frank B. Brouillet, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 312, Laws of 1986, the

state Operating Appropriations Act, established conditions for the allocation of state moneys for school districts during the 1986-87 school year, which commences September 1, 1986. The conditions affect negotiated agreements between districts and employees thereof. Therefore, the orderly commencement of the 1986 school year is dependent upon the promulgation of operational rules, contained herein, implementing the state Operating Appropriations Act prior to September 1, 1986.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 28A.58-.095 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 15, 1986.

By Frank B. Brouillet
Superintendent of Public Instruction

Chapter 392-127 WAC
FINANCE—((GROUP TOTAL)) ADMINISTRATIVE SALARY AND INSURANCE BENEFITS COMPLIANCE

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-005 AUTHORITY. The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with administrative group ((total)) salary and insurance benefit increases permitted by the state Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide administrative group ((total)) salary and insurance benefit increases that violate the provisions of RCW 28A.58.095(1) which implement the requirements of the state Operating Appropriations Act.

NEW SECTION

WAC 392-127-115 DEFINITION—REVISED LEAP DOCUMENT 7. As used in this chapter, "Revised LEAP Document 7" means the same as the term defined in WAC 392-140-088.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-255 DEFINITION—CERTIFICATED ADMINISTRATIVE GROUP ((H)). As used in this chapter, "certificated administrative group ((H))" means the group composed of all certificated exempt

employees and those certificated supervisory employees who are not represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-265 DEFINITION—((PRIOR)) CURRENT SCHOOL YEAR CERTIFICATED PROFESSIONAL EXPERIENCE AND EDUCATIONAL PREPARATION. As used in this chapter, "((prior)) current school year certificated professional experience and educational preparation" means those levels of professional experience and educational preparation ((determined according to the following criteria:

((1) For a certificated employee reported on Form S-275 for both the current and prior school years, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation)) recognized by the school district for the purpose of placement of the employee on the school district's ((prior)) current school year salary schedule in the position occupied by the certificated employee in the current school year((;

((2) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year, and

((3) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, in which a certificated employee occupies a position not used by the district in the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year)).

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-270 DEFINITION—CONVERTED PRIOR SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY. As used in this chapter, "converted prior school year certificated highest monthly salary" means ((that)) the highest monthly salary that was paid or would have been paid the employee

during the prior school year commensurate with the employee's ((prior)) current school year certificated professional experience and educational preparation in the same position or positions held by the employee in the current school year as reported on Form S-275 adjusted by the September 1, 1986, certificated salary enhancements granted pursuant to WAC 392-140-085 through 392-140-114.

NEW SECTION

WAC 392-127-271 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY. As used in this chapter, "current school year certificated highest monthly salary" means the highest monthly salary that is or was paid the employee during the current school year commensurate with the employee's current school year certificated professional experience and educational preparation in the same position or positions held by the employee in the current school year as reported on Form S-275.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-275 DEFINITION—CONVERTED PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY((=))FOR THE CERTIFICATED ADMINISTRATIVE GROUP((S-I AND H)). As used in this chapter, "converted prior school year certificated average annualized salary for the certificated administrative group" means the salary calculated in the following manner:

((1) ((Assign each individual certificated employee to the appropriate certificated group;

((2)) Determine the highest annualized salary for each ((individual)) certificated administrative group employee, which ((shall)) means the converted prior school year certificated highest monthly salary multiplied by twelve;

((((3))) ((2) Multiply the ((highest annualized salary)) result obtained in subsection ((2)) (1) of this section by the current school year full-time equivalency for the individual certificated employee;

((((4) Determine the total of the highest annualized salaries)) (3) Sum the results obtained in subsection ((3)) (2) of this section for ((each respective certificated group)) all certificated administrative group employees;

((((5))) (4) Divide the result obtained in subsection ((4)) (3) of this section ((for each respective certificated group)) by the district's number of full-time equivalent certificated administrative group employees ((assigned to each respective group)); and

((((6))) (5) The result obtained in subsection ((5)) (4) of this section is the converted prior school year certificated average annualized salary for ((each respective)) the certificated administrative group.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-280 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE

ANNUALIZED SALARY~~((=))~~FOR THE CERTIFICATED ADMINISTRATIVE GROUP~~((S-I AND H))~~. As used in this chapter, "current school year certificated average annualized salary for the certificated administrative group" means the salary calculated in the following manner:

~~((1))~~ ~~((Assign each individual certificated employee to the appropriate certificated group;~~

~~((2)))~~ Determine the highest annualized salary for each ~~((individual))~~ certificated administrative group employee, which means the current school year certificated highest monthly salary multiplied by twelve, for the current school year for the individual employee reported on Form S-275;

~~((3)))~~ ~~((2))~~ Multiply ~~((the highest annualized salary))~~ the result obtained in subsection ~~((2))~~ ~~((1))~~ of this section by the full-time equivalency for the individual certificated administrative group employee;

~~((4))~~ ~~((Determine the total of the highest annualized salaries))~~ ~~((3))~~ Sum the results obtained in subsection ~~((3))~~ ~~((2))~~ of this section for ~~((each respective certificated group))~~ all certificated administrative group employees;

~~((5))~~ ~~((4))~~ Divide the result obtained in subsection ~~((4))~~ ~~((3))~~ of this section ~~((for each respective certificated group))~~ by the district's number of full-time equivalent certificated administrative group employees ~~((assigned to each respective certificated group));~~ and

~~((6))~~ ~~((5))~~ The result obtained in subsection ~~((5))~~ ~~((4))~~ of this section is the current school year certificated average annualized salary for ~~((each respective))~~ the certificated administrative group.

NEW SECTION

WAC 392-127-286 DEFINITION—ALLOWED SALARY INCREASE PERCENT FOR THE CERTIFICATED ADMINISTRATIVE GROUP. As used in this chapter, "allowed salary increase percent for the certificated administrative group" means that percent calculated to two decimal points in the following manner:

(1) Divide \$500.43 by the district's certificated Revised LEAP Document 7 derived base salary for certificated basic education staff as modified by any September 1, 1986, salary enhancements pursuant to WAC 392-140-085 through 392-140-114;

(2) Multiply the result in subsection (1) of this section by 100; and

(3) The result obtained in subsection (2) of this section is the allowed salary increase percent for the certificated administrative group.

NEW SECTION

WAC 392-127-287 DEFINITION—ACTUAL SALARY INCREASE PERCENT FOR THE CERTIFICATED ADMINISTRATIVE GROUP. As used in this chapter, "actual salary increase percent for the certificated administrative group" means that percent calculated to two decimal points in the following manner:

(1) Divide the current school year certificated average annualized salary by the converted prior school year average annualized salary for the certificated administrative group;

(2) Subtract 1 from the result in subsection (1) of this section and multiply by 100; and

(3) The result obtained in subsection (2) of this section is the actual salary increase percent for the certificated administrative group.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-295 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS~~((=))~~FOR THE CERTIFICATED ADMINISTRATIVE GROUP ~~((H))~~. As used in this chapter, "prior school year certificated average annual insurance benefits for the certificated administrative group" means the greater of:

(1) The insurance benefit amount authorized in the state Operating Appropriations Act for compensation purposes multiplied by twelve months per full-time equivalent staff unit; or

(2) The insurance benefits calculated in the following manner:

(a) Determine the annual insurance benefits for each ~~((individual))~~ certificated administrative group employee ~~((assigned to certificated Group I))~~ in the same position(s) held by the employee in the current school year;

(b) Determine the total of the annual insurance benefits obtained in (a) of this subsection;

(c) Divide the result obtained in (b) of this subsection by the district's number of full-time equivalent certificated administrative group employees ~~((assigned to certificated Group I))~~.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-296 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS~~((=))~~FOR THE CERTIFICATED ADMINISTRATIVE GROUP ~~((H))~~. As used in this chapter, "current school year certificated average annual insurance benefits for the certificated administrative group" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each ~~((individual))~~ certificated administrative group employee ~~((assigned to certificated Group I))~~ in the same position(s) held by the employee in the current school year;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated administrative group employees ~~((assigned to certificated Group I))~~; and

(4) The result obtained in subsection (3) of this section is the current school year certificated average annual insurance benefits for the certificated administrative group ((†)).

NEW SECTION

WAC 392-127-297 **DEFINITION—FORM 1079A.** As used in this chapter, "Form 1079A" means the form distributed by the superintendent of public instruction on which the school district may state no certificated administrative group employee in the school district received an increase in insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-127-551.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-355 **DEFINITION—CLASSIFIED ADMINISTRATIVE GROUP ((†)).** As used in this chapter, "classified administrative group ((†))" means the group composed of all classified exempt employees and those classified supervisory employees who are not represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-365 **DEFINITION—((PRIOR)) CURRENT SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE.** As used in this chapter, "((prior)) current school year classified years of experience" means the level of experience ((determined according to the following criteria:

(†) For a classified employee reported on Form S-277 for both the current and prior school years, the prior school year classified years of experience means the years of experience)) recognized by the school district for the purpose of placement of the employee on the school district's ((prior)) current school year salary schedule in the various district-assigned job classification occupied by the classified employee in the current school year(;

(2) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year, and

(3) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, in which a classified employee occupies a position not used by the district in the prior school year, prior school year classified years of experience means the years of experience that would

~~have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year).~~

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-370 **DEFINITION—CONVERTED PRIOR SCHOOL YEAR CLASSIFIED HIGHEST HOURLY RATE.** As used in this chapter, "converted prior school year classified highest hourly rate" means ((that)) the highest hourly rate that was paid or would have been paid the employee during the prior school year commensurate with the employee's ((prior)) current school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

NEW SECTION

WAC 392-127-371 **DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED HIGHEST HOURLY RATE.** As used in this chapter, "current school year classified highest hourly rate" means that highest hourly rate that is or was paid the employee during the current school year commensurate with the employee's current school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-375 **DEFINITION—CONVERTED PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY((=))FOR THE CLASSIFIED ADMINISTRATIVE GROUP((S F AND H)).** As used in this chapter, "converted prior school year classified average annualized salary for the classified administrative group" means the salary calculated in the following manner:

(1) ((Assign each individual classified employee to the appropriate classified group;

(2)) Determine the highest annualized salary for each ((individual)) classified administrative group employee, which means the converted prior school year classified highest hourly rate multiplied by 2,080;

((3)) (2) Multiply the ((highest annualized salary)) result obtained in subsection ((2)) (1) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

((4) Determine the total of the highest annualized salaries)) (3) Sum the results obtained in subsection ((3)) (2) of this section ((for each respective classified group));

((5)) (4) Divide the result obtained in subsection ((4)) (3) of this section ((for each respective classified group)) by the district's number of full-time equivalent

classified administrative group employees (~~(assigned to each respective group)~~); and

~~((6))~~ (5) The result obtained in subsection ~~((5))~~ (4) of this section is the converted prior school year classified average annualized salary for ~~((each respective))~~ the classified administrative group.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-380 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY~~((=))~~FOR THE CLASSIFIED ADMINISTRATIVE GROUP~~((S-T AND H))~~. As used in this chapter, "current school year classified average annualized salary for the classified administrative group" means the salary calculated in the following manner:

(1) ~~((Assign each individual classified employee to the appropriate classified group;~~

~~(2))~~ Determine the highest annualized salary for each individual classified employee, which means the current school year classified highest hourly rate multiplied by 2,080, for the current school year for the various district-assigned job classifications in which the individual was employed as reported on Form S-277;

~~((3))~~ (2) Multiply the ~~((highest annualized salary))~~ result obtained in subsection ~~((2))~~ (1) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

~~((4) Determine the total of the annualized salaries)~~
(3) Sum the results obtained in subsection ~~((3))~~ (2) of this section ~~((for each respective classified group))~~;

~~((5))~~ (4) Divide the result obtained in subsection ~~((4))~~ (3) of this section ~~((for each respective classified group))~~ by the district's number of full-time equivalent classified administrative group employees ~~((assigned to each respective classified group))~~; and

~~((6))~~ (5) The result obtained in subsection ~~((5))~~ (4) of this section is the current school year classified average annualized salary for ~~((each respective))~~ the classified administrative group.

NEW SECTION

WAC 392-127-386 DEFINITION—ALLOWED SALARY INCREASE PERCENT FOR THE CLASSIFIED ADMINISTRATIVE GROUP. As used in this chapter, "allowed salary increase percent for the classified administrative group" means that percent calculated to two decimal points in the following manner:

(1) Divide \$454.92 by the district's classified Revised LEAP Document 7;

(2) Multiply the result obtained in subsection (1) of this section by 100; and

(3) The result obtained in subsection (2) of this section is the allowed salary increase percent for the classified administrative group.

NEW SECTION

WAC 392-127-387 DEFINITION—ACTUAL SALARY INCREASE PERCENT FOR THE CLASSIFIED ADMINISTRATIVE GROUP. As used in this chapter, "actual salary increase percent for the classified administrative group" means that percent calculated to two decimal points in the following manner:

(1) Divide the current school year classified average annualized salary by the converted prior school year average annualized salary for the classified administrative group;

(2) Subtract 1 from the result obtained in subsection (1) of this section and multiply by 100; and

(3) The result obtained in subsection (2) of this section is the actual salary increase percent for the classified administrative group.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-395 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS~~((=))~~FOR THE CLASSIFIED ADMINISTRATIVE GROUP ~~((H))~~. As used in this chapter, "prior school year classified average annual insurance benefits for the classified administrative group" means the greater of:

(1) The insurance benefit amount authorized in the state Operating Appropriations Act for compensation purposes multiplied by twelve months per full-time equivalent staff unit; or

(2) The insurance benefits calculated in the following manner:

(a) Determine the annual insurance benefits for each ~~((individual))~~ classified administrative group employee ~~((assigned to classified Group I))~~ in the various district-assigned job classifications occupied by the employee in the current school year;

(b) ~~((Determine the total of the annual insurance benefits))~~ Sum the results obtained in (a) of this subsection;

(c) Divide the result obtained in (b) of this subsection by the district's number of full-time equivalent classified administrative group employees ~~((assigned to classified Group I))~~.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-396 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS~~((=))~~FOR THE CLASSIFIED ADMINISTRATIVE GROUP ~~((H))~~. As used in this chapter, "current school year classified average annual insurance benefits for the classified administrative group" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each ~~((individual))~~ classified administrative group employee ~~((assigned to classified Group I))~~ in the various district-assigned job classifications occupied by the employee in the current school year;

(2) ~~((Determine the total of the annual insurance benefits))~~ Sum the results obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified administrative group employees ~~((assigned to classified Group I))~~; and

(4) The result obtained in subsection (3) of this section is the current school year classified average annual insurance benefits for the classified administrative group ((†)).

NEW SECTION

WAC 392-127-397 DEFINITION—FORM 1079B. As used in this chapter, "Form 1079B" shall mean the form distributed by the superintendent of public instruction on which the school district may state no classified administrative group employees in the school district received an increase in insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-127-651.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-545 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance shall be calculated by subtracting the ~~((current school year certificated group))~~ actual salary ((factor)) increase percent from the ~~((prior school year certificated group))~~ allowed salary ((factor)) increase percent for the certificated administrative group. If the result obtained in this calculation is negative, the district shall be found to have violated the certificated administrative group ((total)) salary and insurance benefits salary compliance.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-550 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE ((OF)) FOR INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for the certificated administrative group ((†-employees)) to the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. The district shall be in compliance with the certificated insurance benefits provided if the current school year certificated average annual insurance benefits for the certificated administrative group ((†-employees)) is equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

In the event the school district's current school year certificated administrative group average annual insurance benefits exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the district shall be in compliance with this section if:

(1) For those certificated administrative group ((†)) employees whose prior school year insurance benefits exceeds the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of those employees' current school year insurance benefits does not exceed the average of ~~((these))~~ those employees' prior school year insurance benefits; and

(2) For those certificated administrative group ((†)) employees whose prior school year insurance benefits were equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of ~~((these))~~ those employees' current school year insurance benefits does not exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

NEW SECTION

WAC 392-127-551 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE—NO INSURANCE BENEFIT INCREASES CONSTITUTE COMPLIANCE FOR THE CERTIFICATED ADMINISTRATIVE GROUP. If the superintendent of public instruction has determined that a district's payment for insurance benefits for the certificated administrative group exceeds the amount specified for the current school year in the Operating Appropriations Act, the district may certify to the superintendent of public instruction on Form 1079A that it gave no insurance benefit increase pursuant to WAC 392-127-550, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-555 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE ((OF)) FOR INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-550, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the prior school year certificated average annual insurance benefits from the current school year certificated average annual insurance benefits for certificated administrative group ((†));

(2) Subtract the current school year certificated average annualized salary for the certificated administrative group ((salary factor)) from the converted prior school year certificated ((group salary factor)) average annualized salary for the certificated administrative group, or if the result is negative or zero, enter zero;

(3) ~~((Multiply the result obtained in subsection (2) of this section by the average salary calculated for the certificated Group II employees for the prior school year,~~

~~((†))~~) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection ~~((†))~~ (2) of this section; and

~~((5))~~ (4) If the result obtained in subsection ~~((4))~~ (3) of this section is negative, the district shall be found to have violated the certificated administrative group ~~((total))~~ salary and insurance benefits compliance.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-565 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the certificated administrative group ~~((total))~~ salary and insurance benefits compliance relative to certificated administrative group salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by ~~((multiplying))~~ dividing the result obtained in WAC 392-127-545 by 100. The result is multiplied by the converted prior school year average annualized salary for the certificated administrative group and by the ~~((current school year certificated average annualized salary for certificated Group H. The result obtained is then multiplied by the district's))~~ number of full-time equivalent ~~((staff calculated for certificated Group I))~~ certificated administrative group employees. The result is further multiplied by the number of months the salary increase is provided in the Operating Appropriations Act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-570 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the certificated administrative group ~~((total))~~ salary and insurance benefits compliance relative to certificated administrative group insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-555 ~~((5))~~(4) by the number of full-time equivalent ~~((staff in certificated Group I))~~ certificated administrative group employees.

NEW SECTION

WAC 392-127-576 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—CERTIFICATED ADMINISTRATIVE GROUP. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction

deems appropriate to serve as the basis for determining whether or not the district is in compliance as to salary and insurance benefits for the certificated administrative group. The superintendent of public instruction shall provide each district with the form specified in WAC 392-127-296 and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed form.

NEW SECTION

WAC 392-127-577 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT INITIAL EDIT OF THE CERTIFICATED ADMINISTRATIVE GROUP PERSONNEL DATA. The superintendent of public instruction shall return to each school district Report S-727 as specified in WAC 392-127-215. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-127-578 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION. The superintendent of public instruction shall review the edited data and make a determination as to whether additional information is necessary in order to determine whether a district is in violation of average salary and/or insurance benefits pursuant to WAC 392-127-545 and 392-127-555. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether the district is in violation of certificated administrative group compliance. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units for certificated administrative group employees of the receipt of the notification.

NEW SECTION

WAC 392-127-579 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether the district is in violation of salary and insurance benefits compliance for the certificated administrative group may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The district shall submit such additional data to the superintendent of public instruction on the form specified

in WAC 392-127-296. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-127-565 and/or 392-127-570 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. The superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-127-296 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-127-580 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT SUBSEQUENT CHANGES OF DATA. In the event a school district changes certificated administrative group personnel data reported on Form S-275 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent of the district or assistant superintendent pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-127-578 and 392-127-579 to determine whether the district is in compliance and promptly notify the district of such determination.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-645 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance shall be calculated by subtracting the ~~((current school-year-classified-group))~~ actual salary ~~((factor))~~ increase percent from the ~~((prior school-year-classified group))~~ allowed salary ~~((factor))~~ increase percent for the classified administrative group. If the result obtained of this calculation is negative, the district shall be found to have violated the classified administrative group ~~((total))~~ salary and insurance benefits compliance.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-650 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for the classified administrative group ~~((employees))~~ to the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. The district shall be in compliance with the classified insurance benefits provided if the average current school year classified annual insurance benefits for the classified administrative group ~~((employees))~~ is equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

In the event the school district's current school year classified administrative group insurance benefits exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the district shall be in compliance with this section if:

(1) For those classified administrative group ~~((f))~~ employees whose prior school year insurance benefits exceeds the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of those employees' current school year insurance benefits does not exceed the average of ~~((these))~~ those employees' prior school year insurance benefits; and

(2) For those classified administrative group ~~((f))~~ employees whose prior school year insurance benefits were equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of ~~((these))~~ those employees' current school year insurance benefits does not exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

NEW SECTION

WAC 392-127-651 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE—NO INSURANCE BENEFIT INCREASES CONSTITUTE COMPLIANCE FOR THE CLASSIFIED ADMINISTRATIVE GROUP. If the superintendent of public instruction has determined that a district's payment for insurance benefits for the classified administrative group exceeds the amounts specified for the current school year in the Operating Appropriations Act, the district may certify to the superintendent of public instruction on Form 1079B that it gave no insurance benefit increase pursuant to WAC 392-127-650, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-655 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-650, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the classified prior school year average annual insurance benefits from the classified current school year average annual insurance benefits for classified administrative group ((~~†~~));

(2) Subtract the current school year classified ((~~factor~~)) average annualized salary for the classified administrative group from the converted prior school year classified ((~~factor~~)) average annualized salary for the classified administrative group, or if the result is negative or zero, enter zero;

(3) ((~~Multiply the result obtained in subsection (2) of this section by the average salary calculated for the classified Group H employees for the prior school year,~~

((~~4~~)) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection ((~~3~~)) (2) of this section; and

((~~5~~)) (4) If the result obtained in subsection ((~~4~~)) (3) of this section is negative the district shall be found to have violated the classified administrative group ((~~total~~)) salary and insurance benefits compliance.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-665 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the classified administrative group ((~~total~~)) salary and insurance benefits compliance relative to classified administrative group salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by ((~~multiply~~)) dividing the result obtained in WAC 392-127-645 by 100. The result is multiplied by the converted prior school year average annualized salary for the classified administrative group and by the ((~~current school year classified average annualized salary for classified Group H. The result obtained is then multiplied by the district's~~)) number of full-time equivalent ((~~staff calculated for classified Group I~~)) classified administrative group employees. The result is further multiplied by the number of months the salary increase is provided in the Operating Appropriations Act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-670 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the classified administrative group ((~~total~~)) salary and insurance benefits compliance relative to classified administrative group insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-655 ((~~5~~))(4) by the number of full-time equivalent ((~~staff in classified Group I~~)) classified administrative group employees.

NEW SECTION

WAC 392-127-676 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—CERTIFICATED ADMINISTRATIVE GROUP. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance as to salary and insurance for the classified administrative group. The superintendent of public instruction shall provide each district with the form specified in WAC 392-127-397 and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed form.

NEW SECTION

WAC 392-127-677 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT INITIAL EDIT OF THE CLASSIFIED ADMINISTRATIVE GROUP PERSONNEL DATA. The superintendent of public instruction shall return to each district Report S-730 as specified in WAC 392-127-315. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-127-678 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION. The superintendent of public instruction shall review the edited data and make a determination as to whether additional information is necessary in order to determine whether a district is in violation of average salary and/or insurance benefits pursuant to WAC 392-127-645 and 392-127-655. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether the district is in

violation of classified administrative group compliance. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units for classified administrative group employees of the receipt of notification.

NEW SECTION

WAC 392-127-679 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether the district is in violation of salary and insurance benefit compliance for the classified administrative group may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The district shall submit such additional data to the superintendent of public instruction on the form specified in WAC 392-127-397. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-127-665 and/or 392-127-670 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information submitted by the district and determine whether the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. The superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-127-296 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-127-680 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT SUBSEQUENT CHANGES OF DATA. In the event a school district changes classified administrative group personnel data reported on Form S-275 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent of the district or assistant superintendent pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public

instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-127-678 and 392-127-679 to determine whether the district is in compliance and promptly notify the district of such determination.

REPEALER

The following sections of the Washington Administrative Code are repealed:

392-127-225 DEFINITION—CERTIFICATED STAFF SALARIES.

392-127-260 DEFINITION—CERTIFICATED GROUP II.

392-127-285 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR.

392-127-290 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR.

392-127-325 DEFINITION—CLASSIFIED STAFF SALARIES.

392-127-360 DEFINITION—CLASSIFIED GROUP II.

392-127-385 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED SALARY FACTOR.

392-127-390 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED GROUP SALARY FACTOR.

392-127-500 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED STAFF.

392-127-505 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED SALARIES.

392-127-510 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED INSURANCE BENEFITS.

392-127-515 CERTIFICATED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE.

392-127-520 CERTIFICATED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE.

392-127-525 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT.

392-127-530 CERTIFICATED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT.

392-127-535 CERTIFICATED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

392-127-540 *CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT.*

392-127-560 *CERTIFICATED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT.*

392-127-575 *CERTIFICATED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE.*

392-127-600 *CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED STAFF.*

392-127-605 *CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED SALARIES.*

392-127-610 *CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING INSURANCE BENEFITS.*

392-127-615 *CLASSIFIED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE.*

392-127-620 *CLASSIFIED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE.*

392-127-625 *CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT.*

392-127-630 *CLASSIFIED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT.*

392-127-635 *CLASSIFIED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.*

392-127-640 *CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT.*

392-127-660 *CLASSIFIED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT.*

392-127-675 *CLASSIFIED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE.*

WSR 86-17-048

NOTICE OF PUBLIC MEETINGS

HIGHER EDUCATION FACILITIES AUTHORITY

[Memorandum—August 15, 1986]

NOTICE OF PUBLIC HEARING FOR ISSUANCE OF WASHINGTON HIGHER EDUCATION FACILITIES AUTHORITY REVENUE BONDS

The Washington Higher Education Facilities Authority will hold a public hearing on Wednesday, September 2, 1986, at 10:00 a.m. in the Authority Office located at 504 East 14th, Suite 130, Olympia, Washington, for the purpose of considering Resolution 86-3 of the Washington Higher Education Facilities Authority, which authorizes the issuance of approximately

\$7,000,000 WASHINGTON HIGHER EDUCATION FACILITIES AUTHORITY REVENUE BONDS, SERIES 1986 the proceeds of which will be loaned to Whitworth College, Spokane, Washington, to fund certain energy efficiency improvements, other general campus improvements, expansion and remodeling of certain campus facilities, funding the reserve fund, and paying the costs and expenses incurred incident to the accomplishment of this financing.

WSR 86-17-049

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 18, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning blueberry quarantine, chapter 16-488 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 5, 1986.

The authority under which these rules are proposed is chapter 17.24 RCW.

This notice is connected to and continues the matter in Notice No. WSR 86-14-023 filed with the code reviser's office on June 24, 1986.

Dated: August 15, 1986

By: Art G. Losey
Assistant Director

WSR 86-17-050

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 487—Filed August 18, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule restricting logging on lands protected by the Department of Natural Resources.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is continued hot and dry weather have brought the forest lands protected by the Department of Natural Resources to a condition which require the continuation and implementation of restrictions to prevent a wildfire from starting.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.315 and 76.04.325 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 18, 1986.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-084c LOGGING RESTRICTIONS. Effective midnight, Monday, August 18, 1986, through midnight, Friday, August 22, 1986, the following restrictions will be in effect in the identified areas on lands protected by the Department of Natural Resources.

Restrictions:

(1) The operating of power saws, except at loading sites on landings, is prohibited from 11:00 A.M. until 8:00 P.M. local time.

(2) The operating of power saws at loading sites on landings is prohibited from 1:00 P.M. until 8:00 P.M. local time.

(3) The operating of tractors, mechanized yarding, mechanized loading, mechanized hauling of any product or material, mechanized treatment of slash, blasting, welding and operating acetylene or other torches with open flame is prohibited from 1:00 P.M. until 8:00 P.M. local time.

(4) The operating of any other spark-emitting equipment not specifically mentioned in sections (1), (2) or (3) above are prohibited from 1:00 P.M. until 8:00 P.M. local time.

(5) A one-hour fire watch is required at the site of sections (1) through (4) after ceasing operating at the required times.

(6) All outdoor burning, by permit or rule burn, and the use of burn barrels is suspended.

(7) During the shutdown period of 1 P.M. to 8 P.M., all persons are excluded from areas of logging slash and logging operating areas except those persons present in the interest of fire protection.

Affected areas:

Southeast Area:

Shutdown zone 624 in Klickitat and Yakima Counties; shutdown zone 631 in Asotin, Garfield, Columbia and Walla Walla Counties; shutdown zone 633 in Asotin, Garfield, Columbia and Walla Walla Counties; shutdown zone 675 in Yakima and Kittitas Counties; shutdown zone 677 in Chelan County; shutdown zone 680 in Yakima and Kittitas Counties; shutdown zone 681 in Klickitat and Yakima Counties; shutdown zone 682 in Chelan County.

Northeast Area:

Shutdown zone 678 in Okanogan County; shutdown zone 679 in Okanogan County; shutdown zone 684 in Okanogan County; shutdown zone 685 in Okanogan, Ferry and Lincoln Counties; shutdown zone 686 in Stevens, Lincoln and Spokane Counties; shutdown zone 687 in Stevens and Spokane Counties; shutdown zone 688 in Stevens, Pend Oreille and Spokane Counties.

Southwest Area:

Shutdown zone 621 east in Clark and Skamania Counties; shutdown zone 660 in Lewis, Cowlitz, Skamania and Clark Counties.

Central Area:

Shutdown zone 659 in Lewis County; shutdown zone 660 in Lewis County.

South Puget Sound Area:

Shutdown zone 659 in Pierce and King Counties.

Northwest Area:

Shutdown zone 658 in Whatcom, Skagit, Snohomish and King Counties.

REPEALER

The following section of the Washington Administrative Code is repealed:

- 1) WAC 332-26-084b Logging Restrictions.

WSR 86-17-051

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 86-83—Filed August 18, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable quota has been taken.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 18, 1986.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000D SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 19, 1986, until further notice, it is unlawful to fish for or possess salmon taken for personal use from all waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, waters west of the Buoy 10 Line, or Puget Sound waters west of the mouth of the Sekiu River.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 19, 1986:

WAC 220-56-19000C SALTWATER SEASONS AND BAG LIMITS. (86-78)

WSR 86-17-052
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed August 18, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning requirements for license dealers, amending WAC 232-12-241;

that the agency will at 9:00 a.m., Wednesday, October 1, 1986, in the Washington State Game Department, Regional Office, 16018 Mill Creek Boulevard, Mill Creek, WA 98012, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1986.

The authority under which these rules are proposed is RCW 77.04.020.

The specific statute these rules are intended to implement is RCW 77.32.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 29, 1986.

Dated: August 18, 1986

By: James R. Carlin
 Game License Manager

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-241 Requirements for license dealers.

Statutory Authority: RCW 77.04.020.

Specific Statute that Rule is Intended to Implement: RCW 77.32.050.

Eliminate bonding requirement for game license dealers.

Reasons Supporting the Proposed Rule: The change in the license system to two multiple use documents makes present WAC language incorrect. A license dealer surety bond can not guarantee full and complete payment since licenses sent to dealers could have a value from \$8.00 to \$150.00 and transport tags could have a value from \$15.00 to \$150.00. During the last year many existing license dealers and new license dealers have expressed concerns about the cost of the license dealer surety bond. It appears that many bonding companies have substantially increased the bond premiums and are now requiring personal income statements. As a result license dealers are faced with increased paperwork and high costs. We have had numerous dealers approved but after trying to obtain an affordable bond, declined the dealership. In the last two months six game license dealers

have terminated their dealerships due to increases in bond renewal fees.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: James R. Carlin, Game License Manager, Management Services Division, Department of Game, 600 North Capitol Way, Olympia, Washington 98504, phone (206) 753-5719.

Name of the Person or Organization Whether Private, Public or Governmental that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: Bob Rasmussen, enforcement, this amendment would cause no impact on the enforcement division.

This proposed rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 268, filed 1/15/86)

WAC 232-12-241 REQUIREMENTS OF LICENSE DEALERS. (1) The director may deputize persons, firms or corporations as license dealers in such numbers as deemed necessary, for the purpose of issuing licenses, permits, tags, stamps and punchcards.

~~((2))~~ All persons, firms or corporations so deputized shall provide the director with a good and sufficient bond in such amount as the director shall determine, such bond to guarantee full and complete payment for all licenses, permits, tags, stamps and punchcards sold or not remitted by the dealer.

~~((3))~~ (2) License dealers shall remit all moneys collected from the sale of licenses, permits, tags, stamps and punchcards by the 10th day of the following month in which the licenses are sold.

~~((4))~~ (3) License dealers must issue licenses, permits, tags, stamps and punchcards in accordance with instructions provided by the department in the license dealer manual.

~~((5))~~ (4) All records held pursuant to the statutes and regulations dealing with license dealers must be open to inspection by a wildlife agent or department designee at reasonable times.

~~((6))~~ (5) License dealers may charge an agent fee of \$1.00 for the issuance of each license document and \$.50 for the issuance of each tag, permit, special hunting permit application, and the state migratory waterfowl stamp.

Reviser's note: RCW 34.04.058 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 86-17-053
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed August 18, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 232-12-168	Fishing contests.
Amd	WAC 232-12-001	Definition of terms.
Rep	WAC 232-28-61511	Amendment to 1986 game fish seasons and catch limits—Definition of wild steelhead release.
Rep	WAC 232-12-167	Hunting and fishing contest rules;

that the agency will at 9:00 a.m., Wednesday, October 1, 1986, in the Department of Game, 16018 Mill Creek Boulevard, Bothell [Mill Creek], WA 98012, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1986.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040 and 77.16.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 1, 1986.

Dated: August 20, 1986
 By: James M. Gearheard
 for Jim DeShazo, Division Chief
 Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section(s): WAC 232-12-168 Fishing contests; 232-12-167 Hunting and fishing contest rules; 232-12-001 Definition of terms; and 232-28-61511 Amendment to 1986 game fish seasons and catch limits—Definition of wild steelhead release.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040 and 77.16.010.

Summary of the Rule: WAC 232-12-168 will provide the rules concerning fishing contests; WAC 232-12-167 will be repealed upon adoption of WAC 232-12-167 [232-12-168]; WAC 232-12-001 is proposed for amendment to delete the definition of hunting and fishing contests; and WAC 232-28-61511 will be repealed as this WAC is no longer necessary.

Reasons Supporting the Proposed Rule(s): The change tightens up the WAC and allows more control over contest participation limits and reporting procedures. Additionally, language is included that provides a mechanism for denying contest permit applications if the resource is threatened. Prize money increases are permitted under certain circumstances. Currently, the definition of hunting and fishing contests is supplemental to commission definitions in RCW 77.08.010 and is not necessary. This WAC will be covered under WAC 232-28-616, 1987-88 Washington game fish regulations and is therefore unnecessary.

Agency Personnel Responsible for Drafting: Paul Mongillo, Resident Fish Program Manager (WAC 232-12-168, 232-12-167 and 232-12-001), and Jim DeShazo, Division Chief (WAC 232-28-61511), Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5713; Implementation: Jim DeShazo, Division Chief, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5713; and Enforcement: Dave Schultz, Division Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public or Governmental that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): No comments.

The rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-168 FISHING CONTESTS. (1) To ensure equal consideration for specific contest dates, applications for fishing contests should be submitted to the Department by December 1 of each year for contests that are to take place the following calendar year. Applications for fishing contests received after December 1 will be considered for permits only if there is no conflict with scheduled contests.

(2) Applications for fishing contests must be submitted not less than 30 days prior to the date for which the contest is proposed. Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the contest permit application is denied.

(3) Fishing contests which may adversely affect fish or wildlife resources or other recreational opportunity may be denied. Contests will not be allowed on sea-run cutthroat trout, Dolly Varden or bull trout.

(4) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(5) Contests are restricted to the species approved on the permit.

(6) Sponsors must report contest information requested by the Department with the approved permit within 30 days after the contest has ended. Additional contest permits will not be issued to a sponsoring individual or organization if the sponsor fails to fulfill this requirement.

(7) Total prize value per contest will not exceed four hundred dollars when trout, steelhead, char, whitefish, grayling, kokanee or wall-eye are included as target species. Total prize value per contest for all other species will not exceed fifteen thousand dollars.

(8) Contests where all participants expect to fish at the same time on a body of water will not last longer than three (3) consecutive days and have the following limits per water:

Acres	Contests Per Day	Contests Per Month	Contests Per Year
Less than 300	1	1	5
301 - 3,000	1	2	10
3,001 - 6,000	1	3	15
6,001 - 10,000	1	4	25
Greater than 10,000	2	5	35

(9) Contest participants fishing from boats will not exceed the following limits per water per contest within any given day of the contest.

Acres	Participants
Less than 300	25
301 - 3,000	50
3,001 - 6,000	100
6,001 - 10,000	150
Greater than 10,000	200

(10) It is unlawful for the fishing contest permittee to fail to comply with the conditions of the fishing contest permit.

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-001 DEFINITION OF TERMS. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless the context clearly requires otherwise:

(1) Snagging, gaffing, or spearing means: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices.

(2) A valid license, permit, tag, stamp or punchcard means: A license, permit, tag, stamp, or punchcard that was issued to the bearer for the current season by the commission and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(3) Hook means: One single, double, or treble hook.

(4) Barbless hook means: A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.

(5) Falconry means: Possession, control, or use of a raptor for the purpose of hunting and free flight training.

~~((6) Hunting or fishing contests mean: Hunting for wild animals or wild birds or fishing for game fish under a competitive arrangement that offers a prize. The assignment of an ornamental or symbolic award shall not be considered a prize.))~~

~~((7)6) Anadromous game fish means:~~

~~(a) Steelhead trout, Salmo gairdnerii~~

~~(b) Searun cutthroat, Salmo clarkii~~

~~(c) Searun Dolly Varden, Salvelinus malma~~

~~((8)7) Handgun means: Any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.~~

~~((9)8) A lure means: A manufactured article with one or more hooks attached, utilized for attraction or enticement of game fish.~~

~~((+0)9) Bait means: A natural substance, fresh or processed, utilized for attraction or enticement of wildlife and game fish.~~

REPEALER

The following section(s) of the Washington Administrative Code are hereby repealed:

WAC 232-28-61511 AMENDMENT TO 1986 GAME FISH SEASONS AND CATCH LIMITS—DEFINITION OF WILD STEELHEAD RELEASE

WAC 232-12-167 HUNTING AND FISHING CONTEST RULES

WSR 86-17-054

PROPOSED RULES

GAMBLING COMMISSION

[Filed August 18, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning new section WAC 230-08-165;

that the agency will at 10:00 a.m., Friday, September 12, 1986, in the Westwater Inn, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 9.46 RCW.

This notice is connected to and continues the matter in Notice Nos. WSR 86-11-005 and 86-15-026 filed with the code reviser's office on May 9, 1986, and July 14, 1986.

Dated: August 18, 1986

By: Ronald O. Bailey
Deputy Director

WSR 86-17-055

PROPOSED RULES

GAMBLING COMMISSION

[Filed August 18, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-04-201 and 230-20-064;

that the agency will at 10:00 a.m., Friday, November 21, 1986, in the Sheraton Hotel, Spokane, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 9.46 RCW.

This notice is connected to and continues the matter in Notice Nos. WSR 86-07-043 and 86-13-054 filed with the code reviser's office on March 17, 1986, and June 13, 1986.

Dated: August 18, 1986

By: Ronald O. Bailey
Deputy Director

WSR 86-17-056

PROPOSED RULES

GAMBLING COMMISSION

[Filed August 18, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory section WAC 230-12-310;

that the agency will at 10:00 a.m., Friday, October 10, 1986, in the Executive Inn, Tacoma, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 9.46 RCW.

Dated: August 18, 1986

By: Ronald O. Bailey
Deputy Director

STATEMENT OF PURPOSE

Title: Amendatory section WAC 230-12-310 Licenses to report to the commission all civil or criminal actions filed against them.

Description of Purpose: Requires licensee to report all civil/criminal actions to the commission in a timely manner and sets out the manner of reporting this information.

Statutory Authority: RCW 9.46.070 (7), (8), (14) and (17).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-12-310 clarifies the type of civil/criminal actions that must be reported by the licensees to the Gambling Commission.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm; and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment.

Agency Comments: The agency believes the proposed amendment is self-explanatory and needs no further comment.

This amendment was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of this amendment.

AMENDATORY SECTION (Amending Order 15, filed 4/17/74)

WAC 230-12-310 LICENSEES TO REPORT TO THE COMMISSION ALL CIVIL OR CRIMINAL ACTIONS FILED AGAINST THEM. ((Each licensee shall give notice to the commission in writing upon the filing of each and every civil and each and every criminal action, including counterclaims and cross-claims, but excluding traffic violations and dissolutions of marriage, in any court at any level against the licensee, or against the licensee's president or chief executive officer, chairman of the licensee's board of directors or board of trustees, licensee's financial records officer, or the manager of any of the activities for which the licensee has a gambling license.

This notice shall include the name of the case and its court number, the name and location of the court in which the case has been filed and a summary of the nature of the case, including allegations against the defendant(s). Licensee may include a summary of defenses to the allegations. The licensee shall advise the commission in writing of the disposition of each case in each level of court hearing the case.

These notices shall be filed with the commission not later than 30 days following filing, and each disposition, of the case.))

(1) Each licensee shall report to the commission, all civil or criminal actions filed by or against the licensee or the licensee's president, chief executive officer, chairman of the board, treasurer (chief financial officer), partner or any person holding a substantial interest or manager of the licensed gambling activity. All civil cases involving personal injury, debt collection, adoption, paternity, wage disputes and non-criminal traffic infractions need not be reported.

(2) The report shall consist of a complete copy of the original documents filed. The licensee shall notify the commission of the final disposition of the case.

(3) This report shall be attached to the next quarterly activity report filed with the commission. Organizations not required to submit quarterly reports shall send the report to the commission within thirty days of their receipt of notice of the action filed.

WSR 86-17-057

ADOPTED RULES

GAMBLING COMMISSION

[Order 160—Filed August 18, 1986]

Be it resolved by the Washington State Gambling Commission, acting at Chelan, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 230-02-350 Commercial stimulant (permits licensees to deduct the following expenses from the gross receipts in card rooms: up to \$12.50 per hour for a card room employee on duty; and up to \$7.50 per hour for a pan dealer when operational).
- Amd WAC 230-04-060 Required information (removes the requirement for licensees to notify the commission of changes in their business).
- Amd WAC 230-40-055 Card tournaments for fee and prizes (authorizes limited buy-ins for card tournaments).

This action is taken pursuant to Notice Nos. WSR 86-11-005, 86-13-053 and 86-15-026 filed with the code reviser on May 9, 1986, June 13, 1986, and July 14, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 9.46 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 14, 1986.

By Ronald O. Bailey
Deputy Director

AMENDATORY SECTION (Amending Order 125, filed 11/15/82)

WAC 230-02-350 COMMERCIAL STIMULANT. An activity is operated as a commercial stimulant, for the purposes of chapter 9.46 RCW and these rules, only when it is an incidental activity operated in connection with, and incidental to, an established business, primarily engaged in the sale of food or drink for consumption on the premises, with the primary purpose of increasing the volume of sales of food and drink for consumption on that business premises.

Gambling activities authorized for use as commercial stimulants shall be deemed as not being used for this purpose when the combined gross receipts from all such gambling activities, less that amount paid out for or as prizes, and less that amount paid out in federal, state, and local taxes or fees, directly related to the gambling activities, and less that amount paid out in expenses incurred directly as a result of providing a card room employee to be on duty and in the licensed card room area in compliance with WAC 230-40-400 which shall not exceed ~~((8.50))~~ \$12.50 per hour of operation, and less that amount paid out as expenses incurred directly as a result of providing the dealer allowed by WAC 230-40-225 which shall not exceed \$7.50 per hour of operation, are more than the total of the gross receipts from the food and drink business during any calendar quarter.

AMENDATORY SECTION (Amending Order 137, filed 10/18/83)

WAC 230-04-060 REQUIRED INFORMATION. In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

- (1) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;
- (2) A copy of a nonprofit or charitable applicant's internal revenue service tax exemption letter if one has been obtained;

(3) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the gambling activity will be conducted, if such premises are leased or rented;

(4) Details and copies of any and all franchise agreements or other agreements, whether written or oral, if any, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person where those agreements relate to gambling activities or gambling equipment;

(5) The name, address, date of birth, and Social Security number of each paid employee or agent who will work in the activity for which the license is sought;

(6) For each person listed below, a completed copy of the commission's form entitled "Personal information form":

(a) Each person who has a substantial interest in the applicant;

(b) Each person who is the chief executive officer, the chairman of a board, and the financial records officer of a corporation and/or bona fide nonprofit charitable organization;

(c) Each person who will serve in a supervisory capacity over those persons in the direct management or direct operation of the activity for which the license is sought;

(7) ~~((If the applicant is a natural person, a completed copy of the commission's "Personal information form" respecting the applicant;~~

~~(8) When information filed with the commission becomes inaccurate in any way, or additions or deletions are necessary to reflect changes in circumstances of the licensee, applicant, or any other persons since the information was filed, the applicant or licensee shall submit full details of any such change and/or correct any inaccuracy, together with copies of any new required documents, with the commission within 30 days following the change. PROVIDED, That with respect to bona fide charitable and/or bona fide nonprofit organizations only, notice need not be given of changes of officers until required renewal time(s) for a particular license(s). If other information required to be submitted under all other sections of this rule and/or other)) If any information required on the application, changes or becomes inaccurate in any way, the commission shall be notified ((as required in this subsection. All officers of bona fide charitable and/or bona fide nonprofit organizations, upon signing the original and/or renewal application(s) for licensure, shall obligate the organization to the fair and lawful operation of all gambling activities for that license year or until renewal time of another license held by the organization or an additional license is applied for, whichever is sooner, regardless of any change(s) in the roster of elected officers during that license period)) prior to issuance of a license. Failure to notify the Commission of any changes affecting an application shall constitute grounds for suspension or revocation of all licenses.~~

~~((9))~~ (8) Sections (1), (2), and (6) shall not apply to applications by or on behalf of an incorporated city or town in the state of Washington.

AMENDATORY SECTION (Amending Order 153, filed 8/12/85)

WAC 230-40-055 CARD TOURNAMENTS FOR FEE AND PRIZES. (1) A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission. Card room licensees with a Class A, B, or E license may conduct a card tournament for a fee without obtaining a card tournament license: PROVIDED, That Class B licensees are limited to only those card games authorized under their licensing class. Card room licensees with a Class D or R license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter. The licensee shall notify the commission ten days in advance of any card tournament where the players are charged a fee to enter. A card tournament shall not exceed ten consecutive calendar days.

(2) The fee for a player to enter a card tournament for prizes shall not exceed \$50.00, including all separate fees which might be paid by a player for various phases or events of the tournament. The total buy-in per player shall not exceed \$200.00 per tournament. ((There shall be no buy-ins or additional opportunities allowing the players to purchase additional chips beyond those provided with the \$50.00 entry fee.))

(3) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in paragraph (2) above.

(4) The licensee may adopt house rules to facilitate the operation of card tournaments: PROVIDED, That all house rules must be submitted to the commission for approval and posted where all tournament participants can see and read the rules.

(5) The licensee shall maintain a record of all such fees collected and the number of participants for each tournament conducted. This information shall be entered on the card room daily control sheet for the time and date the tournament begins.

(6) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant.

**WSR 86-17-058
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2416—Filed August 19, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to continuation of eligibility for pregnant women, new WAC 388-83-031 and 388-99-011.

I, Lee D. Bomberger, find that an emergency exists and that this order is necessary for the preservation of

the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement P.L. 99-272.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 18, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

NEW SECTION

WAC 388-83-031 CONTINUATION OF ELIGIBILITY FOR PREGNANT WOMEN. A woman who was eligible for and received Medicaid on the last day of pregnancy shall continue to be eligible for Medicaid-covered postpartum and pregnancy-related services for sixty days following that date.

NEW SECTION

WAC 388-99-011 CONTINUATION OF ELIGIBILITY FOR PREGNANT WOMEN. A woman who was eligible for and received Medicaid on the last day of pregnancy shall continue to be eligible for Medicaid-covered postpartum and pregnancy-related services for sixty days following that date.

WSR 86-17-059

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 488—Filed August 19, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to an emergency order suspending outdoor burning on lands protected by the Department of Natural Resources in San Juan and Island counties.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to the dry conditions and possible threat to life and property from the use of fire in San Juan and Island counties, the continued use of fire needs to be regulated.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.205 and 76.04.315 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 19, 1986.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-083b BURNING RESTRICTIONS. Effective midnight, Tuesday, August 19, 1986, through midnight Monday, August 25, 1986, all outdoor burning on lands protected by the Department of Natural Resources in San Juan and Island Counties, as authorized in RCW 76.04.205 and WAC 332-24-070 and -090, is suspended.

REPEALER

The following section of the Washington Administrative Code is repealed:

- 1) WAC 332-26-083a Burning Restrictions.

WSR 86-17-060

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 86-84—Filed August 19, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to subsistence fishery.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 18, 1986.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-05500S OFF-RESERVATION INDIAN SUBSISTENCE FISHERY. Effective August 20, 1986 through September 19, 1986, it is lawful for the following Wanapum Indians to fish for and possess salmon taken for subsistence purposes from the mainstem of the Columbia River under conditions of a permit issued by the Director:

Frank Buck	Lester Umtuch
Stanley Buck	Robert S. Tomanawah, Sr.
Willie Buck	Grant Wyena
Harry Buck	Douglas Wyena
Ken Buck	Patrick Wyena
Rex Buck, Jr.	
Phillip Buck	
Richard Buck	

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500R OFF-RESERVATION INDIAN SUBSISTENCE FISHERY (86-42)

WSR 86-17-061
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)
 [Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation and registration of securities, broker-dealers and salespersons under chapter 460-33A WAC, regulations concerning securities involving mortgages, trust deeds or property sales contracts as follows:

New	WAC 460-33A-115	Books and records.
New	WAC 460-33A-120	Preservation of records.
New	WAC 460-33A-125	Notice of changes by mortgage broker-dealers.
New	WAC 460-33A-130	Notice of complaint.
Amd	WAC 460-33A-010	Application.
Amd	WAC 460-33A-015	Definitions.
Amd	WAC 460-33A-017	Registration not required.
Amd	WAC 460-33A-020	Optional registration procedures for securities involving real property securities.
Amd	WAC 460-33A-025	Contents of the real property securities registration statement.
Amd	WAC 460-33A-030	Contents of the specific offering circular.
New	WAC 460-33A-031	Minimum investor suitability requirements.
Amd	WAC 460-33A-035	Limitations on the use of optional registration under WAC 460-33A-020.
Amd	WAC 460-33A-040	Net liquid assets or net worth requirement.
Amd	WAC 460-33A-050	Banks and financial institutions.
Amd	WAC 460-33A-055	Trust account.
Amd	WAC 460-33A-060	Recordation.
Amd	WAC 460-33A-065	Authorization.
Amd	WAC 460-33A-070	Assignment.

Amd	WAC 460-33A-075	Advertising.
Amd	WAC 460-33A-080	Registration and examination of real property securities dealers.
Amd	WAC 460-33A-085	Registration and examination of real property securities salesperson.
Amd	WAC 460-33A-090	Denial, suspension, revocation of registration—Grounds.
Amd	WAC 460-33A-100	Written statement.
Amd	WAC 460-33A-105	Appraisals.
Amd	WAC 460-33A-110	Annual reports.
Rep	WAC 460-33A-016	Registration of real property securities;

that the agency will at 10:00 a.m., Thursday, September 25, 1986, in the Conference Room, 1st Floor, Securities Division, Department of Licensing, 1300 Quince Street S.E., Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 1986.

RCW 21.20.450 is the authority under which the following sections are proposed: WAC 460-33A-010, 460-33A-015, 460-33A-017, 460-33A-025, 460-33A-030, 460-33A-031, 460-33A-035, 460-33A-050, 460-33A-060, 460-33A-065, 460-33A-070, 460-33A-075, 460-33A-090, 460-33A-100, 460-33A-105, 460-33A-110, 460-33A-115, 460-33A-120, 460-33A-125, 460-33A-130 and 460-33A-016. The authority under which WAC 460-33A-020 is proposed is RCW 21.20.180(8), 21.20.210(14) and 21.20.450. The authority under which WAC 460-33A-040 is proposed is RCW 21.20.060 and 21.20.450. The authority under which WAC 460-33A-055 is proposed is RCW 21.20.250 and 21.20.450. The authority under which WAC 460-33A-080 is proposed is RCW 21.20.060 through 21.20.080 and 21.20.450. The authority under which WAC 460-33A-085 is proposed is RCW 21.20.070, 21.20.080 and 21.20.450.

Chapter 21.20 RCW is the specific statute that the following sections are intended to implement: WAC 460-33A-010, 460-33A-015, 460-33A-017, 460-33A-025, 460-33A-030, 460-33A-031, 460-33A-035, 460-33A-050, 460-33A-060, 460-33A-065, 460-33A-070, 460-33A-075, 460-33A-090, 460-33A-100, 460-33A-105 and 460-33A-110. RCW 21.20.040 through 21.20.135 are the specific statutes that the following sections are intended to implement: WAC 460-33A-040, 460-33A-080, 460-33A-115, 460-33A-120, 460-33A-125 and 460-33A-130. The specific statutes WAC 460-33A-020 is intended to implement are RCW 21.20.180(8), 21.20.210 and 21.20.450 as well as chapter 21.20 RCW. The specific statutes WAC 460-33A-055 is intended to implement are RCW 21.20.250 and 21.20.450 as well as chapter 21.20 RCW. The specific statutes WAC 460-33A-085 is intended to implement are RCW 21.20.040 through 21.20.135 as well as chapter 21.20 RCW. The specific statute the repeal of WAC 460-33A-016 is intended to implement is RCW 21.20.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1986.

The department reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The department may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact Jack L. Beyers, Administrator of Securities, whose address is set forth herein.

Written or oral submissions may also contain data, views, or agreements concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

Correspondence relating to this notice and the proposed rules shall be addressed to:

Jack L. Beyers
Securities Administrator
P.O. Box 648
Olympia, Washington 98504
(206) 753-6928

Dated: August 12, 1986

By: Theresa Anna Aragon
Director

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing.

General Purpose: The rules shown below are proposed under the Securities Act of Washington, chapter 21.20 RCW, to further implement the registration and exemption of securities involving mortgages, trust deeds or property sales contracts. New sections are added to ensure that broker-dealers and salespersons offering mortgage secured securities comply with many of the registration, recordkeeping and regulatory provisions required of all broker-dealers and salespersons. The amendments change the nomenclature from real property securities and securities dealers and salespersons to mortgage securities, broker-dealers and salespersons to better describe their activities. Prohibited practices are expanded as a consequence of the Securities Division's investigations of the violations by those in this industry.

Description and Summary of the Rules: WAC 460-33A-010 states the general purpose and scope of chapter 460-33A WAC. The text of the section has been edited; 460-33A-015 defines specific terms used throughout the chapter changing the nomenclature; 460-33A-017 sets forth the exemptions from registration under the chapter; 460-33A-020 sets forth the requirements for application to make an offering of mortgage related securities; 460-33A-025 requires the use of a general offering circular prescribed by the director including suitability and escrow provisions; 460-33A-030 requires the use of a specific offering circular prescribed by the director; 460-33A-031 a new section, prescribes the minimum standards under which purchasers may buy mortgage related securities; 460-33A-035 expands the prohibition of registration under this chapter of certain types of mortgage related securities offerings without further justification; 460-33A-040 deletes the net worth alternative for mortgage broker-dealers; 460-33A-050 is amended to increase net worth to be considered as financial institution; 460-33A-055 requires the mortgage broker-dealer to use an escrow account; 460-33A-060 requires mortgage instruments to be recorded in the

name of the lender; 460-33A-065 sets out specific conditions and restrictions for the mortgage broker-dealer's service arrangement; 460-33A-070 requires the mortgage-broker to obtain the assent of the administrator to assign instruments the broker has purchased; 460-33A-075 regulates advertising in connection with mortgage related securities offerings; 460-33A-080 deletes exemption from examination requirements for two officers of the mortgage broker; 460-33A-085 deletes exemption from examination requirement for two officers of the mortgage broker; 460-33A-090 deletes repetition of statutory grounds for discipline and adds subsections defining certain reconveyances and failure to deliver proceeds as dishonest and unethical practices; 460-33A-100 provides for signed receipt by investors for the general and specific offering circulars; 460-33A-105 requires the independent appraisal of the property securing the mortgage notes and obligations; 460-33A-110 provides for the filing of mortgage broker-dealer financial statements at time of application but statements and reports need not be audited; 460-33A-115 requires mortgage broker-dealers to keep the same records as other brokers; 460-33A-120 requires mortgage broker-dealers to retain records similar to other brokers; 460-33A-125 requires mortgage broker-dealers to notify the administrator of securities of changes in its application and business; 460-33A-130 requires filing of complaints in the same manner as other broker-dealers; and 460-33A-016 is deleted as redundant.

Statutory Authority and Implementation: See above.

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementation and enforcement: Joan Baird, Assistant Director, Business and Professions Administration, 1300 Quince Street S.E., Olympia, Washington 98504, (206) 753-6928; Jack L. Beyers, Securities Administrator, Securities Division, 1300 Quince Street S.E., or P.O. Box 648, Olympia, Washington 98504, (206) 753-6928; and Michael E. Stevenson, Securities Examiner, 1300 Quince Street S.E., or P.O. Box 648, Olympia, Washington 98504, (206) 753-6928.

Name of Organization Proposing Rules: Department of Licensing, Securities Division.

Reasons Supporting the Proposed Rules: To promote sound and fair practices in the mortgage broker business. The investigatory experience of the Securities Division demonstrates that many of the existing practices of mortgage brokers are neither commercially reasonable nor adequate for the protection of investors. These rules are designed to complement a mortgage broker-dealer audit program if such a program is implemented.

Department Comments: To further implement the registration, disclosure and licensing provisions of chapter 21.20 RCW.

Federal or State Law: Not necessary to comply with any federal law or federal or state court decisions.

Small Business Impact Statement: Has not been prepared because the department does not believe that any economic impact is involved on more than twenty percent of all industries or more than ten percent of any one industry. Any impact that the rules may have upon

small business is intended to fall equally on all businesses. Comments regarding any possible economic impact on small business should be directed to Jack L. Beyers, Administrator of Securities, at the address or telephone number above.

Chapter 460-33A WAC
REGULATIONS CONCERNING SECURITIES INVOLVING
MORTGAGES, TRUST DEEDS OR PROPERTY SALES CON-
TRACTS

WAC	
460-33A-010	Application.
460-33A-015	Definitions.
460-33A-017	Registration not required.
460-33A-020	Optional registration procedures for ((securities in- volving real property)) mortgage paper securities.
460-33A-025	Contents of the ((real property securities registra- tion statement)) general offering circular.
460-33A-030	Contents of the specific offering circular.
460-33A-031	Minimum investor suitability requirements.
460-33A-035	Limitations on the use of optional registration ((un- der WAC 460-33A-020)) of this chapter.
460-33A-040	Net liquid assets ((or net worth requirement)) .
460-33A-050	Banks and financial institutions.
460-33A-055	((Trust)) Escrow account.
460-33A-060	Recordation.
460-33A-065	((Authorization)) Service agreement.
460-33A-070	Assignment.
460-33A-075	Advertising.
460-33A-080	Registration and examination of ((real property se- curities)) mortgage broker-dealers.
460-33A-085	Registration and examination of ((real property)) mortgage securities salespersons.
460-33A-090	((Denial, suspension, revocation of registration= grounds)) Dishonest and unethical practices— Mortgage broker-dealers.
460-33A-100	Written statement.
460-33A-105	Appraisals.
460-33A-110	Financial statements and annual reports.
460-33A-115	Books and records.
460-33A-120	Preservation of records.
460-33A-125	Notice of changes by mortgage broker-dealers.
460-33A-130	Notice of complaint.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-010 APPLICATION. (1) The rules contained in these regulations are intended to offer an optional method for the registrations of ~~((real estate))~~ securities involving notes and bonds secured by mortgages, trust deeds or property sales contracts and related instruments. While applications not conforming to the standards contained herein shall be looked upon with disfavor, where good cause is shown certain ~~((regulations))~~ rules of this chapter may be modified or waived by the administrator, if consistent with the spirit of these rules.

(2) The application of these rules ~~((in no way effects))~~ does not affect those issuers to which or to whom the debenture company sections of the Securities Act apply. If applicable, issuers must comply with those statutory sections.

(3) These rules do not affect the statutory exemptions provided for by RCW 21.20.310 or 21.20.320, nor do they intend to expand the definition of ~~((securities))~~ security as defined in RCW 21.20.005(12).

(4) The rules contained in this chapter will not be applied to those securities exempt under RCW 21.20.310 or 21.20.320.

~~((5) The rules contained in this chapter are only applicable to real property securities, real property securities dealers and real property securities salespersons required to be registered under this chapter.))~~

AMENDATORY SECTION (Amending Order SDO-90-83, filed 7/19/83)

WAC 460-33A-015 DEFINITIONS. As used in this chapter:

(1) "Liquid assets" means cash and other nonpledged assets which are convertible into cash within a five-day period in the normal course of business.

(2) ~~((Real property securities))~~ Mortgage broker-dealer" means a person who is defined as a "broker-dealer" in RCW 21.20.005(3) and who effects transactions in securities involving ~~((real property securities))~~ mortgage paper for the person's own account or for the account of others.

(3) ~~((Real property securities registration statement))~~ General offering circular" means a ~~((registration))~~ disclosure document that gives a general description of what is involved in the purchase of ~~((real property))~~ mortgage paper securities and the business of offering the ~~((real property))~~ mortgage paper securities including a description of the ~~((real property securities [dealer]))~~ mortgage broker-dealer.

(4) ~~((Real property securities))~~ Mortgage salesperson(s)" means a person other than a ~~((real property securities))~~ mortgage broker-dealer who is defined as a "sales person" in RCW 21.20.005(2) and who represents a ~~((real property securities))~~ mortgage broker-dealer in effecting offers or sales of ~~((real property))~~ mortgage paper securities.

(5) ~~((Real property))~~ Mortgage paper securities" means:

(a) Notes and bonds secured by mortgage or trust deeds on real property or on a vendor's interest in a property sales contract or options granting the right to purchase any of the foregoing when offered or sold under an arrangement constituting an investment contract as described in WAC 460-33A-017 provided that, notes or bonds secured by mortgages, deeds of trust, or a vendor's interest in a property sales contracts when given by a borrower to a lender at the time of the origination of the loan in the context of a loan transaction shall not, within the context of such transaction, be included within the definition of ~~((real property))~~ mortgage paper securities.

(b) A partial interest in more than one mortgage, trust deed, or property sales contract acquired by an investor along with other investors.

(c) An interest of several investors in a single mortgage, trust deed or single property sales contracts.

(6) "Specific offering circular" means a disclosure document describing the specific ~~((real property))~~ mortgage paper securities offering, which is meant to accompany the general ~~((registration statement))~~ offering circular.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-017 REGISTRATION NOT REQUIRED. Each of the following shall be exempt from registration under ~~((these regula-
tions))~~ the rules of this chapter:

(1) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer.

(2) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, any savings bank, or any bank, savings bank, or trust company organized or supervised under the laws of any state.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(5) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(6) Any transaction in a note or bond secured by real property is exempt if the entire mortgage, deed of trust, or agreement, is offered and sold as a unit: PROVIDED, That any transaction including the following elements shall not be deemed to be exempt under this provision:

(i) Guarantying the note or contract against loss at any time, or
(ii) Guarantying that payments of principal or interest will be paid, or

(iii) Assuming any payments necessary to protect the security of the note or contract, excluding necessary advances for taxes and insurance, or

(iv) Accepting, from time to time, partial payments toward the purchase of the note or contract, or

(v) Guarantying a specific yield or return on the note or contract, or

(vi) Paying any interest or premium for a period prior to actual purchase and delivery of the note or contract, or

(vii) Paying any money other than that collected from the borrower after the note or contract falls into arrears, or

(viii) Repurchasing the note or contract, provided that, this is not intended to prohibit good faith repurchases as an effort to assist the investor as long as the representation is not made at the time of sale and not as a part of the sales program, or

(ix) Accepting the grant of complete discretionary authority in collection of payments, forwarding of payments to other lienholders and investors, resolving delinquency problems, managing the investment or handling of foreclosures and the like for the investors. This does not include such servicing provided by an escrow company, the services strictly limited to the collection and remittance of interest to the investor, or services contractually necessitated by seller financed insurance, or

(x) Promising the investor a market for the resale of the ~~((real property)) mortgage paper securities.~~

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-020 OPTIONAL REGISTRATION PROCEDURES FOR ((SECURITIES INVOLVING REAL PROPERTY)) MORTGAGE PAPER SECURITIES. (1) An applicant for registration of a ~~((real property)) mortgage paper securities~~ offering may elect to register the offering under ~~((this)) the rules of this chapter in lieu of following the full registration procedure for debt securities under ((chapters 460-16A and 460-32A WAC)) the Securities Act of Washington.~~ Registration under this chapter requires the filing of a registration application as prescribed by the director of the department of licensing accompanied by the following ~~((in addition to payment of the registration fee prescribed in RCW 21.20.340 and, if required under RCW 21.20.330, a consent to service of process meeting the requirements of that section.)):~~

(a) ~~((One copy of the real property securities registration statement.)) The general offering circular;~~

(b) ~~((One copy of the)) A sample specific offering circular((:));~~

(c) ~~The ((amount of securities to be offered in this state.)) mortgage paper escrow and trust agreement;~~

(d) ~~((A copy of any adverse order, judgment or decree previously entered in connection with the offering by any other state securities division, any court or the securities and exchange commission.)) The mortgage paper service agreement;~~

(e) ~~((One copy of)) The mortgage broker-dealer's articles of incorporation and bylaws or articles of organization;~~

(f) Sample documents to include any note, bond, mortgage, deed of trust, master deed of trust, real or personal property contract, indenture, guaranty, or other such instrument;

(g) The financial statements of the mortgage broker-dealer, including a balance sheet, profit and loss statement, and statement of changes in financial position as set forth in RCW 21.20.210(14);

(h) The subscription and acknowledgement agreements;

(i) An opinion of counsel on the legality and validity of the mortgage paper securities being issued;

(j) An opinion of counsel, if requested, regarding the application of the usury laws to the mortgage paper securities being offered;

(k) Such other information as the director may prescribe or request.

(2) The securities division will examine the ~~((real property)) mortgage paper securities ((registration statement)) general offering circular~~ for disclosure of material facts involving the purchase of the ~~((real property)) mortgage paper securities,~~ for disclosure of the general description of the business of the ~~((real property securities)) mortgage broker-dealer~~ and for the compliance with the applicable rules of this chapter.

(3) The securities division will examine the sample and actual specific offering circular for ~~((sample)) disclosure of material facts concerning specific ((real property)) mortgage paper securities offerings. ((Actual)) Copies of the specific offering circulars to be given to each offeree ((need not)) shall be filed ((unless such a request is made by the administrator)) with the securities division at least five business days before they are given to investors.~~

(4) If the estimated proceeds of the mortgage paper securities offering, together with the proceeds from registered offerings during the year preceding the date of the filing of the mortgage paper securities offering, exceed five hundred thousand dollars, the financial statements of the mortgage broker-dealer in subsection (1)(g) of this section shall be audited as required by RCW 21.20.210 (14)(c).

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-025 CONTENTS OF THE ((REAL PROPERTY SECURITIES REGISTRATION STATEMENT)) GENERAL OFFERING CIRCULAR. (1) This registration shall provide for disclosure of all material facts which shall include the sections enumerated in ~~((the securities divisions sample form for real property securities registration statement for securities involving mortgages, trust deeds or property sales contracts, if applicable, and present a discussion of the related information as set forth in that form)) the general offering circular form prescribed by the administrator of securities.~~

(2) The general offering circular shall set forth the minimum suitability standards for investors as provided in WAC 460-33A-031.

(3) The general offering circular must state that purchases of mortgage paper securities may be made only by check payable to the mortgage broker-dealer's escrow account.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-030 CONTENTS OF THE SPECIFIC OFFERING CIRCULAR. The specific offering circular shall provide for disclosure of all material facts and shall contain at least the applicable sections enumerated in the ~~((securities divisions sample form for specific offering circulars for securities involving mortgages, trust deeds or property sale contracts, and present a discussion of the related information as set forth in that sample form)) specific offering circular form prescribed by the administrator of securities.~~

NEW SECTION

WAC 460-33A-031 MINIMUM INVESTOR SUITABILITY REQUIREMENTS. In any sale of mortgage paper registered under the rules of this chapter, the mortgage broker-dealer shall have reasonable grounds to believe and after making reasonable inquiry shall believe that both the conditions of subsections (1) and (2) of this section are satisfied:

(1) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to the purchaser's other security holdings and as to the purchaser's financial situation and needs; and

(2) The purchaser qualifies for at least one of the following:

(a) The purchaser's investment shall not exceed ten percent of the purchaser's net worth, or joint net worth with that person's spouse;

(b) The purchaser's investment shall not exceed ten percent of the purchaser's (including spouse) adjusted gross income for federal tax purposes for the last year or, as estimated by a certified public accountant, for the current year;

(c) The purchaser either alone or with his purchaser representative as defined in WAC 460-44A-501 shall have such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment; or

(d) The purchaser is an accredited investor as defined in WAC 460-44A-501.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-035 LIMITATIONS ON THE USE OF OPTIONAL REGISTRATION ((UNDER WAC 460-33A-020)) OF THIS CHAPTER. The following types of securities cannot be offered or sold under ~~((WAC 460-33A-020)) the rules of this chapter~~ unless written permission is obtained from the administrator based upon a showing that the investors are adequately protected:

(1) Offerings involving construction loans ~~((and loans exceeding 90 percent of the value of the property including existing improvements))~~ may not be sold using the ~~((real property securities registration statement under WAC 460-33A-020. These have to be registered separately. An offering exceeds 90 percent of the value of the property and existing improvements if the principal amount of the note secured by a mortgage or trust deed or land sale contract together with the unpaid principal amount of any senior encumbrances on the property, plus unpaid interest to date of the transaction, exceeds 90 percent of the reasonable market value of the real property including improvements))~~ the rules of this chapter.

(2) Offerings involving the ~~((real property securities)) mortgage broker-dealer, its officers, agents, affiliates, and persons controlling the ((real property securities)) mortgage broker-dealer or affiliates may~~

not be sold as part of the optional registration of the rules of this chapter unless the registration with the administrator includes a full description of these transactions. An offering "involves" the persons listed where the person is the owner, the borrower, or has an interest in the proceeds other than fees, commissions, or mark-ups.

(3) Offerings involving documents reserving the right to subordinate the position of any investor to any mortgage, trust deed or lien created at or after the sale.

(4) Offerings involving pooling or participations involving more than ten investors may not be sold under the optional registration of the rules of this chapter. However, where only first liens are involved, the registrant may apply for a modification to allow sales up to twenty five investors. A husband and wife and their dependents may be counted as one investor.

(5) Offerings in which the real property or other collateral securing the notes, bonds or obligations is not within this state.

(6) Offerings involving notes, bonds, or obligations secured by a single mortgage, deed of trust or real estate contract or a single group of mortgages, deeds of trust or real estate contracts that are not identical in their underlying terms, including the right to direct or require foreclosure, rights to and rate of interest, and other incidents of being a lender, and the sale to each purchaser or investor is not upon the same terms; provided however, an offering may be subject to adjustment for the face or principal amount or percentage interest purchased and for interest earned or accrued.

(7) Offerings in which the aggregate principal amount of the notes, bonds or obligations sold, together with the unpaid principal amount of any encumbrances upon the real property senior thereto, exceed the following percentages of the current market value of the real property:

- (a) Single-family residences - owner occupied - eighty percent.
- (b) Single-family residence - not owner occupied - seventy-five percent.
- (c) Commercial and income-producing properties - sixty-five percent.

(d) Unimproved property which has been zoned for commercial or residential development - fifty percent.

(e) Other real property - forty percent.

(8) Offerings involving real estate paper in which a default in any note, bond or obligation will not be a default in all notes, bonds or obligations concerning a specific loan, and in which the holders of fifty percent or more of the unpaid dollar amount of the notes, bonds or obligations cannot determine and direct the actions to be taken on behalf of all holders in the event of default or with respect to other matters requiring the direction or approval of the holders or designation of a broker, servicing agent or other person to act on the holders' behalf.

(9) A registrant requesting a modification under this section must request it in writing and must provide satisfactory evidence that the interest of the public will be adequately protected.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-040 NET LIQUID ASSETS (~~OR NET WORTH REQUIREMENT~~). (1) All persons and entities meeting the definition of a ((real property securities)) mortgage broker-dealer must meet ((one of)) the following:

((~~(a)~~)) Minimum net liquid assets of twenty-five thousand dollars, to be maintained at all times. ((~~(b)~~)) To calculate the twenty-five thousand dollars, total all liquid assets then subtract from that all current liabilities. ((~~(c)~~)) The ((real property securities)) mortgage broker-dealer shall complete an affidavit semiannually to verify to the administrator that this requirement is being met. Such report shall be on such a form as may be prescribed by the director(~~(d)~~).

(b) A minimum net worth of 5% of the amount of securities sold in this state during each fiscal year but in no instance less than \$100,000 or more than \$1,000,000. (1) To calculate net worth total all assets then subtract all liabilities as determined by generally accepted accounting practices. (2) The real property securities dealer shall complete an affidavit semiannually to verify to the administrator that this requirement is being met. Such report shall be on such a form as may be prescribed by the director).

(2) ((Real property securities)) Mortgage broker-dealers failing to meet the above mentioned minimum((s)) net liquid assets must inform the securities division of such failure within seventy-two hours at which time all sales of securities must be suspended.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-050 BANKS AND FINANCIAL INSTITUTIONS. For the purposes of WAC 460-33A-017 and only for the purposes of offering or selling "((real property)) mortgage paper securities" the following definitions shall apply:

"Bank" shall include any holding company of such bank and any subsidiary of such bank.

"Financial institutions" shall include (1) any corporation or other entity with a net worth of (~~(\$100,000))~~ \$1,000,000 or more and (2) any bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, credit union, insurance company, or any other similarly regulated financial institution, or a holding company for any of the foregoing.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-055 ((TRUST)) ESCROW ACCOUNT. (1) All funds received from lenders or investors to purchase ((real property)) mortgage paper securities shall be deposited within forty-eight hours of receipt in ((a trust)) an escrow account maintained for that purpose. All necessary disbursements shall be made from that account. The escrow agreement must provide that funds may be disbursed from the escrow account only to a specific loan escrow, where funds will be disbursed only upon closing and recordation, or to return the funds to the lenders or investors.

(2) No person acting as a ((real property securities)) mortgage broker-dealer or his agent shall accept any purchase or investment funds for ((real property)) mortgage paper securities in advance of the time necessary to fund the loan transaction. No such fund shall be maintained in such account for longer than sixty days without disbursing the funds ((unless there is a separate written agreement to do so)) and the escrow agreement must provide that funds maintained in such account shall be returned to the investor on the sixty-first day from deposit in the account: PROVIDED, That the interest from funds so retained shall not accrue to the benefit of the ((real property securities)) mortgage broker-dealer or his agent.

(3) The ((trust)) escrow agreement shall provide that the funds will not be subject to the ((real property securities)) mortgage broker-dealer's creditors.

(4) The account shall be subject to an audit at any reasonable time by the securities division.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-060 RECORDATION. Every person acting as a ((real property securities)) mortgage broker-dealer or his agent selling ((real property)) mortgage paper securities must record the applicable instrument in the applicable place before any disbursement of funds takes place. Such recorded instrument must bear the name of the lienholder or beneficiary and not the name of the ((real property securities)) mortgage broker-dealer unless the ((real property securities)) mortgage broker-dealer is the actual lender(~~(-Provided, That such lienholder or beneficiary may by written request specify otherwise))~~).

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-065 ((AUTHORIZATION)) SERVICE AGREEMENT. (1) Every person acting as a ((real property securities dealer)) mortgage broker-dealer, or an agent or affiliate thereof, who undertakes to service a ((real property)) mortgage paper security shall have a written ((authorization from)) agreement with the lender or holder of the contract setting forth specifically what services will be provided.

(2) The service agreement shall require:

(a) That payments received on the note, bond or obligation be immediately deposited to a trust account and in accordance with the provisions of this rule; and

(b) That such payments shall not be commingled with the assets of the servicing agent or used for any transaction other than the transaction for which the funds are received.

(3) That payments received on the note, bond or obligation shall be transmitted to the purchasers or lenders pro rata according to their respective interests within twenty-five days after receipt thereof by the

agent. If the source for such payment is not the maker of the note, bond or obligation, the agent will inform the purchasers or lenders of the source for payment. A broker or servicing agent who transmits to the purchasers or lenders such broker's and/or servicing agent's own funds to cover payments due from the borrower but unpaid may recover the amount of such advances from the trust fund when the past due payment is received, that the servicing agent will file a request for notice of default upon any prior encumbrances and promptly notify the purchasers or lenders of any default on such prior encumbrances or on the note or notes subject to the servicing agreement.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-070 ASSIGNMENT. Every ~~((real property securities)) mortgage broker-dealer~~ or his agent or affiliate who lends or finances transactions and later intends to offer(s) these as ~~((real property)) mortgage paper securities~~ to lenders or investors must obtain the permission of the administrator of securities and must disclose his interest in the property or the transaction and must not disburse funds from the ~~((trust))~~ escrow account until the applicable instrument has been properly recorded in the name of the new assignee ~~((provided that the lender or investor may by written request specify otherwise))~~.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-075 ADVERTISING. (1) No person effecting transaction in ~~((real property)) mortgage paper securities~~ shall advertise in any manner any statement or representation, with regard to any ~~((real property)) mortgage paper security~~, which is false, misleading or deceptive.

(2) Every ~~((real property securities)) mortgage broker-dealer~~ or his agent shall file with the administrator five days prior to use, true copies of all advertising materials. If not disallowed by written notice or otherwise within five days from the date filed, the material may be disseminated. No ~~((dealer)) person~~ shall use any such material in any way after the administrator gives written notice that such material contains any statement or omission that is false or misleading.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-080 REGISTRATION AND EXAMINATION OF ~~((REAL PROPERTY SECURITIES)) MORTGAGE BROKER-DEALERS~~. (1) Every person acting as a ~~((real property securities)) mortgage broker-dealer~~, unless otherwise exempt, must first obtain a broker dealers license.

(2) Every applicant for registration as a ~~((real property securities)) mortgage broker-dealer~~ shall pass the Uniform Securities Agent State Law Examination (Series 63) with a score of ~~((70%)) seventy percent~~ or better and complete the application form as prescribed by the director of the department of licensing.

(3) Every applicant shall provide the securities administrator proof of compliance with WAC 460-33A-040. (Net liquid asset or net worth requirement.)

(4) For registration of a ~~((real property securities)) mortgage broker-dealer~~, the fee shall be one hundred fifty dollars for original registration and seventy five dollars for each annual renewal. The licenses shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. For any renewal application postmarked after December 31 but before March 1 the late fee shall be twenty five dollars. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee. When an application is denied or withdrawn, the director shall return one-half the fee.

(5) A person may elect to register under this section in lieu of the full registration procedures under chapter 460-20A WAC only if the applicant deals solely in real property securities as defined herein.

~~((6) Upon written application and approval, the administrator may exempt from the testing requirement for both real property securities dealers and salespersons no more than a total of two officers of the original real property securities offering.))~~

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-085 REGISTRATION AND EXAMINATION OF ~~((REAL PROPERTY)) MORTGAGE SECURITIES SALES-PERSONS~~. (1) Every person acting as a ~~((real property)) mortgage securities salesperson~~, unless otherwise exempt, must first obtain a salesperson's license and be employed by a ~~((real property securities)) mortgage broker-dealer~~.

(2) Every applicant for registration as a ~~((real property)) mortgage securities salesperson~~, shall pass the Uniform Securities Agent State Law Examination (Series 63) with a score of ~~((70%)) seventy percent~~ or better and complete the application form prescribed by the director of the department of licensing.

(3) For registration of a ~~((real property)) mortgage securities salesperson~~, the fee shall be thirty five dollars for original registration and fifteen dollars for each annual renewal. The licenses shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. For any renewal application postmarked after December 31 but before March 1, the late fee shall be ten dollars. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee. When an application is denied or withdrawn, the director shall retain one-half the fee.

(4) A person may elect to register under this section in lieu of the full registration procedures under chapter 460-20A WAC only if the applicant deals solely in ~~((real property)) mortgage paper securities~~.

~~((5) Upon written application and approval, the administrator may exempt from the testing requirement for both real property securities dealers and salespersons no more than a total of two officers of the original real property securities offering.))~~

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-090 ~~((DENIAL, SUSPENSION, REVOCATION OF REGISTRATION-GROUNDS)) DISHONEST AND UNETHICAL PRACTICES-MORTGAGE BROKER-DEALERS~~.

~~((The administrator may by order deny, suspend, or revoke registration of any real property securities dealer or real property securities salesperson if the administrator finds that the order is in the public interest and that the applicant or registrant or, in the case of the real property securities dealer any partner, officer or director:~~

(1) Has filed an application for registration which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has wilfully violated or wilfully failed to comply with any provision of the Securities Act or a predecessor act or any rule or order thereunder;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security or any aspect of the securities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser salesperson;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or the substantial equivalent of those terms as defined in the Securities Act, or is the subject of an order of the federal securities and exchange commission suspending or expelling him or her from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States post office fraud order;

(7) Has engaged in dishonest or unethical practices in the securities business;

(8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a real property securities dealer under this clause without a finding of insolvency as to the real property securities dealer; or

(9) Has not complied with a condition imposed by the director under WAC 460-33A-080 or 460-33A-085 on the basis of such factors as training, experience, or knowledge of the securities business; or

~~(10) Has not complied with WAC 460-33A-055;~~
~~(11) The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section. The phrase "dishonest and unethical practices" as used in RCW 21.20.110(7) is hereby defined to include the following acts by mortgage broker-dealers:~~

~~(1) To cause investors to sign reconveyances of title, quit claim deeds, or any other like instruments before such instruments are required in connection with some transaction such as payoff or foreclosure.~~

~~(2) To fail to deliver, within a reasonable time, to the investor proceeds of sale, refinancing, or foreclosure of an obligation owned by the investor.~~

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-100 WRITTEN STATEMENT. Every person selling a (real property) mortgage paper security that is required to be registered under ~~((these))~~ the regulations of this chapter shall require the purchaser or his agent ~~((or appointee of such))~~ to sign a receipt for the general and the specific offering circular containing all the applicable information required by WAC 460-33A-025 and 460-33A-030 before the purchaser shall be obligated to fund the transaction. No ~~((setter))~~ person shall permit the purchaser to sign such receipt if any of the required information is omitted. The ~~((setter))~~ mortgage broker-dealer shall retain an executed copy of receipt for four years.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-105 APPRAISALS. (1) An appraisal of each parcel of real property or other property which relates to a transaction subject to the provisions of this chapter shall be made ~~((by the real property securities dealer or))~~ by an independent appraiser unless the purchaser of the obligation to which the parcel or other property relates indicates in writing that he will obtain his own appraisal. ~~((Am))~~ The appraisal ~~((by the dealer or agent))~~ or waiver thereof shall be kept on file for four years.

(2) An appraisal made ~~((by either of the above mentioned individuals))~~ within the ~~((+2))~~ twelve-month period prior to the sale of the ~~((real property))~~ mortgage paper security is sufficient.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-110 FINANCIAL STATEMENTS AND ANNUAL REPORTS. ~~((+))~~ Every ~~((real property securities))~~ mortgage broker-dealer shall file with the administrator upon registration under WAC 460-33A-080 and annually, a report containing financial statements prepared in accordance with generally accepted accounting principles ~~((accompanied by an opinion thereon by a certified public accountant or a public accountant, based upon an examination in accordance with generally accepted accounting standards))~~. The annual report shall include, but not be limited to the receipt and disposition of all funds handled in connection with transactions subject to ~~((these))~~ the rules of this chapter. The annual report shall be filed with the administrator within ~~((90))~~ ninety days after the close of the period of the report unless, for good cause shown, the administrator in writing, extends the time therefor. The report shall contain the following:

~~((a))~~ (1) Total number of sales, as principal or agent, subject to ~~((these))~~ the rules of this chapter during the period, and
~~((b))~~ (2) Total dollar volume of such sales.

~~((2) When the requirement under subsection (1) would cause undue hardship and where good cause is shown, the administrator may waive the requirement for audited financials.))~~

NEW SECTION

WAC 460-33A-115 BOOKS AND RECORDS. Each licensed mortgage broker-dealer shall make and keep current the following books and records relating to his business:

(1) A file for each loan which the mortgage dealer has funded through sales of mortgage paper, which a file shall contain the following:

(a) A copy of each appraisal required by WAC 460-33A-105;

(b) Copies of all documents of title representing current interests in the real property securing the loan;

(c) Copies of title insurance policies and any other insurance policies on the real property securing the loan;

(d) The acknowledgement of receipt by each investor of the specific and general offering circulars;

(e) The subscription agreement for each investor;

(f) The investor suitability questionnaire for each investor;

(g) The specific offering circular for the offering;

(h) All correspondence with investors relating to the loan;

(i) The loan application of the borrower and all supporting documents such as the credit report on the borrower;

(j) Copies of all service agreements with investors relating to the loan;

(k) Copies of the escrow instructions relating to the loan.

(2) A file for each loan for which the dealer is soliciting funds through the sale of mortgage paper, which file shall contain the same items required under subsection (1) of this section except for those items which are not yet available because the mortgage paper has not yet been sold.

(3) A file containing copies of all service agreements required under WAC 460-33A-065.

(4) Ledgers (or other records) reflecting all assets, liabilities, income, expense, and capital accounts.

(5) Ledgers, accounts (or other records) itemizing separately each cash account of every customer including, but not limited to, all funds in the mortgage broker's escrow and trust account, all proceeds of sale, refinancing, foreclosure, or similar transaction involving the real or personal property securing a loan funded by sales of mortgage paper, and all moneys collected from the borrower on behalf of the investors.

(6) A record of the proof of money balances of all ledger accounts in the form of trial balances and a record of the computation of net liquid assets as of the trial balance date pursuant to WAC 460-33A-040. Such trial balances and computations shall be prepared currently at least once a month.

(7) A questionnaire or application for employment executed by each agent of such broker-dealer, which questionnaire or application shall be approved in writing by an authorized representative of such broker-dealer and shall contain at least the following information with respect to each such person:

(a) His name, address, social security number, and the starting date of his employment or other association with the broker-dealer.

(b) His date of birth.

(c) The educational institutions attended by him and whether or not he graduated therefrom.

(d) A complete, consecutive statement of all his business connections for at least the preceding ten years, including his reason for leaving each prior employment, and whether the employment was part-time or full-time.

(e) A record of any denial of a certificate, membership or registration, and of any disciplinary action taken, or sanction imposed, upon him by any federal or state agency, or by any national securities exchange or national securities association, including a record of any finding that he was a cause of any disciplinary action or had violated any law.

(f) A record of any denial, suspension, expulsion or revocation of a certificate, membership or registration of any broker-dealer with which he was associated in any capacity when such action was taken.

(g) A record of any permanent or temporary injunction entered against him or any broker-dealer with which he was associated in any capacity at the time such injunction was entered.

(h) A record of any arrests, indictments or convictions for any felony or any misdemeanor, except minor traffic offenses, of which he has been the subject.

(i) A record of any other name or names by which he has been known or which he has used.

NEW SECTION

WAC 460-33A-120 PRESERVATION OF RECORDS. The records required in WAC 460-33A-115 of these rules shall be preserved according to the following requirements:

(1) Every mortgage broker-dealer shall preserve for a period of not less than three years, the first two years of which shall be in an easily accessible place:

(a) All records required to be made pursuant to WAC 460-33A-115 of these rules.

(b) All check books, bank statements, cancelled checks and cash reconciliations except for the loan files required to be kept by WAC

460-33A-115(1) which shall be kept in an accessible place for the life of the loans involved.

(c) All bills receivable or payable (or copies thereof), paid or unpaid, relating to the business of the broker-dealer, as such.

(d) Originals of all communications received and copies of all communications sent by the broker-dealer (including inter-office memoranda and communications) relating to his business, as such.

(e) All trial balances, computations of net liquid assets (and working papers in connection therewith), financial statements, branch office reconciliations and internal audit working papers, relating to the business of the broker-dealer, as such.

(f) All guarantees of accounts and all powers of attorney and other evidence of the granting of any discretionary authority given in respect of any account, and copies of resolutions empowering an agent to act on behalf of a corporation.

(g) All written agreements (or copies thereof) entered into by the mortgage broker-dealer relating to his business as such, including agreements with respect to any account.

(2) Every mortgage broker-dealer shall preserve during the life of the enterprise and of any successor enterprise all partnership articles or, in the case of a corporation, all charter documents, minute books and stock certificate books.

(3) Every mortgage broker-dealer shall maintain and preserve in an easily accessible place all records required under WAC 460-33A-115(7) of these rules until at least three years after the agent has terminated his employment and any other connection with the broker-dealer.

(4) If a person who has been subject to the requirements of this section ceases to hold a certificate as a broker-dealer, such person shall, for the remainder of the periods of time specified in this section, continue to preserve the records which he theretofore preserved pursuant to this section.

NEW SECTION

WAC 460-33A-125 NOTICE OF CHANGES BY MORTGAGE BROKER-DEALERS. (1) Each licensed mortgage broker-dealer shall, upon any change in the information contained in its application for a certificate (other than financial information contained therein) promptly file an amendment to such application setting forth the changed information (and in any event within thirty days after the change occurs).

(2) Each licensed mortgage broker-dealer shall notify the administrator of the employment of any new agent in Washington and of the termination of employment of any agent in Washington, giving the full name and Social Security number of the individual involved, the date of employment or termination, and the location of the office in which he was or will be employed by submitting a completed NASD Form U-4 to the administrator or the administrator's designee within twenty-one days after the event occurs.

(3) Each licensed mortgage broker-dealer shall notify the administrator of the termination of employment of any agent in Washington by submitting a completed NASD Form U-5 to the administrator or the administrator's designee, within thirty days after the event occurs.

NEW SECTION

WAC 460-33A-130 NOTICE OF COMPLAINT. Each licensed mortgage broker-dealer who has filed a complaint against any of its partners, officers, directors, agents licensed in Washington with any law enforcement agency, any other regulatory agency having jurisdiction over the securities industry, or with any bonding company regarding any loss arising from alleged acts of such person, shall send a copy of such complaint to the administrator, within ten days following its filing with such other agency or bonding company.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 460-33A-016 REGISTRATION OF REAL PROPERTY SECURITIES.

**WSR 86-17-062
EMERGENCY RULES
DEPARTMENT OF LICENSING
(Securities Division)**

[Order SDO-112-86-Filed August 19, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, Olympia, Washington 98504, the annexed rules relating to the regulation and registration of securities, broker-dealers and salespersons under chapter 460-33A WAC, regulations concerning securities involving mortgages, trust deeds or property sales contracts as follows:

New	WAC 460-33A-115	Books and records.
New	WAC 460-33A-120	Preservation of records.
New	WAC 460-33A-125	Notice of changes by mortgage broker-dealers.
New	WAC 460-33A-130	Notice of complaint.
Amd	WAC 460-33A-010	Application.
Amd	WAC 460-33A-015	Definitions.
Amd	WAC 460-33A-017	Registration not required.
Amd	WAC 460-33A-020	Optional registration procedures for mortgage paper securities.
Amd	WAC 460-33A-025	Contents of the general offering circular.
Amd	WAC 460-33A-030	Contents of the specific offering circular.
New	WAC 460-33A-031	Minimum investor suitability requirements.
Amd	WAC 460-33A-035	Limitations on the use of optional registration of this chapter.
Amd	WAC 460-33A-040	Net liquid assets.
Amd	WAC 460-33A-050	Banks and financial institutions.
Amd	WAC 460-33A-055	Escrow account.
Amd	WAC 460-33A-060	Recordation.
Amd	WAC 460-33A-065	Service agreement.
Amd	WAC 460-33A-070	Assignment.
Amd	WAC 460-33A-075	Advertising.
Amd	WAC 460-33A-080	Registration and examination of mortgage broker-dealers.
Amd	WAC 460-33A-085	Registration and examination of mortgage securities salespersons.
Amd	WAC 460-33A-090	Dishonest and unethical practices—Mortgage broker-dealers.
Amd	WAC 460-33A-100	Written statement.
Amd	WAC 460-33A-105	Appraisals.
Amd	WAC 460-33A-110	Financial statements and annual reports.
Rep	WAC 460-33A-016	Registration of real property securities.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to immediately prevent fraudulent and unrestricted practices revealed to the Securities Division through investigation and examination of the issuers and broker-dealers transacting business in securities involving mortgages, trust deeds and property sales contracts.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

WAC 460-33A-010, 460-33A-015, 460-33A-017, 460-33A-025, 460-33A-030, 460-33A-031, 460-33A-035, 460-33A-050, 460-33A-060, 460-33A-065, 460-33A-070, 460-33A-075, 460-33A-090, 460-33A-100,

460-33A-105, 460-33A-110, 460-33A-115, 460-33A-120, 460-33A-125 and 460-33A-130 are promulgated pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-33A-020 is promulgated pursuant to RCW 21.20.180(8) and 21.20.210(14) and is intended to administratively implement those statutes and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-33A-040 is promulgated pursuant to RCW 21.20.060 and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-33A-055 is promulgated pursuant to RCW 21.20.250 and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-33A-080 is promulgated pursuant to RCW 21.20.060 through 21.20.080 and is intended to administratively implement those statutes and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-33A-085 is promulgated pursuant to RCW 21.20.070 and 21.20.080 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. WAC 460-33A-016 is promulgated pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW, including repeal of rules.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 12, 1986.

By Theresa Anna Aragon
Director

Chapter 460-33A WAC

REGULATIONS CONCERNING SECURITIES INVOLVING MORTGAGES, TRUST DEEDS OR PROPERTY SALES CONTRACTS

WAC	
460-33A-010	Application.
460-33A-015	Definitions.
460-33A-017	Registration not required.
460-33A-020	Optional registration procedures for <u>((securities involving real property)) mortgage paper securities.</u>
460-33A-025	Contents of the <u>((real property securities registration statement)) general offering circular.</u>
460-33A-030	Contents of the specific offering circular.
460-33A-031	Minimum investor suitability requirements.

460-33A-035	Limitations on the use of optional registration <u>((under WAC 460-33A-020)) of this chapter.</u>
460-33A-040	Net liquid assets <u>((or net worth requirement)).</u>
460-33A-050	Banks and financial institutions.
460-33A-055	<u>((Trust)) Escrow account.</u>
460-33A-060	Recordation.
460-33A-065	<u>((Authorization)) Service agreement.</u>
460-33A-070	Assignment.
460-33A-075	Advertising.
460-33A-080	Registration and examination of <u>((real property securities)) mortgage broker-dealers.</u>
460-33A-085	Registration and examination of <u>((real property)) mortgage securities salespersons.</u>
460-33A-090	<u>((Denial, suspension, revocation of registration grounds)) Dishonest and unethical practices—Mortgage broker-dealers.</u>
460-33A-100	Written statement.
460-33A-105	Appraisals.
460-33A-110	<u>Financial statements and annual reports.</u>
460-33A-115	Books and records.
460-33A-120	Preservation of records.
460-33A-125	Notice of changes by mortgage broker-dealers.
460-33A-130	Notice of complaint.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-010 APPLICATION. (1) The rules contained in these regulations are intended to offer an optional method for the registrations of ((real estate)) securities involving notes and bonds secured by mortgages, trust deeds or property sales contracts and related instruments. While applications not conforming to the standards contained herein shall be looked upon with disfavor, where good cause is shown certain ((regulations)) rules of this chapter may be modified or waived by the administrator, if consistent with the spirit of these rules.

(2) The application of these rules ((in no way effects)) does not affect those issuers to which or to whom the debenture company sections of the Securities Act apply. If applicable, issuers must comply with those statutory sections.

(3) These rules do not affect the statutory exemptions provided for by RCW 21.20.310 or 21.20.320, nor do they intend to expand the definition of "((securities)) security" as defined in RCW 21.20.005(12).

(4) The rules contained in this chapter will not be applied to those securities exempt under RCW 21.20.310 or 21.20.320.

((5) The rules contained in this chapter are only applicable to real property securities, real property securities dealers and real property securities salespersons required to be registered under this chapter.))

AMENDATORY SECTION (Amending Order SDO-90-83, filed 7/19/83)

WAC 460-33A-015 **DEFINITIONS.** As used in this chapter:

(1) "Liquid assets" means cash and other nonpledged assets which are convertible into cash within a five-day period in the normal course of business.

(2) "~~((Real property securities))~~ Mortgage broker-dealer" means a person who is defined as a "broker-dealer" in RCW 21.20.005(3) and who effects transactions in securities involving ~~((real property securities))~~ mortgage paper for the person's own account or for the account of others.

(3) "~~((Real property securities registration statement))~~ General offering circular" means a ~~((registration))~~ disclosure document that gives a general description of what is involved in the purchase of ~~((real property))~~ mortgage paper securities and the business of offering the ~~((real property))~~ mortgage paper securities including a description of the ~~((real property securities dealer))~~ mortgage broker-dealer.

(4) "~~((Real property securities))~~ Mortgage salesperson(s)" means a person other than a ~~((real property securities))~~ mortgage broker-dealer who is defined as a "sales person" in RCW 21.20.005(2) and who represents a ~~((real property securities))~~ mortgage broker-dealer in effecting offers or sales of ~~((real property))~~ mortgage paper securities.

(5) "~~((Real property))~~ Mortgage paper securities" means:

(a) Notes and bonds secured by mortgage or trust deeds on real property or on a vendor's interest in a property sales contract or options granting the right to purchase any of the foregoing when offered or sold under an arrangement constituting an investment contract as described in WAC 460-33A-017 provided that, notes or bonds secured by mortgages, deeds of trust, or a vendor's interest in a property sales contracts when given by a borrower to a lender at the time of the origination of the loan in the context of a loan transaction shall not, within the context of such transaction, be included within the definition of ~~((real property))~~ mortgage paper securities.

(b) A partial interest in more than one mortgage, trust deed, or property sales contract acquired by an investor along with other investors.

(c) An interest of several investors in a single mortgage, trust deed or single property sales contracts.

(6) "Specific offering circular" means a disclosure document describing the specific ~~((real property))~~ mortgage paper securities offering, which is meant to accompany the general ~~((registration statement))~~ offering circular.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-017 **REGISTRATION NOT REQUIRED.** Each of the following shall be exempt from registration under ~~((these regulations))~~ the rules of this chapter:

(1) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company

as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer.

(2) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, any savings bank, or any bank, savings bank, or trust company organized or supervised under the laws of any state.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(5) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(6) Any transaction in a note or bond secured by real property is exempt if the entire mortgage, deed of trust, or agreement, is offered and sold as a unit: PROVIDED, That any transaction including the following elements shall not be deemed to be exempt under this provision:

(i) Guarantying the note or contract against loss at any time, or

(ii) Guarantying that payments of principal or interest will be paid, or

(iii) Assuming any payments necessary to protect the security of the note or contract, excluding necessary advances for taxes and insurance, or

(iv) Accepting, from time to time, partial payments toward the purchase of the note or contract, or

(v) Guarantying a specific yield or return on the note or contract, or

(vi) Paying any interest or premium for a period prior to actual purchase and delivery of the note or contract, or

(vii) Paying any money other than that collected from the borrower after the note or contract falls into arrears, or

(viii) Repurchasing the note or contract, provided that, this is not intended to prohibit good faith repurchases as an effort to assist the investor as long as the representation is not made at the time of sale and not as a part of the sales program, or

(ix) Accepting the grant of complete discretionary authority in collection of payments, forwarding of payments to other lienholders and investors, resolving delinquency problems, managing the investment or handling of foreclosures and the like for the investors. This does not include such servicing provided by an escrow company, the services strictly limited to the collection and remittance of interest to the investor, or services contractually necessitated by seller financed insurance, or

(x) Promising the investor a market for the resale of the ~~((real property))~~ mortgage paper securities.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-020 ~~OPTIONAL REGISTRATION PROCEDURES FOR ((SECURITIES INVOLVING REAL PROPERTY)) MORTGAGE PAPER SECURITIES.~~ (1) An applicant for registration of a ~~((real property)) mortgage paper securities~~ offering may elect to register the offering under ~~((this)) the rules of this chapter in lieu of following the full registration procedure for debt securities under ((chapters 460-16A and 460-32A WAC)) the Securities Act of Washington.~~ Registration under this chapter requires the filing of a registration application as prescribed by the director of the department of licensing accompanied by the following ~~((, in addition to payment of the registration fee prescribed in RCW 21.20.340 and, if required under RCW 21.20.330, a consent to service of process meeting the requirements of that section.))~~:

(a) ~~((One copy of the real property securities registration statement.))~~ The general offering circular,

(b) ~~((One copy of the))~~ A sample specific offering circular((:));

(c) ~~((The ((amount of securities to be offered in this state.)) mortgage paper escrow and trust agreement,~~

(d) ~~((A copy of any adverse order, judgment or decree previously entered in connection with the offering by any other state securities division, any court or the securities and exchange commission.))~~ The mortgage paper service agreement;

(e) ~~((One copy of))~~ The mortgage broker-dealer's articles of incorporation and bylaws or articles of organization;

(f) Sample documents to include any note, bond, mortgage, deed of trust, master deed of trust, real or personal property contract, indenture, guaranty, or other such instrument;

(g) The financial statements of the mortgage broker-dealer, including a balance sheet, profit and loss statement, and statement of changes in financial position as set forth in RCW 21.20.210(14);

(h) The subscription and acknowledgement agreements;

(i) An opinion of counsel on the legality and validity of the mortgage paper securities being issued;

(j) An opinion of counsel, if requested, regarding the application of the usury laws to the mortgage paper securities being offered;

(k) Such other information as the director may prescribe or request.

(2) The securities division will examine the ~~((real property)) mortgage paper securities ((registration statement)) general offering circular~~ for disclosure of material facts involving the purchase of the ~~((real property)) mortgage paper securities,~~ for disclosure of the general description of the business of the ~~((real property securities)) mortgage broker-dealer~~ and for the compliance with the applicable rules of this chapter.

(3) The securities division will examine the sample and actual specific offering circular for ~~((sample))~~ disclosure of material facts concerning specific ~~((real property)) mortgage paper securities offerings.~~ ~~((Actual))~~

Copies of the specific offering circulars to be given to each offeree ((need not)) shall be filed ((unless such a request is made by the administrator)) with the securities division at least five business days before they are given to investors.

(4) If the estimated proceeds of the mortgage paper securities offering, together with the proceeds from registered offerings during the year preceding the date of the filing of the mortgage paper securities offering, exceed five hundred thousand dollars, the financial statements of the mortgage broker-dealer in subsection (1)(g) of this section shall be audited as required by RCW 21.20.210 (14)(c).

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-025 ~~CONTENTS OF THE ((REAL PROPERTY SECURITIES REGISTRATION STATEMENT)) GENERAL OFFERING CIRCULAR.~~ (1) This registration shall provide for disclosure of all material facts which shall include the sections enumerated in ~~((the securities divisions sample form for real property securities registration statement for securities involving mortgages, trust deeds or property sales contracts, if applicable, and present a discussion of the related information as set forth in that form))~~ the general offering circular form prescribed by the administrator of securities.

(2) The general offering circular shall set forth the minimum suitability standards for investors as provided in WAC 460-33A-031.

(3) The general offering circular must state that purchases of mortgage paper securities may be made only by check payable to the mortgage broker-dealer's escrow account.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-030 ~~CONTENTS OF THE SPECIFIC OFFERING CIRCULAR.~~ The specific offering circular shall provide for disclosure of all material facts and shall contain at least the applicable sections enumerated in the ~~((securities divisions sample form for specific offering circulars for securities involving mortgages, trust deeds or property sale contracts, and present a discussion of the related information as set forth in that sample form))~~ specific offering circular form prescribed by the administrator of securities.

NEW SECTION

WAC 460-33A-031 ~~MINIMUM INVESTOR SUITABILITY REQUIREMENTS.~~ In any sale of mortgage paper registered under the rules of this chapter, the mortgage broker-dealer shall have reasonable grounds to believe and after making reasonable inquiry shall believe that both the conditions of subsections (1) and (2) of this section are satisfied:

(1) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to the purchaser's other security holdings and as to the purchaser's financial situation and needs, and

(2) The purchaser qualifies for at least one of the following:

(a) The purchaser's investment shall not exceed ten percent of the purchaser's net worth, or joint net worth with that person's spouse;

(b) The purchaser's investment shall not exceed ten percent of the purchaser's (including spouse) adjusted gross income for federal tax purposes for the last year or, as estimated by a certified public accountant, for the current year;

(c) The purchaser either alone or with his purchaser representative as defined in WAC 460-44A-501 shall have such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment; or

(d) The purchaser is an accredited investor as defined in WAC 460-44A-501.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-035 LIMITATIONS ON THE USE OF OPTIONAL REGISTRATION ((UNDER WAC 460-33A-020)) OF THIS CHAPTER. The following types of securities cannot be offered or sold under ((WAC 460-33A-020)) the rules of this chapter unless written permission is obtained from the administrator based upon a showing that the investors are adequately protected:

(1) Offerings involving construction loans ((and loans exceeding 90 percent of the value of the property including existing improvements)) may not be sold using the ((real property securities registration statement under WAC 460-33A-020. These have to be registered separately. An offering exceeds 90 percent of the value of the property and existing improvements if the principal amount of the note secured by a mortgage or trust deed or land sale contract together with the unpaid principal amount of any senior encumbrances on the property, plus unpaid interest to date of the transaction, exceeds 90 percent of the reasonable market value of the real property including improvements)) the rules of this chapter.

(2) Offerings involving the ((real property securities)) mortgage broker-dealer, its officers, agents, affiliates, and persons controlling the ((real property securities)) mortgage broker-dealer or affiliates may not be sold as part of the optional registration of the rules of this chapter unless the registration with the administrator includes a full description of these transactions. An offering "involves" the persons listed where the person is the owner, the borrower, or has an interest in the proceeds other than fees, commissions, or mark-ups.

(3) Offerings involving documents reserving the right to subordinate the position of any investor to any mortgage, trust deed or lien created at or after the sale.

(4) Offerings involving pooling or participations involving more than ten investors may not be sold under the optional registration of the rules of this chapter. However, where only first liens are involved, the registrant may apply for a modification to allow sales up to twenty five investors. A husband and wife and their dependents may be counted as one investor.

(5) Offerings in which the real property or other collateral securing the notes, bonds or obligations is not within this state.

(6) Offerings involving notes, bonds, or obligations secured by a single mortgage, deed of trust or real estate contract or a single group of mortgages, deeds of trust or real estate contracts that are not identical in their underlying terms, including the right to direct or require foreclosure, rights to and rate of interest, and other incidents of being a lender, and the sale to each purchaser or investor is not upon the same terms; provided however, an offering may be subject to adjustment for the face or principal amount or percentage interest purchased and for interest earned or accrued.

(7) Offerings in which the aggregate principal amount of the notes, bonds or obligations sold, together with the unpaid principal amount of any encumbrances upon the real property senior thereto, exceed the following percentages of the current market value of the real property:

(a) Single-family residences - owner occupied - eighty percent.

(b) Single-family residence - not owner occupied - seventy-five percent.

(c) Commercial and income-producing properties - sixty-five percent.

(d) Unimproved property which has been zoned for commercial or residential development - fifty percent.

(e) Other real property - forty percent.

(8) Offerings involving real estate paper in which a default in any note, bond or obligation will not be a default in all notes, bonds or obligations concerning a specific loan, and in which the holders of fifty percent or more of the unpaid dollar amount of the notes, bonds or obligations cannot determine and direct the actions to be taken on behalf of all holders in the event of default or with respect to other matters requiring the direction or approval of the holders or designation of a broker, servicing agent or other person to act on the holders' behalf.

(9) A registrant requesting a modification under this section must request it in writing and must provide satisfactory evidence that the interest of the public will be adequately protected.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-040 NET LIQUID ASSETS ((OR NET WORTH REQUIREMENT)). (1) All persons and entities meeting the definition of a ((real property securities)) mortgage broker-dealer must meet ((one of)) the following:

((a)) Minimum net liquid assets of twenty-five thousand dollars, to be maintained at all times. ((b)) To calculate the twenty-five thousand dollars, total all liquid assets then subtract from that all current liabilities. ((c)) The ((real property securities)) mortgage broker-dealer shall complete an affidavit semiannually to verify to the administrator that this requirement is being met. Such report shall be on such a form as may be prescribed by the director((or

~~(b) A minimum net worth of 5% of the amount of securities sold in this state during each fiscal year but in no instance less than \$100,000 or more than \$1,000,000. (1) To calculate net worth total all assets then subtract all liabilities as determined by generally accepted accounting practices. (2) The real property securities dealer shall complete an affidavit semiannually to verify to the administrator that this requirement is being met. Such report shall be on such a form as may be prescribed by the director).~~

(2) ~~((Real property securities)) Mortgage broker-dealers failing to meet the above mentioned minimum(s) net liquid assets must inform the securities division of such failure within seventy-two hours at which time all sales of securities must be suspended.~~

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-050 BANKS AND FINANCIAL INSTITUTIONS. For the purposes of WAC 460-33A-017 and only for the purposes of offering or selling "~~((real property)) mortgage paper securities~~" the following definitions shall apply:

"Bank" shall include any holding company of such bank and any subsidiary of such bank.

"Financial institutions" shall include (1) any corporation or other entity with a net worth of ~~(((\$100,000)) \$1,000,000~~ or more and (2) any bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, credit union, insurance company, or any other similarly regulated financial institution, or a holding company for any of the foregoing.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-055 ~~((TRUST)) ESCROW ACCOUNT~~. (1) All funds received from lenders or investors to purchase ~~((real property)) mortgage paper securities~~ shall be deposited within forty-eight hours of receipt in ~~((a trust)) an escrow account~~ maintained for that purpose. All necessary disbursements shall be made from that account. The escrow agreement must provide that funds may be disbursed from the escrow account only to a specific loan escrow, where funds will be disbursed only upon closing and recordation, or to return the funds to the lenders or investors.

(2) No person acting as a ~~((real property securities)) mortgage broker-dealer~~ or his agent shall accept any purchase or investment funds for ~~((real property)) mortgage paper securities~~ in advance of the time necessary to fund the loan transaction. No such fund shall be maintained in such account for longer than sixty days without disbursing the funds ~~((unless there is a separate written agreement to do so))~~ and the escrow agreement must provide that funds maintained in such account shall be returned to the investor on the sixty-first day from deposit in the account: PROVIDED, That the interest from funds so retained shall not accrue to the benefit of the ~~((real property securities)) mortgage broker-dealer~~ or his agent.

(3) The ~~((trust)) escrow agreement~~ shall provide that the funds will not be subject to the ~~((real property securities)) mortgage broker-dealer's~~ creditors.

(4) The account shall be subject to an audit at any reasonable time by the securities division.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-060 RECORDATION. Every person acting as a ~~((real property securities)) mortgage broker-dealer~~ or his agent selling ~~((real property)) mortgage paper securities~~ must record the applicable instrument in the applicable place before any disbursement of funds takes place. Such recorded instrument must bear the name of the lienholder or beneficiary and not the name of the ~~((real property securities)) mortgage broker-dealer~~ unless the ~~((real property securities)) mortgage broker-dealer~~ is the actual lender~~((:Provided, That such lienholder or beneficiary may by written request specify otherwise))~~.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-065 ~~((AUTHORIZATION)) SERVICE AGREEMENT~~. (1) Every person acting as a ~~((real property securities dealer)) mortgage broker-dealer~~, or an agent or affiliate thereof, who undertakes to service a ~~((real property)) mortgage paper security~~ shall have a written ~~((authorization from)) agreement~~ with the lender or holder of the contract setting forth specifically what services will be provided.

(2) The service agreement shall require:

(a) That payments received on the note, bond or obligation be immediately deposited to a trust account and in accordance with the provisions of this rule, and

(b) That such payments shall not be commingled with the assets of the servicing agent or used for any transaction other than the transaction for which the funds are received.

(3) That payments received on the note, bond or obligation shall be transmitted to the purchasers or lenders pro rata according to their respective interests within twenty-five days after receipt thereof by the agent. If the source for such payment is not the maker of the note, bond or obligation, the agent will inform the purchasers or lenders of the source for payment. A broker or servicing agent who transmits to the purchasers or lenders such broker's and/or servicing agent's own funds to cover payments due from the borrower but unpaid may recover the amount of such advances from the trust fund when the past due payment is received, that the servicing agent will file a request for notice of default upon any prior encumbrances and promptly notify the purchasers or lenders of any default on such prior encumbrances or on the note or notes subject to the servicing agreement.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-070 ASSIGNMENT. Every ~~((real property securities)) mortgage broker-dealer~~ or his

agent or affiliate who lends or finances transactions and later intends to offer(s) these as ~~((real property)) mortgage paper securities~~ to lenders or investors must obtain the permission of the administrator of securities and must disclose his interest in the property or the transaction and must not disburse funds from the ~~((trust)) escrow account until the applicable instrument has been properly recorded in the name of the new assignee~~(; ~~provided that the lender or investor may by written request specify otherwise~~)).

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-075 ADVERTISING. (1) No person effecting transaction in ~~((real property)) mortgage paper securities~~ shall advertise in any manner any statement or representation, with regard to any ~~((real property)) mortgage paper security~~, which is false, misleading or deceptive.

(2) Every ~~((real property securities)) mortgage broker-dealer~~ or his agent shall file with the administrator five days prior to use, true copies of all advertising materials. If not disallowed by written notice or otherwise within five days from the date filed, the material may be disseminated. No ~~((dealer)) person~~ shall use any such material in any way after the administrator gives written notice that such material contains any statement or omission that is false or misleading.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-080 REGISTRATION AND EXAMINATION OF ~~((REAL PROPERTY SECURITIES)) MORTGAGE BROKER-DEALERS~~. (1) Every person acting as a ~~((real property securities)) mortgage broker-dealer~~, unless otherwise exempt, must first obtain a broker dealers license.

(2) Every applicant for registration as a ~~((real property securities)) mortgage broker-dealer~~ shall pass the Uniform Securities Agent State Law Examination (Series 63) with a score of ~~((70%)) seventy percent~~ or better and complete the application form as prescribed by the director of the department of licensing.

(3) Every applicant shall provide the securities administrator proof of compliance with WAC 460-33A-040. (Net liquid asset or net worth requirement.)

(4) For registration of a ~~((real property securities)) mortgage broker-dealer~~, the fee shall be one hundred fifty dollars for original registration and seventy five dollars for each annual renewal. The licenses shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. For any renewal application postmarked after December 31 but before March 1 the late fee shall be twenty five dollars. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee. When an application is denied or withdrawn, the director shall return one-half the fee.

(5) A person may elect to register under this section in lieu of the full registration procedures under chapter

460-20A WAC only if the applicant deals solely in real property securities as defined herein.

~~((6) Upon written application and approval, the administrator may exempt from the testing requirement for both real property securities dealers and salespersons no more than a total of two officers of the original real property securities offering.))~~

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-085 REGISTRATION AND EXAMINATION OF ~~((REAL PROPERTY)) MORTGAGE SECURITIES SALESPERSONS~~. (1) Every person acting as a ~~((real property)) mortgage securities salesperson~~, unless otherwise exempt, must first obtain a salesperson's license and be employed by a ~~((real property securities)) mortgage broker-dealer~~.

(2) Every applicant for registration as a ~~((real property)) mortgage securities salesperson~~, shall pass the Uniform Securities Agent State Law Examination (Series 63) with a score of ~~((70%)) seventy percent~~ or better and complete the application form prescribed by the director of the department of licensing.

(3) For registration of a ~~((real property)) mortgage securities salesperson~~, the fee shall be thirty five dollars for original registration and fifteen dollars for each annual renewal. The licenses shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. For any renewal application postmarked after December 31 but before March 1, the late fee shall be ten dollars. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee. When an application is denied or withdrawn, the director shall retain one-half the fee.

(4) A person may elect to register under this section in lieu of the full registration procedures under chapter 460-20A WAC only if the applicant deals solely in ~~((real property)) mortgage paper securities~~.

~~((5) Upon written application and approval, the administrator may exempt from the testing requirement for both real property securities dealers and salespersons no more than a total of two officers of the original real property securities offering.))~~

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-090 ~~((DENIAL, SUSPENSION, REVOCATION OF REGISTRATION GROUNDS)) DISHONEST AND UNETHICAL PRACTICES—MORTGAGE BROKER-DEALERS~~. ~~((The administrator may by order deny, suspend, or revoke registration of any real property securities dealer or real property securities salesperson if the administrator finds that the order is in the public interest and that the applicant or registrant or, in the case of the real property securities dealer any partner, officer or director:~~

~~(1) Has filed an application for registration which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which~~

was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) ~~Has wilfully violated or wilfully failed to comply with any provision of the Securities Act or a predecessor act or any rule or order thereunder;~~

(3) ~~Has been convicted, within the past five years, of any misdemeanor involving a security or any aspect of the securities business, or any felony involving moral turpitude;~~

(4) ~~Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;~~

(5) ~~Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser salesperson;~~

(6) ~~Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or the substantial equivalent of those terms as defined in the Securities Act, or is the subject of an order of the federal securities and exchange commission suspending or expelling him or her from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States post office fraud order;~~

(7) ~~Has engaged in dishonest or unethical practices in the securities business;~~

(8) ~~Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a real property securities dealer under this clause without a finding of insolvency as to the real property securities dealer; or~~

(9) ~~Has not complied with a condition imposed by the director under WAC 460-33A-080 or 460-33A-085 on the basis of such factors as training, experience, or knowledge of the securities business; or~~

(10) ~~Has not complied with WAC 460-33A-055;~~

(11) ~~The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section:))~~ The phrase "dishonest and unethical practices" as used in RCW 21.20.110(7) is hereby defined to include the following acts by mortgage broker-dealers:

(1) To cause investors to sign reconveyances of title, quit claim deeds, or any other like instruments before such instruments are required in connection with some transaction such as payoff or foreclosure.

(2) To fail to deliver, within a reasonable time, to the investor proceeds of sale, refinancing, or foreclosure of an obligation owned by the investor.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-100 WRITTEN STATEMENT. Every person selling a ((real property)) mortgage paper

security that is required to be registered under ((these)) the regulations of this chapter shall require the purchaser or his agent ((or appointee of such)) to sign a receipt for the general and the specific offering circular containing all the applicable information required by WAC 460-33A-025 and 460-33A-030 before the purchaser shall be obligated to fund the transaction. No ((seller)) person shall permit the purchaser to sign such receipt if any of the required information is omitted. The ((seller)) mortgage broker-dealer shall retain an executed copy of receipt for four years.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-105 APPRAISALS. (1) An appraisal of each parcel of real property or other property which relates to a transaction subject to the provisions of this chapter shall be made ((by the real property securities dealer or)) by an independent appraiser unless the purchaser of the obligation to which the parcel or other property relates indicates in writing that he will obtain his own appraisal. ((An)) The appraisal ((by the dealer or agent)) or waiver thereof shall be kept on file for four years.

(2) An appraisal made ((by either of the above mentioned individuals)) within the ((+2)) twelve-month period prior to the sale of the ((real property)) mortgage paper security is sufficient.

AMENDATORY SECTION (Amending Order SDO-7-83, filed 1/13/83)

WAC 460-33A-110 FINANCIAL STATEMENTS AND ANNUAL REPORTS. ((+)) Every ((real property securities)) mortgage broker-dealer shall file with the administrator upon registration under WAC 460-33A-080 and annually, a report containing financial statements prepared in accordance with generally accepted accounting principles((- accompanied by an opinion thereon by a certified public accountant or a public accountant, based upon an examination in accordance with generally accepted accounting standards)). The annual report shall include, but not be limited to the receipt and disposition of all funds handled in connection with transactions subject to ((these)) the rules of this chapter. The annual report shall be filed with the administrator within ((90)) ninety days after the close of the period of the report unless, for good cause shown, the administrator in writing, extends the time therefor. The report shall contain the following:

((+a)) (1) Total number of sales, as principal or agent, subject to ((these)) the rules of this chapter during the period, and

((+b)) (2) Total dollar volume of such sales.

((+2) When the requirement under subsection (1) would cause undue hardship and where good cause is shown, the administrator may waive the requirement for audited financials.))

NEW SECTION

WAC 460-33A-115 BOOKS AND RECORDS. Each licensed mortgage broker-dealer shall make and

keep current the following books and records relating to his business:

(1) A file for each loan which the mortgage dealer has funded through sales of mortgage paper, which a file shall contain the following:

(a) A copy of each appraisal required by WAC 460-33A-105;

(b) Copies of all documents of title representing current interests in the real property securing the loan;

(c) Copies of title insurance policies and any other insurance policies on the real property securing the loan;

(d) The acknowledgement of receipt by each investor of the specific and general offering circulars;

(e) The subscription agreement for each investor;

(f) The investor suitability questionnaire for each investor;

(g) The specific offering circular for the offering;

(h) All correspondence with investors relating to the loan;

(i) The loan application of the borrower and all supporting documents such as the credit report on the borrower;

(j) Copies of all service agreements with investors relating to the loan;

(k) Copies of the escrow instructions relating to the loan.

(2) A file for each loan for which the dealer is soliciting funds through the sale of mortgage paper, which file shall contain the same items required under subsection (1) of this section except for those items which are not yet available because the mortgage paper has not yet been sold.

(3) A file containing copies of all service agreements required under WAC 460-33A-065.

(4) Ledgers (or other records) reflecting all assets, liabilities, income, expense, and capital accounts.

(5) Ledgers, accounts (or other records) itemizing separately each cash account of every customer including, but not limited to, all funds in the mortgage broker's escrow and trust account, all proceeds of sale, refinancing, foreclosure, or similar transaction involving the real or personal property securing a loan funded by sales of mortgage paper, and all moneys collected from the borrower on behalf of the investors.

(6) A record of the proof of money balances of all ledger accounts in the form of trial balances and a record of the computation of net liquid assets as of the trial balance date pursuant to WAC 460-33A-040. Such trial balances and computations shall be prepared currently at least once a month.

(7) A questionnaire or application for employment executed by each agent of such broker-dealer, which questionnaire or application shall be approved in writing by an authorized representative of such broker-dealer and shall contain at least the following information with respect to each such person:

(a) His name, address, social security number, and the starting date of his employment or other association with the broker-dealer.

(b) His date of birth.

(c) The educational institutions attended by him and whether or not he graduated therefrom.

(d) A complete, consecutive statement of all his business connections for at least the preceding ten years, including his reason for leaving each prior employment, and whether the employment was part-time or full-time.

(e) A record of any denial of a certificate, membership or registration, and of any disciplinary action taken, or sanction imposed, upon him by any federal or state agency, or by any national securities exchange or national securities association, including a record of any finding that he was a cause of any disciplinary action or had violated any law.

(f) A record of any denial, suspension, expulsion or revocation of a certificate, membership or registration of any broker-dealer with which he was associated in any capacity when such action was taken.

(g) A record of any permanent or temporary injunction entered against him or any broker-dealer with which he was associated in any capacity at the time such injunction was entered.

(h) A record of any arrests, indictments or convictions for any felony or any misdemeanor, except minor traffic offenses, of which he has been the subject.

(i) A record of any other name or names by which he has been known or which he has used.

NEW SECTION

WAC 460-33A-120 PRESERVATION OF RECORDS. The records required in WAC 460-33A-115 of these rules shall be preserved according to the following requirements:

(1) Every mortgage broker-dealer shall preserve for a period of not less than three years, the first two years of which shall be in an easily accessible place:

(a) All records required to be made pursuant to WAC 460-33A-115 of these rules.

(b) All check books, bank statements, cancelled checks and cash reconciliations except for the loan files required to be kept by WAC 460-33A-115(1) which shall be kept in an accessible place for the life of the loans involved.

(c) All bills receivable or payable (or copies thereof), paid or unpaid, relating to the business of the broker-dealer, as such.

(d) Originals of all communications received and copies of all communications sent by the broker-dealer (including inter-office memoranda and communications) relating to his business, as such.

(e) All trial balances, computations of net liquid assets (and working papers in connection therewith), financial statements, branch office reconciliations and internal audit working papers, relating to the business of the broker-dealer, as such.

(f) All guarantees of accounts and all powers of attorney and other evidence of the granting of any discretionary authority given in respect of any account, and copies of resolutions empowering an agent to act on behalf of a corporation.

(g) All written agreements (or copies thereof) entered into by the mortgage broker-dealer relating to his business as such, including agreements with respect to any account.

(2) Every mortgage broker-dealer shall preserve during the life of the enterprise and of any successor enterprise all partnership articles or, in the case of a corporation, all charter documents, minute books and stock certificate books.

(3) Every mortgage broker-dealer shall maintain and preserve in an easily accessible place all records required under WAC 460-33A-115(7) of these rules until at least three years after the agent has terminated his employment and any other connection with the broker-dealer.

(4) If a person who has been subject to the requirements of this section ceases to hold a certificate as a broker-dealer, such person shall, for the remainder of the periods of time specified in this section, continue to preserve the records which he theretofore preserved pursuant to this section.

NEW SECTION

WAC 460-33A-125 NOTICE OF CHANGES BY MORTGAGE BROKER-DEALERS. (1) Each licensed mortgage broker-dealer shall, upon any change in the information contained in its application for a certificate (other than financial information contained therein) promptly file an amendment to such application setting forth the changed information (and in any event within thirty days after the change occurs).

(2) Each licensed mortgage broker-dealer shall notify the administrator of the employment of any new agent in Washington and of the termination of employment of any agent in Washington, giving the full name and Social Security number of the individual involved, the date of employment or termination, and the location of the office in which he was or will be employed by submitting a completed NASD Form U-4 to the administrator or the administrator's designee within twenty-one days after the event occurs.

(3) Each licensed mortgage broker-dealer shall notify the administrator of the termination of employment of any agent in Washington by submitting a completed NASD Form U-5 to the administrator or the administrator's designee, within thirty days after the event occurs.

NEW SECTION

WAC 460-33A-130 NOTICE OF COMPLAINT. Each licensed mortgage broker-dealer who has filed a complaint against any of its partners, officers, directors, agents licensed in Washington with any law enforcement agency, any other regulatory agency having jurisdiction over the securities industry, or with any bonding company regarding any loss arising from alleged acts of such person, shall send a copy of such complaint to the administrator, within ten days following its filing with such other agency or bonding company.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 460-33A-016 REGISTRATION OF REAL PROPERTY SECURITIES.

WSR 86-17-063

ADOPTED RULES

CEMETERY BOARD

[Order 109—Filed August 19, 1986]

Be it resolved by the Washington State Cemetery Board, acting at Seattle, Washington, that it does adopt the annexed rules relating to Definitions: Sale or transfer of ownership or control of any cemetery, new section WAC 98-20-020.

This action is taken pursuant to Notice No. WSR 86-12-068 filed with the code reviser on June 4, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Cemetery Board as authorized in RCW 68.05.100.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 31, 1986.

By B. David Daly
Chairman

NEW SECTION

WAC 98-20-020 DEFINITIONS: SALE OR TRANSFER OF OWNERSHIP OR CONTROL OF ANY CEMETERY. For purposes of RCW 68.05.255, Sale or transfer of ownership or control of any cemetery authority, the following definitions shall apply:

(1) SALE: The purchase of a controlling interest (fifty percent or more) of assets or stock of an existing cemetery corporation.

(2) OWNERSHIP: The individual or individuals who own the stock of the cemetery corporation. Any one individual who owns fifty percent or more of the stock is considered an owner. When percentages of stock ownership change, anyone moving into a majority (fifty percent or more) position shall be considered the new owner, and thus subject to the provisions of RCW 68.05.255.

(3) CONTROL: The person or entity who has fifty percent or more of the ownership, or has acquired the right to sell the corporation or its assets.

WSR 86-17-064
ADOPTED RULES
DEPARTMENT OF LICENSING
(Occupational Therapy Practice Board)
 [Order PM 610—Filed August 19, 1986]

Be it resolved by the Occupational Therapy Practice Board, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 308-171-001	Definitions.
Amd	WAC 308-171-103	Persons exempt from licensing pursuant to RCW 18.59.040(5). Foreign trained applicants.
Amd	WAC 308-171-104	Definition of "commonly accepted standards for the profession."
Amd	WAC 308-171-200	Definition of "commonly accepted standards for the profession."
Amd	WAC 308-171-300	Unprofessional conduct or gross incompetency.
Amd	WAC 308-171-301	Code of ethics and standards of professional conduct.
New	WAC 308-171-302	Mandatory reporting.

This action is taken pursuant to Notice No. WSR 86-14-018 filed with the code reviser on June 24, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

WAC 308-171-001 is proposed under the authority of RCW 18.59.130(2) and 18.130.050(1) and is intended to implement RCW 18.59.020 (4) and (5), 18.59.040(7) and section 104, chapter 259, Laws of 1986. WAC 308-171-103 is proposed under authority of RCW 18.59.130(2) and 18.59.050(1) and is intended to implement section 104, chapter 259, Laws of 1986. WAC 308-171-104 is proposed under authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.070(1). WAC 308-171-200 is proposed under authority of RCW 18.59.130(2) and 18.130.050(1) and is intended to implement section 104, chapter 259, Laws of 1986. WAC 308-171-300 is proposed under authority of RCW 18.59.130(2) and 18.130.050(1) and is intended to implement section 104, chapter 259, Laws of 1986. WAC 308-171-301 is proposed under authority of RCW 18.59.130(2) and 18.130.050(1) and is intended to implement RCW 18.59.100 and 18.130.050(12). WAC 308-171-302 is proposed under authority of RCW 18.130.070 and 18.130.050(1) and is intended to implement RCW 18.130.070.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 8, 1986.

By John Hatcher
Chairperson

AMENDATORY SECTION (Amending Order PL 588, filed 4/24/86)

WAC 308-171-001 DEFINITIONS. (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences

and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" in RCW 18.59.020(4) and "direct supervision" in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's (~~short-term~~) treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's (~~short-term~~) treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 308-171-300 (4) and (14), WAC 308-171-301 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(3) "Professional supervision" in RCW 18.59.020(5) shall mean:

(a) documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;

(b) face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and

(c) the occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.

The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 308-171-300 (4) and (14), WAC 308-171-301 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

(5) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

(6) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

(7) "Work site" in RCW 18.59.080 means the primary work location.

(8) "in association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.

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

AMENDATORY SECTION (Amending Order PL 588, filed 4/24/86)

WAC 308-171-103 PERSONS EXEMPT FROM LICENSURE PURSUANT TO RCW 18.59.040(5).

(1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual claiming the exemption shall in writing notify the department, at least thirty days before any occupational therapy services are performed in this state, of the following:

(a) In which state(s) the individual is licensed to perform occupational therapy services and the license number(s); or

(b) If the exemption is claimed pursuant to RCW 18.59.040 (5)(b), the individual shall submit a signed notarized statement attesting to having passed the American Occupational Therapy Association certification examination and having engaged in occupational therapy practice; not having engaged in unprofessional conduct or gross incompetency as established in WAC 308-171-300 for conduct occurring prior to June 11, 1986 and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986; and not having been convicted of a crime involving moral turpitude or a felony relating to the profession of occupational therapy; and

(c) A signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) "Working days" in RCW 18.59.040(5) shall mean days state offices are open to conduct business.

Reviser's note: RCW 34.04.058 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 PL 588, filed 4/24/86)

WAC 308-171-104 FOREIGN TRAINED APPLICANTS. An applicant obtaining education and training at foreign institutions shall submit the following information for the board's consideration in determining whether or not to waive the education and experience requirements for licensure, pursuant to RCW 18.59.070(1):

(1) An official description of the education program at the educational institution and if the description is not in English, then an English translation signed by the translator shall be submitted with the official description;

(2) An official transcript of the applicant's grades from the educational institution and if the transcript is not in English, then an English translation signed by the translator shall be submitted with the official transcript;

(3) Applicant's affidavit containing the following information:

(a) location and dates of employment as an occupational therapist or occupational therapy assistant for up to ((the)) three years immediately prior to the date of application;

(b) description of capacity in which applicant was employed, including job titles and description of specific duties;

(c) description of nature of clientele; and

(d) name and title of direct supervisors;

(4) Written job description for each employment as an occupational therapist or occupational therapy assistant for up to ((the)) three years immediately prior to the date of application;

(5) Signed, written statements from all employers or direct supervisors for up to ((the)) three years immediately prior to the date of application containing the following information:

(a) dates of applicant's employment;

- (b) description of applicant's specific duties; and
- (c) employer or direct supervisor's title;
- (6) If the applicant graduated from the educational institution within ((m)) the three years immediately prior to the application, the applicant shall obtain a signed, written statement from the applicant's program director at the educational institution discussing the applicant's fieldwork experience at the educational institution.

After reviewing the information submitted, the board may require submission of additional information necessary for purposes of clarifying the information previously submitted.

AMENDATORY SECTION (Amending Order PL 588, filed 4/24/86)

WAC 308-171-200 DEFINITION OF "COMMONLY ACCEPTED STANDARDS FOR THE PROFESSION" "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean having passed the American Occupational Therapy Association certification examination, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 308-171-300 for conduct occurring prior to June 11, 1986 and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986, and not having been convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy.

Reviser's note: RCW 34.04.058 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 PL 513, filed 2/11/85)

WAC 308-171-300 UNPROFESSIONAL CONDUCT OR GROSS INCOMPETENCY. The following conduct, acts, or conditions constitute unprofessional conduct or gross incompetency for any license holder or applicant if the conduct, acts, or conditions occurred or existed prior to June 11, 1986:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or actions in the practice of the profession which result in, or have a significant likelihood of resulting in, harm to the patient or public;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, addiction to, prescription for use, diversion, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, or violation of any drug law;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof;

(12) Practice beyond the scope of practice as defined by law;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(19) Violation of chapter 19.68 RCW;

(20) Interference with an investigation or disciplinary proceeding by wilful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(21) Any mental or physical condition which results in, or has a significant likelihood of resulting in, an inability to practice with reasonable skill and safety to consumers.

(22) Abuse of a client or patient or sexual contact resulting from abuse of the client-practitioner relationship.

AMENDATORY SECTION (Amending Order PL 529, filed 5/23/85)

WAC 308-171-301 CODE OF ETHICS AND STANDARDS OF PROFESSIONAL CONDUCT. (1) It is the professional responsibility of occupational therapists and occupational therapy assistants to provide services for clients without regard to race, creed, national origin, gender, handicap or religious affiliation.

(2) Treatment objectives and the therapeutic process must be formulated to ensure professional accountability.

(3) Services shall be goal-directed in accordance with the overall educational, habilitation or rehabilitation plan and shall include a system to ensure professional accountability.

(4) Occupational therapists and occupational therapy assistants shall recommend termination of services when established goals have been met or when further services would not produce improved client performance.

(5) Occupational therapists and occupational therapy assistants shall accurately represent their competence, education, training and experience.

(6) Occupational therapists and occupational therapy assistants shall accurately record information and report information as required by facility standards and state and federal laws.

(7) All data recorded in permanent files or records shall be supported by the occupational therapist or the occupational therapy assistant's observations or by objective measures of data collection.

(8) Client's records shall only be divulged as authorized by law or with the client's consent for release of information.

(9) Occupational therapists and occupational therapy assistants shall not delegate to other personnel those client-related services where the clinical skills and expertise of an occupational therapist or occupational therapy assistant are required.

(10) If, after evaluating the client, the case is a medical case, the occupational therapist shall refer the case to a physician for appropriate medical direction if such direction is lacking.

(a) Appropriate medical direction shall be sought on at least an annual basis.

(b) A case is not a medical case if ~~((there is an absence of pathology or the pathology has stabilized, the~~

~~client is not under current medical care, and the occupational therapist is only treating the client's functional deficits))~~ the following is present:

(i) there is an absence of pathology; or

(ii) if a pathology exists, the pathology has stabilized; and

(iii) the occupational therapist is only treating the client's functional deficits.

NEW SECTION

WAC 308-171-302 MANDATORY REPORTING. (1) All persons, including licensees, corporations, organizations, health care facilities, and state or local governmental agencies shall report to the board any conviction, determination, or finding that an occupational therapist or an occupational therapy assistant has committed an act which constitutes unprofessional conduct as established in RCW 18.130.180 and shall report information which indicates that an occupational therapist or occupational therapy assistant may not be able to practice occupational therapy with reasonable skill and safety to consumers as a result of a mental or physical condition.

(2) All required reports shall be submitted to the board as soon as possible, but no later than sixty days after a conviction, determination, or finding is made or information is received.

(3) A report shall contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address, and telephone numbers of the occupational therapist or occupational therapy assistant being reported.

(c) The case number of any patient or the name of the patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and cause number.

(f) Any further information which would aid in the evaluation of the report.

WSR 86-17-065

**NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD**

[Memorandum—August 19, 1986]

Pursuant to RCW 42.30.075, the regular quarterly meeting of the Forest Practices Board has been rescheduled to October 7, 1987 [1986], beginning at 7:00 p.m. in the Extension Office Auditorium of the Yakima County Courthouse, Rooms 231 and 232. The September 16, 1986, meeting had to be cancelled and has been rescheduled October 7, 1986.

There will be a field trip October 8, 1986, beginning at 8:00 a.m. from the Holiday Inn, 9 North Ninth Street, Yakima, Washington.

Additional information may be obtained from the Division of Private Forestry and Natural Heritage, 120 East Union Avenue, Room 109, Mailstop EK-12, Olympia, Washington 98504, (206) 753-5315.

WSR 86-17-066
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Radiation Control)
 [Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning radiation control, amending Title 402 WAC;

that the agency will at 2:00 p.m., Wednesday, September 24, 1986, in the Auditorium, OB-2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1986.

The authority under which these rules are proposed is RCW 70.98.080.

The specific statute these rules are intended to implement is chapter 70.98 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by September 19, 1986. The meeting site is in a location which is barrier free.

Dated: August 18, 1986

By: Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amending Title 402 WAC.

Purpose of the Rule Changes: To adjust Title 402 WAC.

Reason These Rule Changes are Necessary: To assure they remain compatible with the standards and programs of the federal government.

Statutory Authority: RCW 70.98.010.

Summary of the Rule Changes: The department began this revision in June 1985. The agreement between the U.S. Nuclear Regulatory Commission and DSHS specifies that a complete revision bring these regulations

into a compatible state every three years. Title 402 WAC was last revised in October 1983. Title 402 WAC regulates the radiation uses of x-ray registrants and radioactive materials licensees. The department's Radiation Advisory Committee has reviewed and commented on this revision; the committee's comments have been incorporated. Copies of the revision will be sent to the department's Office of Equal Opportunity and Indian Affairs. For a specific summary of the amendments with references to the applicable federal regulations, see below.

Summary of Proposed Revision to Title 402 WAC X-RAY REGULATIONS

No major revisions of the regulations regarding radiation machine registration, performance or use have been made. The section on therapy (WAC 402-28-091 and 402-28-101) has undergone only streamlining, correction and housekeeping changes.

TRANSPORTATION AND WASTE REGULATIONS

WAC 402-12-050 Definitions, add definitions: A₁, A₂; highway route controlled quantity; normal form; special form; Type A packaging; Type A quantity; Type B packaging; Type B quantity.

WAC 402-12-200 Appendix A, information on transportation, deleted to remove obsolete transport group system for specifying the amount of radioactive material allowed in Type A packaging not expected to contain the material in a moderate accident while in transport. Replaced by A₁ - A₂ system adopted by the IAEA, U.S. DOT, and U.S. NRC. Tables and calculations taken from 10 CFR 71, Appendix A, address individual radionuclides rather than groups of radionuclides in which actual hazards may vary by a factor of ten.

WAC 402-19-530 Requirements for users of the Washington commercial low-level waste disposal site, cursory section deleted, material expanded and extended as new chapter 402-62 WAC.

WAC 402-62-020 New definitions applicable to waste disposal: Low-level radioactive waste; broker (redefined to delineate greater responsibility); shipper or consignor; generator; shipment; motor vehicle.

WAC 402-62-030 Site use permit, rewritten to include the requirement that generators and brokers have site use permits but deleting references to the issuance of site use permits as per RCW 43.200.080.

WAC 402-62-040 Waste shipment certification, details use of RHF-31, repeats indemnification of state but provides information needed to track waste.

WAC 402-62-050 Classification of radioactive waste for near-surface disposal, includes in WAC the federal requirements of 10 CFR 61; addresses the disposal of radium-226 not regulated by U.S. NRC.

WAC 402-62-060 Radioactive waste characteristics, repeats more of 10 CFR 61 reflecting new regard for waste form and characteristics as major considerations in long term waste management.

WAC 402-62-070 Labeling, details labeling of waste packages to indicate waste form and characteristics to facilitate handling in disposal operations.

WAC 402-62-090 Transfer for disposal and manifests, uses language from 10 CFR 20.311 to detail manifesting required to enable tracking of radioactive waste.

URANIUM MILL REGULATIONS

Many changes governing the radiological and environmental controls for uranium processing and tailings disposal have been incorporated into the WAC regulation. As an agreement state, it was necessary to implement these changes in order to conform to recently promulgated federal regulations, in particular, the EPA 40 CFR 192.

WAC 402-22-070 (6)(d)(iv), new requirement for a uranium mill licensee to pay to the state, at a minimum, the sum of \$250,000 or an equivalent acceptable surety instrument.

WAC 402-52-100, new third paragraph. Allows licensee or applicants to submit alternatives to WAC requirements regarding a site's environmental, radiological, and nonradiological hazards.

WAC 402-52-100(1) Criterion 1, changes were made specifying the requirement for isolation of tailings and associated contaminants for 1,000 years to the extent reasonably achievable, and in any case, for at least 200 years.

WAC 402-52-100(3) Criterion 3, wording changes. Mainly to delete the reference to blasting a disposal pit out of bedrock to "near surface bedrock could create prominent excavation costs while more suitable alternate sites may be available."

WAC 402-52-100(4) Criterion 4(a), changes the reference to a maximum possible flood to a probable maximum flood which could erode or wash out sections of the tailings disposal area.

WAC 420-52-100(5) Criterion 5, was amended in its entirety to incorporate the new basic groundwater protection standards imposed on uranium mill operations by the U.S. Environmental Protection Agency.

WAC 402-52-100(6) Criterion 6, the reference to a minimum cover of three meters over tailings was deleted. The regulation now requires an earthen cover over tailings adequate to provide reasonable assurance of control of radiological hazard for a minimum of 200 years. When covered, the release of Rn-222 is not to exceed an average of 20 picocuries per square meter per second. The radioactivity in the material is not to exceed background by more than (a) five picocuries per gram of Ra-226 or Ra-228, averaged over the first 15 centimeters (cm) below the surface and (b) 15 pCi/gm of Ra-226 and Ra-228 averaged over 15 cm thick layers below the first 15 cm layer. New subsection (6)(d), requires the licensee to address the nonradiological hazards associated with the wastes in planning and implementing closure.

WAC 402-52-100(7) Criterion 7, requires milling operations to be conducted in such a manner that annual exposures to workers and public resulting from planned discharges do not exceed 25 millirems whole-body or 75 millirems to the thyroid as established in U.S. Nuclear Regulatory Commission 10 CFR 40, Appendix A.

WAC 402-52-100(9) Criterion 9, lists hazardous constituents (Appendix A) for which standards must be set and complied [complied] with if a specific constituent

is reasonably expected to be in or derived from the by-product material (tailings) and has been detected in groundwater.

WAC 402-70-020 Definitions, subsections (1), (6), and (7) were deleted in their entirety. Subsection (5) renumbered to become subsection (4) and new subsection (5) added to define "perpetual care and maintenance."

WAC 402-70-030 Payment of fees, subsection (1) amended, and subsections (2), (3), (4), and (5) deleted in their entirety. A new subsection (2) has been inserted. The changes and/or new language require the applicant to pay any additional costs for processing an application with quarterly billing delineating the department's actual expenses incurred. An application could be for a new license, a license amendment or for license renewal.

WAC 402-70-050 Method of payment, subsection (2) has been amended with subsection (3) deleted. Subsection (2) now requires an application fee and quarterly billing to be payable to the department within 30 days of receipt of a bill.

WAC 402-70-070 Fees for licensing and compliance actions, amendments to this section now require the licensee to make quarterly payments for expenses incurred by the department while performing the requirements of a uranium mill program which is compatible with the requirements of the U.S. Nuclear Regulatory Commission. Subsection (2) of this section now requires an initial application fee of \$25,000 with annual costs not to exceed \$200,000 for any licensee.

RADIOACTIVE MATERIALS REGULATIONS

WAC 402-22-200, allows certain aerosols under Group III and Gadolinium-154 bone mineral analyzers under Group VI of the groups of medical uses of radioactive materials.

WAC 402-22-240, general laboratory rules for safe use of unsealed sources are made mandatory.

WAC 402-24-125, modified to be consistent with new U.S. Department of Transportation rules.

WAC 402-24-158, prohibits direct discharge or disposal of radioactive material into the sea, waterways or other bodies of surface or groundwater.

WAC 402-24-190, includes excessive exposures to dosimetry devices in the list of conditions requiring notification and reports to the department.

WAC 402-36-070, modifies the labeling requirement.

Chapter 402-38 WAC, establishes radiation safety requirements for wireline service operations and subsurface tracer studies. This use of radioactive materials is commonly called well logging and the requirements proposed in this chapter have been adapted from proposed NRC regulations and the Conference of Radiation Control Program Director's Suggested State Regulations for the Control of Radiation.

AIR QUALITY AND EMISSIONS REGULATIONS

Chapter 402-80 WAC, Monitoring and enforcement of air quality and emission standards for radionuclides, a new chapter to the statutes and rules for radiation protection. It will implement the standards set forth by the Department of Ecology in its chapter 173-480 WAC,

ambient air quality standards and emission limits for radionuclides.

These two chapters from DSHS and WDOE are the means whereby the state of Washington will assume authority over emission of radionuclides to the atmosphere, as provided for by section 112 of the federal Clean Air Act. The development of these two chapters was directed by the 1985 Washington State Legislature in Engrossed Substitute House Bill 3 and Engrossed Substitute Senate Bill 3799, effective July 28, 1985.

Chapter 402-80 WAC gives the Office of Radiation Protection the authority to monitor sources of airborne radionuclides throughout the state, including previously exempted federal facilities. It also provides for enforcement of the standards set by WDOE (dose equivalents not greater than 25 mrem/year to the whole body or 75 mrem/year to a critical organ).

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: T. R. Strong, Chief, Radiation Protection, phone 753-3468, mailstop LE-13.

DSHS proposes these rules.

Portions of these rules are necessary as a result of federal law, but no portion of these rules are necessary as a result of federal or state court decision, Atomic Energy Act of 1954, as amended (68 Stat. 919).

Fees for applications and major amendments to uranium mill licenses have been reduced. The support of the program is gained through quarterly charges to the individual mill for the actual cost incurred by the department.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-10-010 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 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~~) shall 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 1095, filed 2/6/76)

WAC 402-12-030 PURPOSE. It is the purpose of these regulations to state such requirements as shall be applied ((m)) to the use of all radiation, radiation machines, and radioactive materials to ensure the maximum protection of the public health and the maximum safety to all persons at, or in the vicinity of, the place of use, storage, or disposal thereof. These regulations are intended to be consistent with the best use of radiation machines and radioactive materials.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-12-050 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. Methods of calculating values are also given.

(2) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

((2)) (3) "Act" means Nuclear energy and radiation ((Legislation)), chapter 70.98 RCW.

((3)) (4) "Aerosol" means a suspension of colloidal particles in a gas.

(5) "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).

((4)) (6) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, mists, vapors, or gases.

((5)) (7) "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 I of chapter 402-24 WAC ((Part-D)); 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 ((25)) twenty-five percent of the amounts specified in WAC 402-24-220, Appendix A, Table I, Column I.

((6)) (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.

((7)) (9) "Calendar quarter" means not less than ((12)) twelve consecutive weeks nor more than ((14)) fourteen consecutive weeks. The first calendar quarter of each year shall begin the first day 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 observed by him of determining calendar quarters for purposes of these regulations except at the beginning of a calendar year.

((8)) (10) "CFR" means Code of Federal Regulations.

((9)) (11) "Controlled area." See "Restricted area."

((10)) (12) "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 (μ Ci) = 0.000001 curie = 3.7×10^4 tps. One picocurie (pCi) = 10^{-12} Ci. One nanocurie (nC) = 10^{-9} Ci. One tps = 60 dpm.

((11)) (13) "Department" means the department of social and health services, office of radiation protection, which has been designated as the state radiation control agency.

((12)) (14) "Depleted uranium" means the source material uranium in which the isotope Uranium-235 is less than 0.711 ((weight)) percent by weight of the total uranium present. Depleted uranium does not include special nuclear material.

((13)) (15) "dpm" means disintegrations per minute. See also "curie."

((14)) (16) "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.)

((15)) (17) "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.

((16)) (18) "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.

((17)) (19) "Exposure rate" means the exposure per unit of time, such as R/min., mR/h, etc.

((18)) (20) "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.

((19)) (21) "Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

((20)) (22) "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.

((21)) (23) "Highway route controlled quantity" means a quantity of radioactive material in a single package which exceeds:

(a) 3,000 times the A₁ or A₂ quantity as appropriate; or

(b) 30,000 curies, whichever is least.

(24) "Human use" means the intentional(;) internal or external administration of radiation or radioactive material to human beings.

((22)) (25) "IND" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act.

((23)) (26) "Individual" means any human being.

((24)) (27) "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.

((25)) (28) "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.

((26)) (29) "License" means a license issued by the department in accordance with the regulations adopted by the department.

((27)) (30) "Licensee" means any person who is licensed by the department in accordance with these regulations and the act.

((28)) (31) "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.

((29)) (32) "NARM" means any naturally occurring or accelerator-produced radioactive material except source material.

((30)) (33) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

((31)) (34) "NDA" means a new drug application which has been submitted to the United States Food and Drug Administration.

((32)) (35) "Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."

(36) "Nuclear waste" as used in WAC 402-19-500(5) means any ((large)) quantity ((as defined in 10 CFR 71.4(f))) of source or by-product 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.

((33)) (37) "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.

((34)) (38) "Ore refineries" means all processors of a radioactive material ore.

((35)) (39) "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.

((36)) (40) "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.

(41) "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.

((37)) (42) "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.

((38)) (43) "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.

((39)) (44) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, and poisons.

((40)) (45) "Physician" means an individual licensed by this state to prescribe and dispense drugs in the practice of medicine.

((41)) (46) "Practitioner" means an individual licensed by the state in the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).

((42)) (47) "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.

((43)) (48) "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.

((44)) (49) "Radiation" means ionizing radiation, i.e., gamma rays and x-rays, alpha and beta particles, high speed electrons, and other nuclear particles.

((45)) (50) "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 ((5)) five consecutive days a dose in excess of 100 millirems.

((46)) (51) "Radiation machine" means any device capable of producing ionizing radiation except those which produce radiation only from radioactive material.

((47)) (52) "Radiation safety officer" means one who has the knowledge, authority, and responsibility to apply appropriate radiation protection regulations and measures.

((48)) (53) "Radiation source." See "Source of radiation."

((49)) (54) "Radioactive material" means any material (solid, liquid, or gas) which emits radiation spontaneously.

((50)) (55) "Radioactive waste" means any radioactive material which is no longer of use and intended for disposal or treatment for the purposes of disposal.

((51)) (56) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

((52)) (57) "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.

((53)) (58) "Registrant" means any person who ((owns or possesses and administratively controls an x-ray system and is required by the provisions in chapters 402-12 and 402-16 WAC to register with this department)) is registered by the department in accordance with these regulations and the act.

((54)) (59) "Registration" means registration with the department in accordance with the regulations adopted by the department.

((55)) (60) "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.

((56)) (61) "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 ~~((+4))~~ 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

~~((+57))~~ (62) "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.

~~((+58))~~ (63) "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.

~~((+59))~~ (64) "Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58 x 10⁻⁴ coulombs/kilogram of air (see "Exposure").

~~((+60))~~ (65) "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.

~~((+61))~~ (66) "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.

~~((+62))~~ (67) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

~~((+63))~~ (68) "Source container" means a device in which ~~((sealed sources are))~~ radioactive material is transported or stored.

~~((+64))~~ (69) "Source material milling" means any activity that results in the production of byproduct material as defined in ~~((WAC 402-12-050(6)))~~ subsection (8)(b) of this section.

~~((+65))~~ (70) "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.

(71) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding ~~((350))~~ three hundred fifty grams of contained U-235; Uranium-233 in quantities not exceeding ~~((200))~~ 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:

$$\frac{175(\text{grams contained U-235})}{350} + \frac{50(\text{grams U-233})}{200} + \frac{50(\text{grams Pu})}{200} < 1$$

~~((+66))~~ (72) "State" as used in WAC 402-19-500(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.

~~((+67))~~ (73) "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.

~~((+68))~~ (74) "Termination" of employment means the end of employment with the licensee or, (as in the case of persons not employed by the licensee), 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.

(75) "Test" means a method for determining the characteristics or condition of sources of radiation or components thereof.

~~((+69))~~ (76) "These regulations" mean all parts of ~~((+))~~ the rules (and regulations) for radiation protection~~((+))~~ of the state of Washington.

~~((+70))~~ "Type A quantity." See WAC 402-24-125.

(71) "Type B quantity" means a quantity the aggregate radioactivity of which does not exceed as follows:

Transport Group	Quantity in Curies
I	20
II	20
III	200
IV	200
V	5,000
VI and VII	50,000
Special Form	5,000

~~((+72))~~ (77) "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.

(78) "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.

(79) "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.

(80) "Type B quantity" means a quantity of radioactive material in excess of a Type A quantity. It requires Type B packaging for transportation.

(81) "Uncontrolled area." See "Unrestricted area."

~~((+73))~~ (82) "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).

((74)) (83) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

((75)) (84) "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.

((76)) (85) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

((77)) (86) "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 ((+8)) eighteen years or older are subjected routinely to work involving radiation, then the students are considered to be occupational workers. Individuals of less than ((+8)) eighteen years of age shall meet the requirements of WAC 402-24-035.

AMENDATORY SECTION (Amending Order 1095, filed 2/6/76)

WAC 402-12-140 **IMPOUNDING**. Sources of radiation shall be subject to ((impounding)) impoundment pursuant to RCW 70.98.160.

AMENDATORY SECTION (Amending Order 1095, filed 2/6/76)

WAC 402-12-200 **APPENDIX A—((INFORMATION ON TRANSPORTATION)) DETERMINATION OF A₁ AND A₂**.
 ((+) Transport grouping of radionuclides:

Element ¹	Radionuclide ²	Group
Actinium (89)	Ac-227	I
	Ac-228	I
Americium (95)	Am-241	I
	Am-243	I
Antimony (51)	Sb-122	IV
	Sb-124	III
	Sb-125	III
Argon (18)	Ar-37	VI
	Ar-41	H
	Ar-41	(uncompressed) ³
Arsenic (33)	As-73	IV
	As-74	IV
	As-76	IV
	As-77	IV
Astatine (85)	At-211	III
Barium (56)	Ba-131	IV
	Ba-133	H
	Ba-140	III
Berkelium (97)	Bk-249	I
Beryllium (4)	Be-7	IV
Bismuth (83)	Bi-206	IV
	Bi-207	III
	Bi-210	H
	Bi-212	III
Bromine (35)	Br-82	IV
Cadmium (48)	Cd-109	IV
	Cd-115m	III
	Cd-115	IV
Calcium (20)	Ca-45	IV
	Ca-47	IV
Californium (98)	Cf-249	I
	Cf-250	I
	Cf-252	I
Carbon (6)	C-14	IV
Cerium (58)	Ce-141	IV
	Ce-143	IV
	Ce-144	III
Cesium (55)	Cs-131	IV

Element ¹	Radionuclide ²	Group
	Cs-134m	III
	Cs-134	III
	Cs-135	IV
	Cs-136	IV
	Cs-137	III
Chlorine (17)	Cl-36	III
	Cl-38	IV
Chromium (24)	Cr-51	IV
Cobalt (27)	Co-56	III
	Co-57	IV
	Co-58m	IV
	Co-58	IV
	Co-60	III
Copper (29)	Cu-64	IV
Curium (96)	Cm-242	I
	Cm-243	I
	Cm-244	I
	Cm-245	I
	Cm-246	I
Dysprosium (66)	Dy-154	III
	Dy-165	IV
	Dy-166	IV
Erbium (68)	Er-169	IV
	Er-171	IV
Europium (63)	Eu-150	III
	Eu-152m	IV
	Eu-152	III
	Eu-154	H
	Eu-155	IV
Fluorine (9)	F-18	IV
Gadolinium (64)	Gd-153	IV
	Gd-159	IV
Gallium (31)	Ga-67	III
	Ga-72	IV
Germanium (32)	Ge-71	IV
Gold (79)	Au-193	III
	Au-194	III
	Au-195	III
	Au-196	IV
	Au-198	IV
	Au-199	IV
Hafnium (72)	Hf-181	IV
Holmium (67)	Ho-166	IV
Hydrogen (1)	H-3 (sec tritium)	
Indium (49)	In-113m	III
	In-114m	III
	In-115m	IV
	In-115	IV
Iodine (53)	I-124	III
	I-125	III
	I-126	III
	I-129	III
	I-131	III
	I-132	IV
	I-133	III
	I-134	IV
	I-135	IV
Iridium (77)	Ir-190	IV
	Ir-192	III
	Ir-194	IV
Iron (26)	Fe-55	IV
	Fe-59	IV
Krypton (36)	Kr-85m	III
	Kr-85m	(uncompressed) ³
	Kr-85	III
	Kr-85	(uncompressed) ³
	Kr-87	VI
	Kr-87	(uncompressed) ³
Lanthanum (57)	La-140	IV
Lead (82)	Pb-203	IV

Element ¹	Radionuclide ²	Group
	Pb-210	II
	Pb-212	II
Lutetium (71)	Lu-172	III
	Lu-177	IV
Magnesium (12)	Mg-28	II
Manganese (25)	Mn-52	IV
	Mn-54	IV
	Mn-56	IV
Mercury (80)	Hg-197m	IV
	Hg-197	IV
	Hg-203	IV
Mixed fission products (MFP)		I
Molybdenum (42)	Mo-99	IV
Neodymium (60)	Nd-147	IV
	Nd-149	IV
Neptunium (93)	Np-237	I
	Np-239	I
Nickel (28)	Ni-56	II
	Ni-59	IV
	Ni-63	IV
	Ni-65	IV
Niobium (41)	Nb-93m	IV
	Nb-95	IV
	Nb-97	IV
Osmium (76)	Os-185	IV
	Os-191m	IV
	Os-191	IV
	Os-193	IV
Palladium (46)	Pd-103	IV
	Pd-109	IV
Phosphorus (15)	P-32	IV
Platinum (78)	Pt-191	IV
	Pt-193	IV
	Pt-193m	IV
	Pt-197m	IV
	Pt-197	IV
Plutonium (94)	Pu-238 (F)	I
	Pu-239 (F)	I
	Pu-240	I
	Pu-241 (F)	I
	Pu-242	I
Polonium (84)	Po-210	I
Potassium (19)	K-42	IV
	K-43	III
Praseodymium (59)	Pr-142	IV
	Pr-143	IV
Promethium (61)	Pm-147	IV
	Pm-149	IV
Protactinium (91)	Pa-230	I
	Pa-231	I
	Pa-233	II
Radium (88)	Ra-223	II
	Ra-224	II
	Ra-226	I
	Ra-228	I
Radon (86)	Rn-220	IV
	Rn-222	II
Rhenium (75)	Rc-183	IV
	Rc-186	IV
	Rc-187	IV
	Rc-188	IV
	Rc-Natural	IV
Rhodium (45)	Rh-103m	IV
	Rh-105	IV
Rubidium (37)	Rb-86	IV
	Rb-87	IV
	Rb-Natural	IV
Ruthenium (44)	Ru-97	IV
	Ru-103	IV
	Ru-105	IV
	Ru-106	III
Samarium (62)	Sm-145	III
	Sm-147	III

Element ¹	Radionuclide ²	Group
	Sm-151	IV
	Sm-153	IV
Scandium (21)	Sc-46	III
	Sc-47	IV
	Sc-48	IV
Selenium (34)	Se-75	IV
Silicon (14)	Si-31	IV
Silver (47)	Ag-105	IV
	Ag-110m	III
	Ag-111	IV
Sodium (11)	Na-22	III
	Na-24	IV
Strontium (38)	Sr-85m	IV
	Sr-85	IV
	Sr-89	III
	Sr-90	I
	Sr-91	III
	Sr-92	IV
Sulfur (16)	S-35	IV
Tantalum (73)	Ta-182	III
Technetium (43)	Tc-96m	IV
	Tc-96	IV
	Tc-97	IV
	Tc-97m	IV
	Tc-99m	IV
	Tc-99	IV
Tellurium (52)	Te-125m	IV
	Te-127m	IV
	Te-127	IV
	Te-129m	III
	Te-129	IV
	Te-131m	III
	Te-132	IV
Terbium (65)	Tb-160	III
Thallium (81)	Tl-200	IV
	Tl-201	IV
	Tl-202	IV
	Tl-204	III
Thorium (90)	Th-227	II
	Th-228	I
	Th-230	I
	Th-231	I
	Th-232	III
	Th-234	II
	Th-Natural	III
Thulium (69)	Tm-168	III
	Tm-170	III
	Tm-171	IV
Tin (50)	Sn-113	IV
	Sn-117m	III
	Sn-121	III
	Sn-125	IV
Tritium (1)	H-3	IV
	H-3(as a gas, as luminous paint; or absorbed on solid material)	VII
Tungsten (74)	W-181	IV
	W-185	IV
	W-187	IV
Uranium (92)	U-230	II
	U-232	I
	U-233 (F)	II
	U-234	II
	U-235 (F)	III
	U-236	II
	U-238	III
	U-Natural	III
	U-Enriched (F)	III
	U-Depleted	III
Vanadium (23)	V-48	IV
	V-49	III

Element ¹	Radionuclide ²	Group		
Xenon (54)	Xe-125	III		
	Xe-131m	III		
	Xe-131m (uncompressed) ³	III		
	Xe-133	III		
	Xe-133 (uncompressed) ³	VI		
	Xe-135	II		
	Xe-135 (uncompressed) ³	V		
	Ytterbium (70)	Yb-175	IV	
		Yttrium (39)	Y-88	III
			Y-90	IV
Y-91m			III	
Y-91			III	
Y-92			IV	
Y-93	IV			
Zinc (30)	Zn-65	IV		
	Zn-69m	IV		
	Zn-69	IV		
Zirconium (40)	Zr-93	IV		
	Zr-95	III		
	Zr-97	IV		

NOTES:

- ¹Atomic number shown in parentheses.
- ²Atomic mass number shown after the element symbol.
- ³Uncompressed means at a pressure not exceeding one atmosphere.
- m Metastable state.
- (F) Fissile material.

(2) "Transport group" means any one of seven groups into which radionuclides in normal form are classified, according to their radiotoxicity and their relative potential hazard in transport, in WAC 402-12-200, Appendix A above.

(a) Any radionuclide not specifically listed in one of the groups in WAC 402-12-200, Appendix A above shall be assigned to one of the groups in accordance with the following table:

Radionuclide	Radioactive Half-life		
	0 to 1000 days	1000 days to 10 ⁵ years	Over 10 ⁶ years
Atomic No. 1-81	Group III	Group II	Group III
Atomic No. 82 & over	Group I	Group I	Group III

- (b) For mixtures of radionuclides the following shall apply:
- (i) If the identity and respective activity of each radionuclide are known, the permissible activity of each radionuclide shall be such that the sum, for all groups present, of the ratio between the total activity for each group to the permissible activity for each group will not be greater than unity.
 - (ii) If the groups of the radionuclides are known but the amount in each group cannot be reasonably determined, the mixture shall be assigned to the most restrictive group present.
 - (iii) If the identity of all or some of the radionuclides cannot be reasonably determined, each of those unidentified radionuclides shall be considered as belonging to the most restrictive group which cannot be positively excluded.
 - (iv) Mixtures consisting of a single radioactive decay chain where the radionuclides are in the naturally occurring proportions shall be considered as consisting of a single radionuclide. The group and activity shall be that of the first member present in the chain, except that if a radionuclide "X" has a half-life longer than that of that first member and an activity greater than that of any other member, including the first, at any time during transportation, the transport group of the nuclide "X" and the activity of the mixture shall be the maximum activity of that nuclide "X" during transportation.)

I. Single radionuclides.

(1) For a single radionuclide of known identity, the values of A₁ and A₂ are taken from Table A-1 if listed there. The values A₁ and A₂ in Table A-1 are also applicable for radionuclides contained in (α, n) or (γ, n) neutron sources.

(2) For any single radionuclide whose identity is known but which is not listed in Table A-1, the values of A₁ and A₂ are determined according to the following procedure:

(a) If the radionuclide emits only one type of radiation, A₁ is determined according to the rules in paragraphs (i), (ii), (iii) and (iv) of this paragraph. For radionuclides emitting different kinds of radiation, A₁ is the most restrictive value of those determined for each kind of radiation. However, in both cases, A₁ is restricted to a maximum of 1000 Ci. If a parent nuclide decays into a shorter lived daughter with a half-life not greater than 10 days, A₁ is calculated for both the parent and the daughter, and the more limiting of the two values is assigned to the parent nuclide.

(i) For gamma emitters, A₁ is determined by the expression:

$$A_1 = \frac{9}{GRC} \text{ curies}$$

where GRC is the gamma-ray constant, corresponding to the dose in R/h at 1 m per Ci; the number 9 results from the choice of 1 rem/h at a distance of 3 m as the reference dose-equivalent rate.

(ii) For X-ray emitters, A₁ is determined by the atomic number of the nuclide:

for Z < 55-A₁=1000 Ci

for Z > 55-A₁=200 Ci

where Z is the atomic number of the nuclide.

(iii) For beta emitters, A₁ is determined by the maximum beta energy (E_{max}) according to Table A-2;

(iv) For alpha emitters, A₁ is determined by the expression:

$$A_1 = 1000 A_3$$

where A₃ is the value listed in Table A-3;

(b) A₂ is the more restrictive of the following two values:

(i) The corresponding A₁; and

(ii) The value A₃ obtained from Table A-3.

(3) For any single radionuclide whose identity is unknown, the value of A₁ is taken to be two Ci and the value of A₃ is taken to be 0.002 Ci. However, if the atomic number of the radionuclide is known to be less than 82, the value of A₁ is taken to be 10 Ci and the value of A₂ is taken to be 0.4 Ci.

II. Mixtures of radionuclides, including radioactive decay chains.

(1) For mixed fission products the following activity limits may be assumed if a detailed analysis of the mixture is not carried out:

$$A_1 = 10 \text{ Ci}$$

$$A_2 = 0.4 \text{ Ci}$$

(2) A single radioactive decay chain is considered to be a single radionuclide when the radionuclides are present in their naturally occurring proportions and no daughter nuclide has a half-life either longer than 10 days or longer than that of the parent nuclide. The activity to be taken into account and the A₁ or A₂ value from Table A-1 to be applied are those corresponding to the parent nuclide of that chain. When calculating A₁ or A₂ values, radiation emitted by daughters must be considered. However, in the case of radioactive decay chains in which any daughter nuclide has a half-life either longer than 10 days or greater than that of the parent nuclide, the parent and daughter nuclides are considered to be mixtures of different nuclides.

(3) In the case of a mixture of different radionuclides, where the identity and activity of each radionuclide are known, the permissible activity of each radionuclide R₁, R₂ . . . R_n is such that F₁ + F₂ + . . . F_n is not greater than unity, where

$$F_1 = \frac{\text{Total activity of } R_1}{A_1(R_1)}$$

$$F_2 = \frac{\text{Total activity of } R_2}{A_1(R_2)}$$

$$F_n = \frac{\text{Total activity of } R_n}{A_1(R_n)}$$

A₁(R₁, R₂ . . . R_n) is the value of A₁ or A₂ as appropriate for the nuclide R₁, R₂, R_n.

(4) When the identity of each radionuclide is known but the individual activities of some of the radionuclides are not known, the formula given in paragraph (3) is applied to establish the values of A₁ or A₂ as appropriate. All the radionuclides whose individual activities are not known (their total activity will, however, be known) are classed in a single group and the most restrictive value of A₁ and A₂ applicable to any one of them is used as the value of A₁ or A₂ in the denominator of the fraction.

(5) Where the identity of each radionuclide is known but the individual activity of none of the radionuclides is known, the most restrictive value of A₁ or A₂ applicable to any one of the radionuclides present is adopted as the applicable value.

(6) When the identity of none of the nuclides is known, the value of A₁ is taken to be two Ci and the value of A₂ is taken to be 0.002 Ci. However, if alpha emitters are known to be absent, the value of A₂ is taken to be 0.4 Ci.

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
227 _{Ac}	Actinium (89)	1000	0.003	7.2X10 ³
228 _{Ac}		10	4	2.2X10 ⁶
105 _{Ag}	Silver (47)	40	40	3.1X10 ⁴
110m _{Ag}		7	7	4.7X10 ³
111 _{Ag}		100	20	1.6X10 ³
241 _{Am}	Americium (95)	8	0.008	3.2
243 _{Am}		8	0.008	1.9X10 ³
37 _{Ar} (compressed or uncompressed)*	Argon (18)	1000	1000	1.0X10 ³
41 _{Ar} (uncompressed)*		20	20	4.3X10 ³
41 _{Ar} (compressed)*		1	1	4.3X10 ⁷
73 _{As}	Arsenic (33)	1000	400	2.4X10 ⁴
74 _{As}		20	20	1.0X10 ³
76 _{As}		10	10	1.6X10 ⁶
77 _{As}		300	20	1.1X10 ⁶
211 _{At}	Astatine (85)	200	7	2.1X10 ⁶
193 _{Au}	Gold (79)	200	200	9.3X10 ³
196 _{Au}		30	30	1.2X10 ³
198 _{Au}		40	20	2.5X10 ³
199 _{Au}		200	25	2.1X10 ³
131 _{Ba}	Barium (56)	40	40	8.7X10 ⁴
133 _{Ba}		40	10	4.0X10 ²
140 _{Ba}		20	20	7.3X10 ⁴
7 _{Be}	Beryllium (4)	300	300	3.5X10 ³
206 _{Bi}	Bismuth (83)	5	5	9.9X10 ⁴
207 _{Bi}		10	10	2.2X10 ²
210 _{Bi} (RaE)		100	4	1.2X10 ³
212 _{Bi}		6	6	1.5X10 ⁷
249 _{Bk}	Berkelium (97)	1000	1	1.8X10 ³
77 _{Br}	Bromine (35)	70	25	7.1X10 ³
82 _{Br}		6	6	1.1X10 ⁶
11 _C	Carbon (6)	20	20	8.4X10 ⁸
14 _C		1000	60	4.6
45 _{Ca}	Calcium (20)	1000	25	1.9X10 ⁴
47 _{Ca}		20	20	5.9X10 ³
109 _{Cd}	Cadmium (48)	1000	70	2.6X10 ³
115m _{Cd}		30	30	2.6X10 ⁴
115 _{Cd}		80	20	5.1X10 ³
139 _{Ce}	Cerium (58)	100	100	6.5X10 ³
141 _{Ce}		300	25	2.8X10 ⁴
143 _{Ce}		60	20	6.6X10 ³
144 _{Ce}		10	7	3.2X10 ³
249 _{Cf}	Californium (98)	2	0.002	3.1
250 _{Cf}		7	0.007	1.3X10 ²
252 _{Cf}		2	0.009	6.5X10 ²
36 _{Cl}	Chlorine (17)	300	10	3.2X10 ⁻²
38 _{Cl}		10	10	1.3X10 ⁸
242 _{Cm}	Curium (96)	200	0.2	3.3X10 ³
243 _{Cm}		9	0.009	4.2X10
244 _{Cm}		10	0.01	8.2X10
245 _{Cm}		6	0.006	1.0X10 ⁻¹
246 _{Cm}		6	0.006	3.6X10 ⁻¹
56 _{Co}	Cobalt (27)	5	5	3.0X10 ⁴
57 _{Co}		90	90	8.5X10 ³
58m _{Co}		1000	1000	5.9X10 ⁶
58 _{Co}		20	20	3.1X10 ⁴
60 _{Co}		7	7	1.1X10 ³
51 _{Cr}	Chromium (24)	600	600	9.2X10 ⁴
129 _{Cs}	Cesium (55)	40	40	7.6X10 ⁶
131 _{Cs}		1000	1000	1.0X10 ³
134m _{Cs}		1000	10	7.4X10 ⁶

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
134 _{Cs}		10	10	1.2X10 ⁻³
135 _{Cs}		1000	25	8.8X10 ⁻⁴
136 _{Cs}		7	7	7.4X10 ⁻³
137 _{Cs}		30	10	9.8X10 ⁻³
64 _{Cu}	Copper (29)	80	25	3.8X10 ⁻³
67 _{Cu}		200	25	7.9X10 ⁻³
165 _{Dy}	Dysprosium (66)	100	20	8.2X10 ⁻³
166 _{Dy}		1000	200	2.3X10 ⁻³
169 _{Er}	Erbium (68)	1000	25	8.2X10 ⁻³
171 _{Er}		50	20	2.4X10 ⁻³
152 _{mEu}	Europium (63)	30	30	2.2X10 ⁻³
152 _{Eu}		20	10	1.9X10 ⁻²
154 _{Eu}		10	5	1.5X10 ⁻²
155 _{Eu}		400	60	1.4X10 ⁻³
18 _F	Fluorine (9)	20	20	9.3X10 ⁻⁷
52 _{Fe}	Iron (26)	5	5	7.3X10 ⁻³
55 _{Fe}		1000	1000	2.2X10 ⁻³
59 _{Fe}		10	10	4.9X10 ⁻⁴
67 _{Ga}	Gallium (31)	100	100	6.0X10 ⁻³
68 _{Ga}		20	20	4.0X10 ⁻⁷
72 _{Ga}		7	7	3.1X10 ⁻³
153 _{Gd}	Gadolinium (64)	200	100	3.6X10 ⁻³
159 _{Gd}		300	20	1.1X10 ⁻³
68 _{Ge}	Germanium (32)	20	10	7.0X10 ⁻³
71 _{Ge}		1000	1000	1.6X10 ⁻³
3 _H	Hydrogen (1) see T-Tritium			
181 _{Hf}	Hafnium (72)	30	25	1.6X10 ⁻⁴
197 _{mHg}	Mercury (80)	200	200	6.6X10 ⁻³
197 _{Hg}		200	200	2.5X10 ⁻³
203 _{Hg}		80	25	1.4X10 ⁻³
166 _{Ho}	Holmium (67)	30	30	6.9X10 ⁻³
123 _I	Iodine(53)	50	50	1.9X10 ⁻³
125 _I		1000	70	1.7X10 ⁻⁴
126 _I		40	10	7.8X10 ⁻⁴
129 _I		1000	2	1.6X10 ⁻⁴
131 _I		40	10	1.2X10 ⁻³
132 _I		7	7	1.1X10 ⁻⁷
133 _I		30	10	1.1X10 ⁻³
134 _I		8	8	2.7X10 ⁻⁷
135 _I		10	10	3.5X10 ⁻³
111 _{In}	Indium (49)	30	25	4.2X10 ⁻³
113 _{mIn}		60	60	1.6X10 ⁻⁷
114 _{mIn}		30	20	2.3X10 ⁻⁴
115 _{mIn}		100	20	6.1X10 ⁻³
190 _{Ir}	Iridium (77)	10	10	6.2X10 ⁻⁴
192 _{Ir}		20	10	9.1X10 ⁻³
194 _{Ir}		10	10	8.5X10 ⁻³
42 _K	Potassium (19)	10	10	6.0X10 ⁻³
43 _K		20	10	3.3X10 ⁻³
85 _{mKr} (uncompressed)*	Krypton (36)	100	100	8.4X10 ⁻³
85 _{mKr} (compressed)*		3	3	8.4X10 ⁻³
85 _{Kr} (uncompressed)*		1000	1000	4.0X10 ⁻²
85 _{Kr} (compressed)*		5	5	4.0X10 ⁻²
87 _{Kr} (uncompressed)*		20	20	2.8X10 ⁻⁷
87 _{Kr} (compressed)*		0.6	0.6	2.8X10 ⁻⁷
140 _{La}	Lanthanum (57)	30	30	5.6X10 ⁻³
LSA	Low specific activity material—see § 71.4			
177 _{Lu}	Lutetium (71)	300	25	1.1X10 ⁻³
MFP	Mixed fission products	10	0.4	
28 _{Mg}	Magnesium (12)	6	6	5.2X10 ⁻³
52 _{Mn}	Manganese (25)	5	5	4.4X10 ⁻³
54 _{Mn}		20	20	8.3X10 ⁻³
56 _{Mn}		5	5	2.2X10 ⁻⁷
99 _{Mo}	Molybdenum (42)	100	20	4.7X10 ⁻³
13 _N	Nitrogen (7)	20	10	1.5X10 ⁻³
22 _{Na}	Sodium (11)	8	8	6.3X10 ⁻³
24 _{Na}		5	5	8.7X10 ⁻³
93 _{mNb}	Niobium (41)	1000	200	1.1X10 ⁻³
95 _{Nb}		20	20	3.9X10 ⁻⁴
97 _{Nb}		20	20	2.6X10 ⁻³

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
¹⁴⁷ Nd	Neodymium (60)	100	20	8.0X10 ⁴
¹⁴⁹ Nd		30	20	1.1X10 ⁷
⁵⁹ Ni	Nickel (28)	1000	900	8.1X10 ⁻²
⁶³ Ni		1000	100	4.6X10 ³
⁶⁵ Ni		10	10	1.9X10 ⁴
²³⁷ Np	Neptunium (93)	5	0.005	6.9X10 ⁻⁴
²³⁹ Np		200	25	2.3X10 ³
¹⁸⁵ Os	Osmium (76)	20	20	7.3X10 ³
¹⁹¹ Os		600	200	4.6X10 ⁴
^{191m} Os		200	200	1.2X10 ⁶
¹⁹³ Os		100	20	5.3X10 ³
³² P	Phosphorus (15)	30	30	2.9X10 ³
²³⁰ Pa		Protactinium (91)	20	0.8
²³¹ Pa	2		0.002	4.5X10 ⁻²
²³³ Pa		100	100	2.1X10 ⁴
²⁰¹ Pb	Lead (82)	20	20	1.7X10 ⁶
²¹⁰ Pb		100	0.2	8.8X10 ³
²¹² Pb		6	5	1.4X10 ⁶
¹⁰³ Pd	Palladium (46)	1000	700	7.5X10 ⁴
¹⁰⁹ Pd		100	20	2.1X10 ⁶
¹⁴⁷ Pm	Promethium (61)	1000	25	9.4X10 ²
¹⁴⁹ Pm		100	20	4.2X10 ³
²¹⁰ Po	Polonium (84)	200	0.2	4.5X10 ³
¹⁴² Pr		Praseodymium (59)	10	10
¹⁴³ Pr	300		20	6.6X10 ⁴
¹⁹¹ Pt	Platinum (78)	100	100	2.3X10 ³
^{193m} Pt		200	200	2.0X10 ³
^{197m} Pt		300	20	1.2X10 ⁷
¹⁹⁷ Pt		300	20	8.8X10 ³
²³⁸ Pu	Plutonium (94)	3	0.003	1.7X10 ³
²³⁹ Pu		2	0.002	6.2X10 ⁻²
²⁴⁰ Pu		2	0.002	2.3X10 ⁻¹
²⁴¹ Pu		1000	0.1	1.1X10 ⁻²
²⁴² Pu		3	0.003	3.9X10 ⁻³
²²³ Ra	Radium (88)	50	0.2	5.0X10 ⁴
²²⁴ Ra		6	0.5	1.6X10 ³
²²⁶ Ra		10	0.05	1.0
²²⁸ Ra		10	0.05	2.3X10 ²
⁸¹ Rb	Rubidium (37)	30	25	8.2X10 ⁶
⁸⁶ Rb		30	30	8.1X10 ⁴
⁸⁷ Rb		Unlimited	Unlimited	6.6X10 ⁻⁸
Rb(natural)		Unlimited	Unlimited	1.8X10 ⁻³
¹⁸⁶ Rc	Rhenium (75)	100	20	1.9X10 ⁻³
¹⁸⁷ Rc		Unlimited	Unlimited	3.8X10 ⁻⁸
¹⁸⁸ Rc		10	10	1.0X10 ⁶
Rc(natural)		Unlimited	Unlimited	2.4X10 ⁻⁸
^{103m} Rh	Rhodium (45)	1000	1000	3.2X10 ⁷
¹⁰⁵ Rh		200	25	8.2X10 ³
²²² Rn	Radon (86)	10	2	1.5X10 ³
⁹⁷ Ru	Ruthenium (44)	80	80	5.5X10 ³
¹⁰³ Ru		30	25	3.2X10 ⁴
¹⁰⁵ Ru		20	20	6.6X10 ⁶
¹⁰⁶ Ru		10	7	3.4X10 ³
³⁵ S	Sulphur (16)	1000	60	4.3X10 ³
¹²² Sb	Antimony (51)	30	30	3.9X10 ³
¹²⁴ Sb		5	5	1.8X10 ⁴
¹²⁵ Sb		40	25	1.4X10 ³
⁴⁶ Sc	Scandium (21)	8	8	3.4X10 ⁴
⁴⁷ Sc		200	20	8.2X10 ³
⁴⁸ Sc		5	5	1.5X10 ⁶
⁷⁵ Se	Selenium (34)	40	40	1.4X10 ⁴
³¹ Si	Silicon (14)	100	20	3.9X10 ⁷
¹⁴⁷ Sm	Samarium (62)	Unlimited	Unlimited	2.0X10 ⁻⁸
¹⁵¹ Sm		1000	90	2.6X10 ³
¹⁵³ Sm		300	20	4.4X10 ³
¹¹³ Sn	Tin (50)	60	60	1.0X10 ³
^{119m} Sn		100	100	4.4X10 ³
¹²⁵ Sn		10	10	1.1X10 ³
^{85m} Sr	Strontium (38)	80	80	3.2X10 ⁷
⁸⁵ Sr		30	30	2.4X10 ⁴

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
87mSr		50	50	1.2X10 ⁷
89Sr		100	10	2.9X10 ⁴
90Sr		10	0.4	1.5X10 ²
91Sr		10	10	3.6X10 ⁶
92Sr		10	10	1.3X10 ⁷
T(uncompressed)*	Tritium (1)	1000	1000	9.7X10 ³
T(compressed)*		1000	1000	9.7X10 ³
T(activated luminous paint)		1000	1000	9.7X10 ³
T(absorbed on solid carrier)		1000	1000	9.7X10 ³
T(tritiated water)		1000	1000	9.7X10 ³
T(other forms)		20	20	9.7X10 ³
182Ta	Tantalum (73)	20	20	6.2X10 ³
160Tb	Terbium (65)	20	10	1.1X10 ⁴
96mTc	Technetium (43)	1000	1000	3.8X10 ⁷
96Tc		6	6	3.2X10 ³
97mTc		1000	200	1.5X10 ⁴
97Tc		1000	400	1.4X10 ⁻³
99mTc		100	100	5.2X10 ⁶
99Tc		1000	25	1.7X10 ⁻²
125mTc	Tellurium (52)	1000	100	1.8X10 ⁴
127mTc		300	20	4.0X10 ⁴
127Tc		300	20	2.6X10 ⁶
129mTc		30	10	2.5X10 ⁴
129Tc		100	20	2.0X10 ⁷
131mTc		10	10	8.0X10 ³
132Tc		7	7	3.1X10 ³
227Th	Thorium (90)	200	0.2	3.2X10 ⁴
228Th		6	0.008	8.3X10 ²
230Th		3	0.003	1.9X10 ⁻²
231Th		1000	25	5.3X10 ³
232Th		Unlimited	Unlimited	1.1X10 ⁻⁷
234Th		10	10	2.3X10 ⁻⁴
Th(natural)		Unlimited	Unlimited	2.2X10 ⁻⁷
Th(irradiated)**				
200Tl	Thallium (81)	20	20	5.8X10 ³
201Tl		200	200	2.2X10 ³
202Tl		40	40	5.4X10 ⁴
204Tl		300	10	4.3X10 ²
170Tm	Thulium (69)	300	10	6.0X10 ³
171Tm		1000	100	1.1X10 ³
230U	Uranium (92)	100	0.1	2.7X10 ⁴
232U		30	0.03	2.1X10 ¹⁰
233U		100	0.1	9.5X10 ⁻³
234U		100	0.1	6.2X10 ⁻³
235U		100	0.2	2.1X10 ⁻⁶
236U		200	0.2	6.3X10 ⁻³
238U		Unlimited	Unlimited	3.3X10 ⁻⁷
U(natural)		Unlimited	Unlimited	(SEE TABLE A-4)
U(enriched) < 20%		Unlimited	Unlimited	(SEE TABLE A-4)
20% or greater		100	0.1	(SEE TABLE A-4)
U(depleted)		Unlimited	Unlimited	(SEE TABLE A-4)
U(irradiated)***				
48V	Vanadium (23)	6	6	1.7X10 ³
181W	Tungsten (74)	200	100	5.0X10 ³
185W		1000	25	9.7X10 ⁻³
187W		40	20	7.0X10 ³
127Xe(uncompressed)*	Xenon (54)	70	70	2.8X10 ⁴
127Xe(compressed)*		5	5	2.8X10 ⁴
131mXe(compressed)*		10	10	1.0X10 ³
131mXe(uncompressed)*		100	100	1.0X10 ³
133Xe(uncompressed)*		1000	1000	1.9X10 ³
133Xe(compressed)*		5	5	1.9X10 ³
135Xe(uncompressed)*		70	70	2.5X10 ³
135Xe(compressed)*		2	2	2.5X10 ³
87Y	Yttrium (39)	20	20	4.5X10 ¹⁰
90Y		10	10	2.5X10 ⁷

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
91m _y		30	30	4.1X10 ⁷
91 _y		30	30	2.5X10 ⁶
92 _y		10	10	9.5X10 ⁶
93 _y		10	10	3.2X10 ⁶
169 _y _b	Ytterbium (70)	80	80	2.3X10 ⁵
175 _y _b		400	25	1.8X10 ⁵
65 _z _n	Zinc (30)	30	30	8.0X10 ³
69m _z _n		40	20	3.3X10 ⁶
69 _z _n		300	20	5.3X10 ³
93 _z _r	Zirconium (40)	1000	200	3.5X10 ³
95 _z _r		20	20	2.1X10 ⁴
97 _z _r		20	20	2.0X10 ⁶

*For the purpose for Table A-1, compressed gas means a gas at a pressure which exceeds the ambient atmospheric pressure at the location where the containment system was closed.

**The values of A₁ and A₂ must be calculated in accordance with the procedure specified in Appendix A, paragraph II(3), taking into account the activity of the fission products and of the uranium-233 in addition to that of the thorium.

***The values of A₁ and A₂ must be calculated in accordance with the procedure specified in Appendix A, paragraph II(3), taking into account the activity of the fission products and plutonium isotopes in addition to that of the uranium.

TABLE A-2

RELATIONSHIP BETWEEN A₁ AND E_{max} FOR BETA EMITTERS

E _{max} (MeV)	A ₁ (Ci)
< 0.5	1000
0.5 - < 1.0	300
1.0 - < 1.5	100
1.5 - < 2.0	30
≥ 2.0	10

TABLE A-3

RELATIONSHIP BETWEEN A₂ AND THE ATOMIC NUMBER OF THE RADIONUCLIDE

A ₂			
Atomic Number	Half-life less than 1000 days	Half-life 1000 days to 10 ⁶ years	Half-life greater than 10 ⁶ years
1 to 81	3 Ci	.05 Ci	3 Ci
82 and above	.002 Ci	.002 Ci	3 Ci

TABLE A-4—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM

Thorium and uranium enrichment ¹ wt % ²³⁵ U present	Specific activity	
	Ci/g	g/Ci
90.0	5.8x10 ⁻⁵	1.7x10 ⁴
93.0	7.0x10 ⁻⁵	1.4x10 ⁴
95.0	9.1x10 ⁻⁵	1.1x10 ⁴
Natural Thorium	2.2x10 ⁻⁷	4.6x10 ⁶

¹ The figures for uranium include representative values for the activity of the uranium-234 which is concentrated during the enrichment process. The activity for Thorium includes the equilibrium concentration of Thorium-228.

AMENDATORY SECTION (Amending Order 1095, filed 2/6/76)

WAC 402-12-210 APPENDIX B—INFORMATION ON TRANSPORTATION SPECIAL FORM LICENSED MATERIAL. (1) "Special form" means any of the following physical forms of licensed material ((of any transport group)):

(a) The material is in solid form having no dimension less than 0.5 millimeter or at least one dimension greater than five millimeters; does not melt, sublime, or ignite in air at a temperature of 1,000 degrees Fahrenheit; will not shatter or crumble if subjected to the percussion test described in ((WAC 402-12-210, Appendix B of this part)) this section; and is not dissolved or converted into dispersible form to the extent of more than 0.005 percent by weight by immersion for one week in water at 68 degrees Fahrenheit or in air at 86 degrees Fahrenheit; or

(b) The material is securely contained in a capsule having no dimension less than 0.5 millimeter or at least one dimension greater than five millimeters, which will retain its contents if subjected to the tests prescribed in ((WAC 402-12-210 Appendix B of this part)) this section; and which is constructed of materials which do not melt, sublime, or ignite in air at 1,475 degrees Fahrenheit, and do not dissolve, or convert into dispersible form, to the extent of more than 0.005 percent by weight by immersion for one week in water at 68 degrees Fahrenheit or in air at 86 degrees Fahrenheit.

(2) Tests for special form licensed material.

(a) Free drop - A free drop through a distance of ((30)) thirty feet onto a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

(b) Percussion - Impact of the flat circular end of a ((+)) one inch diameter steel rod weighing ((3)) three pounds, dropped through a distance of ((40)) forty inches. The capsule or material shall be placed on a sheet of lead, of hardness number 3.5 to 4.5 on the Vickers scale,

TABLE A-4—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM

Thorium and uranium enrichment ¹ wt % ²³⁵ U present	Specific activity	
	Ci/g	g/Ci
0.45	5.0x10 ⁻⁷	2.0x10 ⁶
0.72 (natural)	7.06x10 ⁻⁷	1.42x10 ⁶
1.0	7.6x10 ⁻⁷	1.3x10 ⁶
1.5	1.0x10 ⁻⁶	1.0x10 ⁶
5.0	2.7x10 ⁻⁶	3.7x10 ⁵
10.0	4.8x10 ⁻⁶	2.1x10 ⁵
20.0	1.0x10 ⁻⁵	1.0x10 ⁵
35.0	2.0x10 ⁻⁵	5.0x10 ⁴
50.0	2.5x10 ⁻⁵	4.0x10 ⁴

and not more than ((+)) one inch thick, supported by a smooth essentially unyielding surface.

(c) Heating - Heating in air to a temperature of 1,475 degrees Fahrenheit and remaining at that temperature for a period of ((+0)) ten minutes.

(d) Immersion - Immersion for ((24)) twenty-four hours in water at room temperature. The water shall be at pH 6-pH 8, with a maximum conductivity of ((+0)) ten microohms per centimeter.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-19-190 EXEMPTIONS. (1) Source material.

(a) Any person is exempt from this chapter and chapters 402-21 and 402-22 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 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 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 ~~((NOTE - The exemption in WAC 402-19-190 (1)(c)(ii)(A) pertaining to glass enamel frit is suspended on October 31, 1983, until the United States Nuclear Regulatory Commission finally determines whether the exemption should continue on June 30, 1985, whichever comes first);~~

~~(B) Glassware, glass enamel and glass enamel frit containing not more than ten percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel or ceramic used in construction; or);~~ and ~~((E))~~ (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 legibly 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) 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 eyepieces 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) 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) any person is exempt from this chapter and chapters 402-21 and 402-22 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, 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) or equivalent regulations of the United States Nuclear Regulatory Commission or any agreement state, except in accordance with a specific license issued pursuant to WAC 402-22-110(1) or the general license provided in WAC 402-19-250.

(b) Exempt quantities.

(i) Except as provided in WAC 402-19-190 (2)(b)(ii) and (iii) 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, Schedule B.

(ii) This paragraph, WAC 402-19-190 (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, 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) or equivalent regulations of the United States Nuclear Regulatory Commission or any agreement 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(2) which license states that the radioactive material may be transferred by the licensee to persons exempt under WAC 402-19-190 (2)(b) or the equivalent regulations of the United States Nuclear Regulatory Commission or any agreement 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 byproduct 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, 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) 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 ((the effective date of these regulations)) 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(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 byproduct 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): PROVIDED, That the device is labeled in accordance with the specific license authorizing distribution of the general licensed device: AND PROVIDED FURTHER, That they meet the requirements of WAC 402-22-110(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): 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(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 2026, filed 9/16/83)

WAC 402-19-250 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, 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 any calendar year))~~ 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 WAC 440-44-057(3)), at least three days prior to ~~((engaging))~~ each entry to the state to engage in such activity. ~~((This))~~ The written notification must be sent to the Office of Radiation Protection, 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; ~~((Administrative Support Section; Mailstop ET-22))~~ Office of Radiation Protection, LE-13; 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 ~~((a copy))~~ copies of the pertinent licensing document 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))~~, obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications during the remainder of the ~~((calendar year))~~ 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 in accordance with WAC 402-12-165; 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 or an agreement state to receive such material; or

(ii) Exempt from the requirements for a license for such material under WAC 402-19-190 (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 or an agreement state authorizing the holder to manufacture, transfer, install, or service a device described in WAC 402-21-050(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 or an agreement 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(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 2026, filed 9/16/83)

WAC 402-19-300 TERMS AND CONDITIONS OF LICENSES. (1) Each license issued pursuant to this part shall be subject to all the provisions of the act, as now or hereafter in effect, and to all rules, regulations, and orders of the department.

(2) No license issued or granted under chapters 402-21 and 402-22 WAC and no right to possess or utilize radioactive material granted by any license issued pursuant to chapters 402-21 and 402-22 WAC shall be transferred, assigned, or in any manner disposed, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the department shall, after securing full information find that the transfer is in accordance with the provisions of the act, and shall give its consent in writing.

(3) Each person licensed by the department pursuant to chapters 402-21 and 402-22 WAC shall confine ~~((his))~~ use and possession of the material licensed to the locations and purposes authorized ~~((m))~~ by the license.

(4) Approval of licensee's procedures by the department does not release the licensee from responsibility if adherence to these procedures results in undue exposure to individuals or loss of control of radioactive material.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-19-350 MODIFICATION AND REVOCATION OF LICENSES. (1) The terms and conditions of all licenses shall be subject to amendment, revision, or modification, or the license may be suspended or revoked by reason of amendments to the act, or by reason of rules, regulations, and orders issued by the department.

(2) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the department to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the act, or of the license, or of any rule, regulation, or order of the department.

(3) Except in cases of ~~((willfulness))~~ willful disregard for the regulations or applicable license conditions or those in which the public health, interest, or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefore, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-19-400 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(3) 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 ((by) 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;

((A licensee may transfer material to the department only after receiving prior approval from the department.))

(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.

(6) The requirements of WAC 402-19-400(4) 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 2026, filed 9/16/83)

WAC 402-19-580 SCHEDULE C, EXEMPT CONCENTRATIONS. (See WAC 402-19-190 (2)(a).)

Element (atomic number)	Isotope	((Column-H and Liquid Gas con- solid))	
		Column I concentration $\mu\text{Ci}/\text{ml}^1$	and Liquid Gas con- solid concentration $\mu\text{Ci}/\text{ml}^2$
Antimony (51) Sb-122	Sb-124	3×10^{-4}	2×10^{-4}
	Sb-125		1×10^{-3}
Argon (18) Ar-37	Ar-41	1×10^{-3}	
	Ar-41	4×10^{-7}	
Arsenic (33) As-73	As-74	5×10^{-3}	5×10^{-4}
	As-76		2×10^{-4}
	As-77		8×10^{-4}
Barium (56) Ba-131	Ba-140	2×10^{-3}	3×10^{-4}
	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	Cd-115m		2×10^{-3}
	Cd-115		3×10^{-4}
Calcium (20) Ca-45	Ca-47	9×10^{-5}	3×10^{-4}
	Ca-47		5×10^{-4}
Carbon (6) C-14		1×10^{-6}	8×10^{-3}
Cerium (58) Ce-141	Ce-143		9×10^{-4}
	Ce-144		4×10^{-4}
Cesium (55) Cs-131	Cs-144		1×10^{-4}
	Cs-134m	2×10^{-2}	6×10^{-2}
Chlorine (17) Cl-38	Cs-134		9×10^{-5}
	Cl-38	9×10^{-7}	4×10^{-3}
Chromium (24) Cr-51		2×10^{-2}	

Element (atomic number)	Isotope	((Column-H and Liquid Gas con- solid))	
		Column I concentration $\mu\text{Ci}/\text{ml}^1$	and Liquid Gas con- solid concentration $\mu\text{Ci}/\text{ml}^2$
Cobalt (27) Co-57	Co-58	5×10^{-3}	1×10^{-3}
	Co-60		5×10^{-4}
Copper (29) Cu-64	Cu-64	3×10^{-3}	
	Cu-64		5×10^{-4}
Dysprosium (66) Dy-165	Dy-166	4×10^{-3}	4×10^{-4}
	Dy-166		4×10^{-4}
Erbium (68) Er-169	Er-171	9×10^{-4}	1×10^{-3}
	Er-171		1×10^{-3}
Europium (63) Eu-152	Eu-152	6×10^{-4}	
	Eu-155		2×10^{-3}
Fluorine (9) F-18		8×10^{-3}	
Gadolinium (64) Gd-153	Gd-153	2×10^{-3}	
	Gd-159		8×10^{-4}
Gallium (31) Ga-72	Ga-72	4×10^{-4}	
	Ga-72		2×10^{-2}
Germanium (32) Ge-71		2×10^{-2}	
Gold (79) Au-196	Au-196	2×10^{-3}	
	Au-198		5×10^{-4}
Hafnium (72) Hf-181	Hf-181	7×10^{-4}	
	Hf-181		2×10^{-2}
Hydrogen (1) H-3		5×10^{-6}	3×10^{-2}
Indium (49) In-113m	In-113m	1×10^{-2}	
	In-113m		2×10^{-4}
Iodine (53) I-125	I-125	3×10^{-9}	2×10^{-5}
	I-126		3×10^{-9}
	I-131		2×10^{-5}
	I-132		8×10^{-8}
	I-133		1×10^{-8}
Iridium (77) Ir-190	Ir-192	2×10^{-3}	4×10^{-4}
	Ir-194		3×10^{-4}
Iron (26) Fe-55	Fe-59	8×10^{-3}	
	Fe-59		6×10^{-4}
Krypton (36) Kr-85m	Kr-85	1×10^{-6}	
	Kr-85		3×10^{-6}
Lanthanum (57) La-140		2×10^{-4}	
Lead (82) Pb-203		4×10^{-3}	
Lutetium (71) Lu-177		1×10^{-3}	
Manganese (25) Mn-52	Mn-54		3×10^{-4}
	Mn-56		1×10^{-3}
Mercury (80) Hg-197m	Hg-197	2×10^{-3}	3×10^{-3}
	Hg-203		2×10^{-4}
Molybdenum (42) Mo-99		2×10^{-3}	
Neodymium (60) Nd-147	Nd-149	6×10^{-4}	
	Nd-149		3×10^{-3}
Nickel (28) Ni-65		1×10^{-3}	
Niobium (Columbium) (41) Nb-95	Nb-95	1×10^{-3}	
	Nb-97		9×10^{-3}
Osmium (76) Os-185	Os-191m	7×10^{-4}	3×10^{-2}
	Os-191		2×10^{-3}
	Os-193		6×10^{-4}
Palladium (46) Pd-103	Pd-109	3×10^{-3}	9×10^{-4}
	Pd-109		9×10^{-4}
Phosphorus (15) P-32		2×10^{-4}	
Platinum (78) Pt-191	Pt-193m	1×10^{-3}	1×10^{-2}
	Pt-197m		1×10^{-2}
	Pt-197		1×10^{-3}
Potassium (19) K-42		3×10^{-3}	
Praseodymium (59) Pr-142	Pr-143	3×10^{-4}	
	Pr-143		5×10^{-4}
Promethium (61) Pm-147	Pm-149	2×10^{-3}	4×10^{-4}
	Pm-149		4×10^{-4}
Radium (88) Ra-226	Ra-228	1×10^{-7}	3×10^{-7}
	Ra-228		3×10^{-7}
Rhenium (75) Re-183	Re-186	6×10^{-3}	9×10^{-4}
	Re-188		6×10^{-4}
Rhodium (45) Rh-103m	Rh-105	1×10^{-1}	1×10^{-3}
	Rh-105		1×10^{-3}
Rubidium	Rb-86		7×10^{-4}
Ruthenium (44) Ru-97	Ru-103	4×10^{-3}	8×10^{-4}
	Ru-105		1×10^{-3}
	Ru-106		1×10^{-4}

Element (atomic number)	Isotope	Column I	Column II
		Gas con- centra- tion $\mu\text{Ci/ml}^1$	Liquid and solid concen- tration $\mu\text{Ci/ml}^2$
Samarium (62) Sm-153		8×10^{-4}	
Scandium (21) Sc-46		4×10^{-4}	
	Sc-47		9×10^{-4}
	Sc-48		3×10^{-4}
Selenium (34) Se-75		3×10^{-3}	
Silicon (14) Si-31		9×10^{-3}	
Silver (47) Ag-105		1×10^{-3}	
	Ag-110m		3×10^{-4}
Sodium (11) Na-24		2×10^{-3}	
Strontium (38) Sr-85		1×10^{-3}	
	Sr-89		1×10^{-4}
	Sr-91		7×10^{-4}
	Sr-92		7×10^{-4}
Sulfur (16) S-35		9×10^{-8}	
Tantalum (73) Ta-182		6×10^{-4}	
Technetium (43) Tc-96m		4×10^{-4}	
	Tc-96		1×10^{-3}
Tellurium (52) Te-125m		2×10^{-3}	
	Te-127m		6×10^{-4}
	Te-127		3×10^{-3}
	Te-129m		3×10^{-4}
	Te-131m		6×10^{-4}
Terbium (65) Tb-160		4×10^{-4}	
	Tc-132		3×10^{-4}
Thallium (81) Tl-200		4×10^{-3}	
	Tl-201		3×10^{-3}
	Tl-202		1×10^{-3}
Thulium (69) Tm-170		1×10^{-3}	
	Tm-171		5×10^{-3}
Tim (50) Sn-113		5×10^{-4}	
Tin (50) Sn-113		9×10^{-4}	
	Sn-125		2×10^{-4}
Tungsten (Wolfram) (74) W-181		4×10^{-3}	
	W-187		7×10^{-4}
Vanadium (23) V-48		3×10^{-4}	
Xenon (54) Xe-131m		4×10^{-6}	
	Xe-133		3×10^{-6}
	Xe-135		1×10^{-6}
Ytterbium (70) Yb-175		1×10^{-3}	
Yttrium (39) Y-90		2×10^{-4}	
	Y-91m		3×10^{-2}
	Y-91		3×10^{-4}
	Y-92		6×10^{-4}
Zinc (30) Zn-65		1×10^{-3}	
	Zn-69m		7×10^{-4}
Zirconium (40) Zr-95		6×10^{-4}	
	Zr-97		2×10^{-4}

Beta and/or gamma emitting radioactive material not listed above with half-life less than 3 years

Element (atomic number)	Isotope	Column I	Column II
		Gas con- centra- tion $\mu\text{Ci/ml}^1$	Liquid and solid concen- tration $\mu\text{Ci/ml}^2$
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^{-2}
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}

Element (atomic number)	Isotope	Column I	Column II
		Gas con- centra- tion $\mu\text{Ci/ml}^1$	Liquid and solid concen- tration $\mu\text{Ci/ml}^2$
Calcium (20)	Cd-115m		3×10^{-4}
	Cd-115		3×10^{-4}
Carbon (6)	Ca-45		9×10^{-5}
	Ca-47		5×10^{-4}
Cerium (58)	C-14	1×10^{-6}	8×10^{-3}
	Ce-141		9×10^{-4}
Cesium (55)	Ce-143		4×10^{-4}
	Ce-144		1×10^{-2}
	Cs-131		2×10^{-2}
	Cs-134m		6×10^{-2}
Chlorine (17)	Cs-134		9×10^{-2}
	Cl-38	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr-51		2×10^{-2}
Cobalt (27)	Co-57		5×10^{-3}
	Co-58		1×10^{-3}
Copper (29)	Co-60		5×10^{-3}
	Cu-64		3×10^{-3}
Dysprosium (66)	Dy-165		4×10^{-3}
	Dy-166		4×10^{-4}
Erbium (68)	Er-169		9×10^{-4}
	Er-171		1×10^{-3}
Europium (63)	Eu-152 (9.2 h)		6×10^{-4}
	Eu-155		2×10^{-3}
Fluorine (9)	F-18	2×10^{-6}	8×10^{-3}
Gadolinium (64)	Gd-153		2×10^{-3}
	Gd-159		8×10^{-4}
Gallium (31)	Ga-72		4×10^{-4}
Germanium (32)	Ge-71		2×10^{-2}
Gold (79)	Au-196		2×10^{-3}
	Au-198		5×10^{-4}
	Au-199		2×10^{-4}
Hafnium (72)	Hf-181		7×10^{-4}
Hydrogen (1)	H-3	5×10^{-6}	3×10^{-2}
Indium (49)	In-113m		1×10^{-2}
	In-114m		2×10^{-4}
Iodine (53)	I-125	3×10^{-9}	2×10^{-5}
	I-126	3×10^{-9}	2×10^{-5}
	I-131	3×10^{-9}	2×10^{-5}
	I-132	8×10^{-8}	6×10^{-4}
	I-133	1×10^{-8}	7×10^{-5}
	I-134	2×10^{-7}	1×10^{-3}
Iridium (77)	Ir-190		2×10^{-3}
	Ir-192		4×10^{-4}
	Ir-194		3×10^{-4}
Iron (26)	Fe-55		8×10^{-3}
	Fe-59		6×10^{-4}
Krypton (36)	Kr-85m	1×10^{-6}	
	Kr-85	3×10^{-6}	
Lanthanum (57)	La-140		2×10^{-4}
Lead (82)	Pb-203		4×10^{-3}
Lutetium (71)	Lu-177		1×10^{-3}
Manganese (25)	Mn-52		3×10^{-3}
	Mn-54		1×10^{-3}
	Mn-56		1×10^{-3}
Mercury (80)	Hg-197m		2×10^{-3}
	Hg-197		3×10^{-3}
	Hg-203		2×10^{-4}
Molybdenum (42)	Mo-99		2×10^{-3}
Neodymium (60)	Nd-147		6×10^{-4}
	Nd-149		3×10^{-3}
Nickel (28)	Ni-65		1×10^{-3}
Niobium (Columbium) (41)	Nb-95		1×10^{-3}
	Nb-97		9×10^{-3}
Osmium (76)	Os-185		7×10^{-4}
	Os-191m		3×10^{-3}
	Os-191		2×10^{-4}
	Os-193		6×10^{-4}
Palladium (46)	Pd-103		3×10^{-3}
	Pd-109		9×10^{-4}
Phosphorus (15)	P-32		2×10^{-4}
Platinum (78)	Pt-191		1×10^{-3}
	Pt-193m		1×10^{-2}
	Pt-197m		1×10^{-2}
	Pt-197		1×10^{-3}
Potassium (19)	K-42		3×10^{-3}
Praseodymium (59)	Pr-142		3×10^{-4}
	Pr-143		5×10^{-4}

Element (atomic number)	Isotope	Column I	Column II
		Gas concentration $\mu\text{Ci/ml}^1$	Liquid and solid concentration $\mu\text{Ci/ml}^2$
Promethium (61)	Pm-147		2×10^{-3}
	Pm-149		4×10^{-4}
Radium (88)	Ra-226		1×10^{-4}
	Ra-228		3×10^{-4}
Rhenium (75)	Re-183		6×10^{-4}
	Re-186		9×10^{-4}
	Re-188		6×10^{-4}
Rhodium (45)	Rh-103m		1×10^{-1}
	Rh-105		1×10^{-3}
Rubidium	Rb-86		7×10^{-4}
Ruthenium (44)	Ru-97		4×10^{-4}
	Ru-103		8×10^{-4}
	Ru-105		1×10^{-4}
	Ru-106		1×10^{-4}
Samarium (62)	Sm-153		8×10^{-4}
Scandium (21)	Sc-46		4×10^{-4}
	Sc-47		9×10^{-4}
	Sc-48		3×10^{-4}
	Sc-75		3×10^{-4}
Selenium (34)	Se-75		3×10^{-4}
Silicon (14)	Si-31		9×10^{-3}
Silver (47)	Ag-105		1×10^{-4}
	Ag-110m		3×10^{-4}
	Ag-111		4×10^{-4}
Sodium (11)	Na-24		2×10^{-4}
Srortium (38)	Sr-85		1×10^{-4}
	Sr-89		1×10^{-4}
	Sr-91		7×10^{-4}
	Sr-92		7×10^{-4}
Sulfur (16)	S-35	9×10^{-6}	6×10^{-4}
Tantalum (73)	Ta-182		4×10^{-4}
Technetium (43)	Tc-96m		1×10^{-4}
	Tc-96		1×10^{-4}
Tellurium (52)	Te-125m		2×10^{-4}
	Te-127m		6×10^{-4}
	Te-127		3×10^{-4}
	Te-129m		3×10^{-4}
	Te-131m		6×10^{-4}
	Te-132		3×10^{-4}
Terbium (65)	Tb-160		4×10^{-4}
Thallium (81)	Tl-200		4×10^{-4}
	Tl-201		3×10^{-4}
	Tl-202		1×10^{-4}
	Tl-204		1×10^{-4}
Thulium (69)	Tm-170		5×10^{-4}
	Tm-171		5×10^{-4}
Tin (50)	Sn-113		9×10^{-4}
	Sn-125		2×10^{-4}
Tungsten (Wolfram) (74)	W-181		4×10^{-3}
	W-187		7×10^{-4}
Vanadium (23)	V-48		3×10^{-4}
Xenon (54)	Xe-131m	4×10^{-6}	
	Xe-133	3×10^{-6}	
	Xe-135	1×10^{-6}	

Element (atomic number)	Isotope	Column I	Column II
		Gas concentration $\mu\text{Ci/ml}^1$	Liquid and solid concentration $\mu\text{Ci/ml}^2$
Ytterbium (70)	Yb-175		1×10^{-3}
Yttrium (39)	Y-90		2×10^{-4}
	Y-91m		3×10^{-4}
	Y-91		3×10^{-4}
	Y-92		6×10^{-4}
	Y-93		3×10^{-4}
Zinc (30)	Zn-65		1×10^{-3}
	Zn-69m		7×10^{-4}
	Zn-69		2×10^{-2}
Zirconium (40)	Zr-95		6×10^{-4}
	Zr-97		2×10^{-4}
Beta and/or gamma emitting radioactive material not listed above with half-life less than 3 years		1×10^{-10}	1×10^{-6}

NOTES:

¹ Values are given in Column I only for those materials normally used as gases
² $\mu\text{Ci/gm}$ 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(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:

Concentration of Isotope A in Product
Exempt concentration of Isotope A
+
Concentration of Isotope B in Product
Exempt concentration of Isotope B
≤ 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 2026, filed 9/16/83)

WAC 402-19-590 SCHEDULE D.

((NUCLIDES) ^A	ACCEPTABLE SURFACE CONTAMINATION LEVELS		
	AVERAGE ^{B C F}	MAXIMUM ^{B D F}	REMOVABLE ^{b c f} Wipe limits
U-nat, U-235, U-238, and associated decay products	5,000 dpm α /100 cm ²	15,000 dpm α /100 cm ²	1,000 dpm α /100 cm ²
Transuramics, Ra-226, Ra-228, Th-230, Th-228, Pa-231, Ac-227, I-125, I-129	100 dpm/100 cm ²	300 dpm/100 cm ²	20 dpm/100 cm ²
Th-nat, Th-232, Sr-90, Ra-223, Ra-224, U-232, I-126, I-131, I-133	1000 dpm/100 cm ²	3000 dpm/100 cm ²	200 dpm/100 cm ²
Beta-gamma emitters (nuclides with decay modes other than alpha emission or spontaneous fission) except SR-90 and others noted above))	5000 dpm $\beta\gamma$ /100 cm ²	15,000 dpm $\beta\gamma$ /100 cm ²	1000 dpm $\beta\gamma$ /100 cm ²

NUCLIDES A	AVERAGE B C F	MAXIMUM B D F	REMOVABLE B E F WIPE LIMITS
U-nat, U-235, U-238, and associated decay products	5,000 dpm α /100 cm ²	15,000 dpm α /100 cm ²	1,000 dpm α /100 cm ²
Transuranics, Ra-226, Ra-228, Th-230, Th-228, Pa-231, Ac-227, I-125, I-129	100 dpm/100 cm ²	300 dpm/100 cm ²	20 dpm/100 cm ²
Th-nat, Th-232, Sr-90, Ra-223, Ra-224, U-232, I-126, I-131, I-133	1000 dpm/100 cm ²	3000 dpm/100 cm ²	200 dpm/100 cm ²
Beta-gamma emitters (nuclides with decay modes other than alpha emission or spontaneous fission) except SR-90 and others noted above	5000 dpm $\beta\gamma$ /100 cm ²	15,000 dpm $\beta\gamma$ /100 cm ²	1000 dpm $\beta\gamma$ /100 cm ²

(^(a))A Where surface contamination by both alpha- and beta-gamma-emitting nuclides exists, the limits established for alpha- and beta-gamma-emitting nuclides should apply independently.

(^(b))B As used in this table, dpm (disintegrations per minute) means the rate of emission by radioactive material as determined by correcting the counts per minute observed by an appropriate detector for background, efficiency, and geometric factors associated with the instrumentation.

(^(c))C Measurements of average contaminant should not be averaged over more than 1 square meter. For objects of less surface area, the average should be derived for each such object.

(^(d))D The maximum contamination level applies to an area of not more than 100 cm².

(^(e))E The amount of removable radioactive material per 100 cm² of surface area should be determined by wiping that area with dry filter or soft absorbent paper, applying moderate pressure, and assessing the amount of radioactive material on the wipe with an appropriate instrument of known efficiency. When removable contamination on objects of less surface area is determined, the pertinent levels should be reduced proportionally and the entire surface should be wiped.

(^(f))F The average and maximum radiation levels associated with surface contamination resulting from beta-gamma emitters should not exceed 0.2 mrad/hr at (^(f))1 cm and 1.0 mrad/hr at 1 cm, respectively, measured through not more than 7 milligrams per square centimeter of total absorber.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-21-050 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 WAC ((of these regulations)).

(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 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 ((paragraphs (4)))(b), (c), and (d) of this ((section)) 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 ((paragraph (4)))(a) of this ((section)) 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(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 ((paragraph)) (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 ((and)) need not be tested for any purpose. Devices held in storage in the original shipping container prior to initial installation need not be tested ((for any purpose)) until immediately prior to use;

(iii) Shall assure that the tests required by ((item (4)))(c)(ii) of this ((section)) subsection and other testing, installation, servicing, and removal 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 to perform such activities;

(iv) Shall maintain records showing compliance with the requirements of ((items (4)))(c)(ii) and (iii) of this ((section)) 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, servicing, and removal from installation concerning the radioactive material, its shielding or containment. Records of tests for leakage of radioactive material required by ((item (4)))(c)(ii) of this ((section)) 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 ((item (4)))(c)(ii) of this ((section)) 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 ((~~item (4)~~))(c)(iii) of this ((~~section~~)) 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 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 ((~~item (4)~~))(c)(viii) of this ((~~section~~)) 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 ((~~and~~)), 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 ((~~and~~)), 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 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 WAC.

(d) The general license in ((~~paragraph (4)~~))(a) of this ((~~section~~)) subsection does not authorize the manufacture, import or export of devices containing radioactive material.

(e) The general license provided in this subsection ((~~(4)~~ of this section)) 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.

(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 ((~~(5)~~ of this section)) are exempt from the requirements of chapters 402-24 and 402-48 WAC except that they shall comply with the provisions of WAC 402-24-180 and 402-24-190.

(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.

(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 ((~~paragraphs (7)~~))(d) and (e) of this ((~~section~~)) 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 ((~~paragraphs (7)~~))(d) and (e) of this ((~~section~~)) 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 ((~~paragraphs (7)~~))(d) and (e) of this ((~~section~~)) 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 ((~~paragraphs (7)~~))(a), (b) and (c) of this ((~~section~~)) 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 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 ((~~paragraphs (7)~~))(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 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 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 ((paragraphs (8)))(b), (c), (d), (e), and (f) of this ((section)) 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 ((paragraph (8)))(a) of this ((section)) 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 ((paragraph (8)))(a) of this ((section)) 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 ((paragraph (8)))(a) of this ((section)) subsection shall comply with the following:

(i) The general licensee shall not possess at any one time, pursuant to the general license in ((paragraph (8)))(a) of this ((section)) 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 ((paragraph (8)))(a) of this ((section)) 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 ((item (8)))(a)(viii) of this ((section)) subsection as required by WAC 402-24-130 ((of these regulations)).

(d) The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to ((paragraph (8)))(a) of this ((section)) 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(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 ((of this section)) 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 ~~((paragraph (8))~~(a) of this ~~(section)~~ 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 ~~((of the regulations))~~. In addition, any person using radioactive material pursuant to the general license of ~~((paragraph (8))~~(a) of this ~~(section)~~ subsection is exempt from the requirements of chapters 402-24 and 402-48 WAC ~~((of these regulations))~~ with respect to radioactive material covered by that general license, except that such persons using the Mock Iodine-125 described in ~~((item (8))~~(a)(viii) of this ~~(section)~~ subsection shall comply with the provisions of WAC 402-24-130, 402-24-180, and 402-24-190 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 ~~((paragraph (9))~~(a) of this ~~(section)~~ 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 WAC ~~((of these regulations))~~ except that such persons shall comply with the provisions of WAC 402-24-130, 402-24-180, and 402-24-190.

(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 provision 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 ~~((of these regulations))~~.

AMENDATORY SECTION (Amending Order 1683, filed 7/28/81)

WAC 402-22-040 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, ~~((and))~~ 402-22-110, and 402-80-060.

(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 ~~((agency-approved))~~ 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 ~~((WAC 402-22-040 (6))~~ (a) of this subsection shall be established prior to commencement of operations to assure that sufficient funds will be available to carry out ~~((the))~~ 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 ~~((WAC 402-22-040 (6))~~ this subsection.

(d) For source material milling operations, the amount of funds to be ensured by such surety arrangements shall be based on ~~((agency-approved))~~ 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 ~~((agency))~~ 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 ~~((agency))~~ 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 ~~((agency))~~ 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 (~~regulatory agency~~) 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 (~~U.S. NRC~~) United States Nuclear Regulatory Commission within sixty days following each inspection. The (~~U.S. NRC~~) 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 (~~(\$250,000)~~) 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 (~~WAC 402-22-040 (8))~~) (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 1459, filed 11/30/79, effective 1/1/80)

WAC 402-22-045 ISSUANCE OF SPECIFIC LICENSES. (1) Upon a determination that an application meets the requirements of the act and the regulations of the department the department will issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary.

(2) The department may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation, or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use, storage, and transfer of radioactive material subject to this part as it deems appropriate or necessary in order to:

- (a) Minimize danger to public health and safety or property;
- (b) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be appropriate or necessary; and
- (c) Prevent loss or theft of material subject to this part.

AMENDATORY SECTION (Amending Order 1459, filed 11/30/79, effective 1/1/80)

WAC 402-22-065 AGENCY ACTION ON APPLICATIONS TO RENEW OR AMEND. In considering an application by a licensee to renew or amend the license, the department will apply the criteria set forth in (~~WAC 402-22-040, 402-22-070, 402-22-090, or 402-22-110~~) this chapter, as applicable.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-22-070 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 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)~~) at a minimum shall 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)~~) three 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 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 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, and the department has a recent letter on file, signed by the pertinent hospital administrator, authorizing same;

(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 and removes the radioactive material when he 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 (~~(paragraphs (3))~~) (b), (c) and (d) of this (~~(section))~~ subsection an application for a specific license pursuant to subsection(~~(s)~~) (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, 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((s)) (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 ((paragraph-(3))) (a) of this ((section)) subsection and WAC 402-22-200, 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(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 ((3) of this section) and WAC 402-22-200, 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(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(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 byproduct 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 ((paragraph-(3))) (a) of this ((section)) subsection for one or more of the medical use groups in WAC 402-22-200, Schedule A, also is authorized, subject to the provisions of ((paragraph-(3))) (c) and (d) of this ((section)) 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, 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, 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; ((and))

(iv) Any radioactive material excluding Radium-226, in amounts not to exceed ((3)) 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(((+2)))((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 ((paragraph-(3))) (c) of this ((section)) 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 ((should)) 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 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 WAC ((of these 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.

(e) Any licensee or registrant who possesses and uses calibration and reference sources pursuant to ((item-(3))) (c) (iv) of this ((section)) 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, source serial numbers, as appropriate, 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, 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, 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 ~~((of these regulations))~~);

(c) The applicant will have a quarterly internal inspection system, ~~((or other management control))~~ 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, 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) (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, 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 ~~((197-10))~~ 197-11 and 248-06 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. For the purposes of this subsection ~~((16) of this section))~~, 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 preconstruction 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 ~~((197-10))~~ 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 ~~((pound))~~ kilogram of uranium or thorium compound which is milled out of the raw ore on or after January 1, 1980. ~~((For uranium or thorium mills in operation on or before the effective date of this regulation, the mill owner or operator shall determine the appropriate manner in which to make said payments prior to April 1, 1980.))~~

(i) The specific charge shall be ~~((five))~~ twenty cents per ~~((pound))~~ kilogram on each ~~((pound))~~ 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 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 (~~WAC 402-22-070(6)~~) 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 WAC must also be met.

AMENDATORY SECTION (Amending Order 1683, filed 7/28/81)

WAC 402-22-150 SPECIAL REQUIREMENTS FOR ISSUANCE OF SPECIFIC LICENSES FOR SOURCE MATERIAL MILLING. In addition to the requirements set forth in WAC 402-22-040, 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) 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 WAC shall be met.

(2) Pursuant to WAC 402-22-040 (~~((5))~~)(6) 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).

(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 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 ((agency)) department.

(c) The mill operator shall immediately notify the ((agency)) 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.

~~((6))~~ (7) An application for a license to own, receive, possess and use byproduct material as defined in WAC 402-12-050 (6)(b) 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.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-22-200 SCHEDULE A GROUPS OF MEDICAL USES OF RADIOACTIVE MATERIAL (REF. WAC 402-22-070(3) AND 402-22-110(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 ((paragraph (1)))(a) of this ((section)) 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 ((paragraph (2)))(a) of this ((section)) subsection notwithstanding, no radioactive material in gaseous form or for use as an aerosol is permitted by this subsection except as specifically authorized ((m)) 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 ((paragraph (3)))(a) of this ((section)) 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;

((g)) (h) Strontium-90 sealed in an applicator for treatment of superficial eye conditions; and

((h)) (i) Iodine-125 as seeds for interstitial treatment of cancer.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-22-240 APPENDIX—GENERAL LABORATORY RULES FOR SAFE USE OF UNSEALED SOURCES. (1) In addition to the requirements set forth in WAC 402-22-040, a ((specific)) licensee who uses unsealed, unplated and/or liquid sources ((should the applicant)) shall 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 WAC.

(b) Wear disposable gloves at all times when handling ((disposable)) 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 ((and)) 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)) shall be used only in areas with ventilation systems which conform to the requirements of WAC 402-24-030 and 402-24-050.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-24-020 RADIATION DOSE TO INDIVIDUALS IN RESTRICTED AREAS.* (1) Except as provided in ((WAC 402-24-020(2))) 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 ((WAC 402-24-020)) 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 ((WAC 402-24-020(1))) 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 ((3)) 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. As used in ((WAC 402-24-020(2))) 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. 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 ((WAC 402-24-020(1))) subsection (1) of this section.

A written record of the prior evaluation of this exposure shall be retained for ((review)) inspection by the department.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-24-040 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 ~~((one))~~ 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, 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 ~~((WAC 402-24-040(2)))~~ 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 ~~((2))~~ 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 ~~((100))~~ one hundred millirems in any ~~((7))~~ 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 ~~((WAC 402-24-040(1)))~~ 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.

(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 1095, filed 2/6/76)

WAC 402-24-050 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, Appendix A, Table II, except as authorized pursuant to ~~((WAC 402-24-050(2)))~~ 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 ~~((WAC 402-24-050(1)))~~ subsection (1) of this section. The department will approve the proposed limits if the applicant demonstrates:

(a) That the applicant has made ~~((a))~~ every 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, Appendix A, Table II.

(3) An application for higher limits pursuant to ~~((WAC 402-24-050(2)))~~ 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, 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, Appendix A, Table II.

(6) In addition to the limits set in WAC 402-24-050(1) all radioactive emissions to the atmosphere must meet the requirements of chapter 402-80 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.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-24-085 SURVEYS. Each licensee or registrant shall make or cause to be made such surveys, as defined in WAC 402-12-050~~((66))~~, 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. Information on performing surveys may be found in the United States Nuclear Regulatory Commission's Regulatory Guide 8.23.

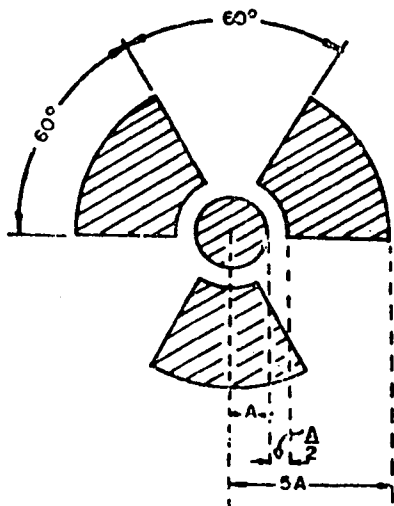
AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-24-090 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 ((WAC 402-24-090 (+)))(a) of this subsection shall be used only for:

(i) Instructing individuals to be cognizant of a potential radiation hazard as prescribed in ((WAC 402-24-090 (+))(c) through 402-24-090 (+)(j)) (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 ((subsections WAC 402-24-090 (+)(d) through 402-24-090 (+)(h)) (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 ((+00)) 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 ((WAC 402-24-090 (+))(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 ((30)) thirty days or less, direct surveillance to prevent unauthorized entry may be substituted for the controls required by ((WAC 402-24-090 (+))(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 ((WAC 402-24-090 (+))(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 ((WAC 402-24-090 (+))(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 ((500)) five hundred rems in one hour at one meter from a sealed radioactive source 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 ((+00)) 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 ((+00)) one hundred mrem in one hour. The entry control devices required by ((this paragraph (2)))(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 ((paragraph (2)))(e)(vi)(A)(I) of this ((section)) 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 ((+00)) 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 ((+00)) 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 ((this paragraph (2)))(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 ((+00)) one hundred mrem in one hour;

(VII) Have entry control devices required in ((paragraph (2)))(e)(vi)(A)(I) of this ((section)) 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 ((correct)) 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 ~~((or))~~ for radiation sources that are within the purview of ~~((paragraph (2)))~~(e)(vi)(A) of this ~~((section))~~ 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 ~~((paragraph (2)))~~(e)(vi)(A) of this ~~((section))~~ 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 ~~((paragraph (2)))~~(e)(vi)(C) of this ~~((section))~~ 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 ~~((WAC 402-24-090))~~ this section, each container and/or article of radioactive material shall bear a durable, clearly visible label identifying the radioactive contents.

(ii) A label required pursuant to ~~((WAC 402-24-090 (1)(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 or articles 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 ~~((WAC 402-24-090))~~ 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, 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, Appendix B.

(d) For containers that do not contain radioactive material in concentrations greater than the applicable concentrations listed in WAC 402-24-220, 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;

NOTE:

*For example, containers in locations such as water-filled canals, storage vaults, or hot cells.

(h) For manufacturing and process equipment such as piping and tanks.

~~((1))~~ (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 ~~((1)(e)(vi)(A))~~ 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 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 ~~((1)(e)(vi)(A))~~ 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 2026, filed 9/16/83)

WAC 402-24-125 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 ~~((A))~~ B or Highway Route Controlled quantities specified ~~((in WAC 402-24-125(2)))~~ by the regulations of the United States Department of Transportation 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 ~~((, at the time of arrival))~~.

(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 in a liquid or dispersible form, shall monitor via wipe sample(s) the external surfaces of the package for radioactive contamination caused by leakage of the radioactive contents, except:

(i) Packages containing ~~((no more))~~ less than ~~((the exempt))~~ one hundred times the quantity of nuclide(s) specified in ~~((the table in this subdivision))~~ WAC 402-19-550, Schedule B; and

(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 only as gas(es) or in special form(~~((s))~~);

~~((iv))~~ Packages containing only radioactive material in other than liquid form (including Mo-99/Tc-99m generators) and not exceeding the Type A quantity limit specified in the table in this subdivision; 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 ~~((eighteen hours))~~ 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 ~~((100))~~ 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.

((TABLE OF EXEMPT AND TYPE A QUANTITIES

Transport Group*	Exempt Quantity Limit (in millicuries)	Type A Quantity Limit (in curies)
I	0.01	0.001
II	0.1	0.050
III	1	3
IV	1	20
V	1	20
VI	1	1,000
VII	25,000	1,000
Special form*	1	20

Note:

*The definitions of transport group and special form are specified in United States Department of Transportation regulations. A copy of pertinent sections from these regulations are available upon request from the department.:(

(3)(a) Each licensee or registrant, upon receipt of a package containing ~~((quantities of))~~ radioactive material ~~((in excess of the Type A quantities specified in WAC 402-24-125(2), other than those transported by exclusive use vehicle)),~~ shall monitor the radiation levels at one meter 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, ~~((or 18 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 ~~((200))~~ two hundred millirem per hour, or at one meter from the external surface of the package in excess of ~~((10))~~ 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 ~~((special))~~ 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 including Mo-99/Tc-99m generators (radioactive wastes shall be exempted). Copies of such written procedures shall be retained for inspection by the department.

AMENDATORY SECTION (Amending Order 1093 [1095], filed 2/6/76)

WAC 402-24-135 METHOD OF OBTAINING APPROVAL OF PROPOSED DISPOSAL PROCEDURES. Any person may apply to the department for approval of proposed procedures to dispose of radioactive material in a manner not otherwise authorized in this chapter. Each application shall contain a description of the radioactive material, including the quantities and kinds of radioactive material and levels of radioactivity involved, and the proposed manner and conditions of disposal. The application, where appropriate, ~~((should))~~ shall also include an analysis and evaluation of pertinent information as to the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics; usage of ground and surface waters in the general area; the nature and location of other potentially affected facilities; and procedures to be observed to minimize the risk of unexpected or hazardous exposures.

The department will not approve any application for a license to receive radioactive material from other persons for disposal on land not owned by a state or the federal government.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

NEW SECTION

WAC 402-24-158 DISPOSAL TO SEA, WATERWAYS, AND OTHER BODIES OF WATER. No licensee shall dispose of radioactive material into the sea, waterways, or any other body of surface or ground water except as specifically approved by the department pursuant to WAC 402-24-135 and all other appropriate agencies.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-24-170 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. 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 monitoring required by WAC 402-24-125~~((2))~~ and ~~402-24-125(3))~~, and disposals made under WAC 402-24-135 through 402-24-165.

(3) (a) Records of individual exposure to radiation and to radioactive material which must be maintained pursuant to the provisions of ~~((WAC 402-24-170(1)))~~ subsection (1) of this section and records of bioassays, including results of whole body counting examinations made pursuant to WAC 402-24-080, 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 ~~((WAC 402-24-170(2)))~~ 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;
- (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 ~~((or))~~, 402-24-150, 402-24-155, 402-24-158, 402-24-160, or 402-24-165 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 ~~((of these regulations))~~, has granted a specific exemption from the record retention requirements specified in the regulations in this part.

(7) The discontinuance ~~((of))~~ 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 2026, filed 9/16/83)

WAC 402-24-180 REPORTS OF THEFT OR LOSS OF RADIATION SOURCES. Each licensee and/or registrant shall report immediately by telephone, ~~((Seattle area code))~~ 206~~((=))~~/682-5327) and confirm promptly by letter to the State Department of Social and Health Services, Office of Radiation ~~((Control Unit))~~ Protection, Mail Stop ~~((F-13))~~ LE-13, Olympia, Washington 98504, the actual or attempted theft or loss of radioactive material 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, Appendix B, or any item not exempted in chapter 402-19 WAC.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-24-190 NOTIFICATION OF INCIDENTS. (1) Immediate notification. Each licensee and/or registrant shall immediately notify the State Department of Social and Health Services, Office of Radiation (~~(Control Unit)~~) Protection, Mail Stop (~~(LF-13)~~) LE-13, Olympia, Washington 98504, by telephone (~~(Seattle, area code)~~) 206(=)/682-5327 and confirming letter of any incident involving any radiation source possessed by him (~~and~~) 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 (~~(25)~~) 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 (~~(150)~~) 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 (~~(375)~~) 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 (~~(24)~~) twenty-four hours, would exceed (~~(5000)~~) five thousand times the limits specified for such materials in WAC 402-24-220, Appendix A, Table II (~~or~~

(c) ~~A loss of one working week or more of the operation of any facilities affected; or~~

(d) ~~Damage to property in excess of \$200,000).~~

(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 of Radiation (~~(Control Unit)~~) Protection, Mail Stop (~~(LF-13)~~) LE-13, Olympia, Washington 98504, by telephone (~~(Seattle, area code)~~) 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 (~~(5)~~) 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 (~~(30)~~) 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 (~~(75)~~) seventy-five rems or more of radiation; or

(b) The release of radioactive material in concentrations which, if averaged over a period of (~~(24)~~) twenty-four hours, would exceed (~~(500)~~) five hundred times the limits specified for such materials in WAC 402-24-220, Appendix A, Table II; or

(c) ~~(A loss of one day or more of the operation of any facilities affected; or~~

(d) ~~Damage to property in excess of \$2,000) 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) ~~(Exposure of personnel monitoring device in excess of 5 rem which was not worn by the assigned individual. Each licensee and/or registrant shall notify the State Department of Social and Health Services, Radiation Control Program, Mail Stop LF-13, Olympia, Washington 98504 by telephone (Seattle 206/682-5327) within twenty-four hours and confirming by letter.~~

(~~(4)~~) Within twenty-four hours, each registrant shall notify the department of an incident whereby a patient received, or may have received, an unintentional radiation exposure due to x-ray system malfunction.

(~~(5)~~) (4) 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(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/~~(753-5957)~~) 753-3468).

AMENDATORY SECTION (Amending Order 1095, filed 2/6/76)

WAC 402-24-215 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 (~~(of these regulations)~~).

(2) When a licensee or registrant is required pursuant to WAC 402-24-200 to report to the department any exposure of an individual or dosimetry device 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(1).

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-28-031 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 meet the requirements of these regulations.

(2) The registrant 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):

(a) An x-ray machine which does not meet the provisions of these regulations, or which is malfunctioning in a manner that threatens the health or safety of 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 are listed in Appendix (~~(F)~~) II.

(c) In the vicinity of each x-ray system's control panel a chart shall be provided, which specifies for most examinations which are performed by that system a listing of 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 shielding to be used; and
- (iv) If applicable, settings for automatic exposure devices.

(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)~~) operator 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) 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 protected from the direct scatter radiation by whole body protective barriers of 0.25 mm lead equivalent or shall be so positioned that 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) When a portion of the body of any staff or ancillary personnel is potentially subjected to stray radiation which could result in that individual receiving one quarter of the maximum permissible dose as defined in WAC 402-24-020 of these regulations, additional protective devices may be required by the department.

(f) Gonad shielding of not less than 0.5 mm lead equivalent shall be used for patients who are of reproductive (~~(capability)~~) age during radiographic procedures in which the gonads are in the direct (useful) beam, except for cases in which this would 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 a licensed practitioner of the healing arts. This provision specifically 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 provided.

(ii) Exposure of an individual for the purpose of healing arts screening without prior written approval of the state health officer.

(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 ((~~WAC 402-28-031~~ (2))) (d) of this subsection, shall list individual projections where holding devices cannot be utilized;

(ii) Written safety procedures, as required by ((~~WAC 402-28-031~~ (2))) (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 ((~~WAC 402-28-031~~ (2))) (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 the patient must hold the film any 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 shall be permitted only in very unusual and rare situations;

(vii) For the holder who is occupationally exposed to radiation, a record shall be made of the examination and shall include patient identification, the name of the human holder, date of the examination, number of exposures and technique factors utilized for the exposure(s) whenever the primary beam has knowingly intersected any portion of the holder's body.

(i) Personnel dosimetry. All persons who are associated with the operation of an x-ray system are subject to the occupational exposure limits and the requirements for the determination of the doses which are stated in WAC 402-24-024. 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.

(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 WAC 402-24-170 of these regulations. 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.

(j) Personnel monitoring of an operator is required where exposure switch cords are utilized that allow the operator to stand in an unprotected area during exposures, and worst-case measurements by the department show that twenty-five percent of the exposure limits specified in WAC 402-24-020 may be exceeded.

(k) All persons involved in the operation of a fluoroscope and working within the fluoroscopy room during its operation must wear a personnel dosimeter in accordance with WAC 402-24-070 and ((~~402-28-031~~)) (i)(i) ((~~above~~)) of this subsection. ((~~Where~~)) If extremities are in ((:)) or near the primary beam, extremity dosimeters are also required.

(l) Healing arts screening utilizing radiation. Any person proposing to conduct a healing arts screening 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 Appendix III of this part. If any information submitted becomes invalid or outdated, the state health officer shall be notified immediately.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-28-032 GENERAL REQUIREMENTS—PLAN REVIEW. (1) Prior to construction, the floor plans and equipment arrangement of all installations (new or modifications of existing installations) utilizing x-rays for diagnostic or therapeutic purposes shall be submitted to a qualified expert for determination of shielding requirements and submitted to 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 WAC 402-24-020, 402-24-035, and 402-24-040.

(3) Diagnostic veterinary, podiatric, ((~~or~~)) and dental intraoral and panoramic facilities may be exempted from submitting shielding calculations if a floor plan showing those items indicated in ((~~WAC 402-28-032~~)) subsection (4) of this section is submitted to the department. The department may require additional information if necessary.

(4) In order for the department to provide an evaluation, technical advice, and official review of the shielding requirements for a radiation installation, a floor plan drawn to scale and the following data is required:

- (a) The normal location of the x-ray tube;
- (b) The limits of the tube travel;
- (c) The directions in which the tube will be pointed;
- (d) The location of any windows;
- (e) The location of the control booth or operator's position;
- (f) The location of the exposure switch;
- (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 examination or treatments (e.g., ((~~dental~~)) 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 technique factors to be used, or milliamperce-seconds or milliamperce-minutes per week, and estimates of the percentage of exposures that are expected to occur for a particular beam direction (e.g., twenty percent of exposures will be chest radiographs).

(5) Minimum design requirements for x-ray machine operators' booths—new installations only. (All dental intraoral, podiatry and veterinary installations are not applicable, but see subsections (6) and (7) of this section for dental panoramic and cephalometric.)

(a) The operator shall be allotted not less than 7.5 square feet of unobstructed floor space in the booths.

(i) The minimum space as indicated above must be a geometric configuration where no dimension is less than two feet.

(ii) The space shall be allotted excluding any 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 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:

(i) Shall be at least 102 centimeters (40 inches) inside the protected area;

(ii) Shall allow the operator to use the available viewing windows.

(c) Viewing system requirements:

(i) Each booth shall have at least one viewing device which will:

(A) Be so placed that the operator can view the patient during any exposure; and

(B) The device shall be so placed that the operator can have full view of any occupant of the room and any entry into the room.

(ii) When the viewing system is a window the following requirements also apply:

(A) It shall have a visible area of at least one square foot.

(B) The glass shall have at least the same lead equivalence as that required in the booth's wall in which it 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 (i) ((~~above~~)) of this subsection.

(iv) When the viewing system is by electronic means (e.g., TV, etc.):

(A) The camera shall be so located as to accomplish the general requirements in (i) ((~~above~~)) of this subsection; and

(B) There shall be an alternate viewing system as a backup for electronic failure.

(6) Dimensions of primary beam shielding (chest, cephalometer, etc.) shall exceed the largest possible beam size by at least 30.5 centimeters (one foot) in every direction. Cephalometric primary beam shielding shall be deemed adequate if for a maximum ((working)) workload of twenty films a week, two pound lead is installed (for occupiable areas).

(7) A viewing device shall be installed 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 2026, filed 9/16/83)

WAC 402-28-035 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 1 hour when the x-ray tube is operated at its leakage technique factors.

(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 1 hour at 5 centimeters from any 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 ((WAC 402-28-035)) 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 be made.

WAC 402-28-035 TABLE I

Design operating range (kilovolts peak)	Measured potential (kilovolts peak)	Half-value layer (millimeters of aluminum equivalent)	Half-value layer (millimeter of aluminum equivalent for dental units)
Below 50	30	0.3	1.5
	40	0.4	1.5
	49	0.5	1.5
50 to 70	50	1.2	1.5
	60	1.3	1.5
	70	1.5	1.5
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 the maximum quantity of charge per exposure.

(d) The required minimal aluminum equivalent filtration shall include the filtration contributed by all materials which are always present between the focal spot of the tube and the patient. (e.g., a tabletop when the tube is mounted "under the table" and inherent filtration of the tube)

(e) Filtration control. For x-ray systems which have variable kVp and variable filtration for the useful beam, a device shall link the kVp selector with the filter(s) and shall prevent an exposure unless the

minimum amount of filtration required by (a) of this subsection is in the useful beam for the given 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 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 will remain 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 (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 ((CRF)) CFR 1020 shall meet the requirements of that certification.

(10) Linearity: The difference between the ratio of exposure to mAs at one mA setting and the ratio at another mA 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 station.

The test will be performed at any two adjacent 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.

(11) kVp accuracy: The difference between the indicated and actual kVp of an x-ray machine shall not be greater than 10% 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 2026, filed 9/16/83)

WAC 402-28-040 FLUOROSCOPIC X-RAY SYSTEMS. All 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 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 percent of the SID. The sum of the excess length and the excess width shall be no greater than 4 percent of the SID. Measurements shall be made at the minimum SID available but at no less than 8 inches table top to film plane 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 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 percent of the SID. The sum of the excess width shall be no greater than 4 percent of the SID. Measurements shall be made at the minimum SID available but at no less than 8 inches table top to film plane distance.

(g) For all image-intensified fluoroscopic equipment:

(i) Means shall be provided to permit further limitation of the x-ray field;

(ii) The minimum field size at the greatest SID shall be equal to or less than 5 centimeters by 5 centimeters;

~~((WAC 402-28-040 (1)))~~ (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 optional high level control. 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, the equipment shall not be operable at any 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 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 ~~((WAC 402-28-040(3)))~~ this subsection 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 or cradle.

(iii) If the source is above the table, the exposure rate shall be measured at 30 centimeters above the tabletop 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.

(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 the exposure rate.

(ii) Results of these measurements shall be available where any fluoroscopist may have ready access to them while using that fluoroscope. Results of the measurements shall include the maximum possible R/minute, as well as the physical factors used to determine all data, the name of the person performing the measurements, the last two dates the measurements were performed, and the type of device used in making the measurements.

(iii) Conditions of measurement.

~~((The measurement shall be made under the conditions that satisfy the requirements of WAC 402-28-040 (3) (a)(iii);~~

~~((B)))~~ The kVp shall be the peak kV that the x-ray system is capable of producing;

~~((C)))~~ (B) The high level control, if present, shall not be activated;

~~((D)))~~ (C) The x-ray system(s) that incorporates automatic exposure control (automatic brightness control, etc.) shall have sufficient material (e.g. lead or lead equivalence) placed in the useful beam to produce the maximum output of the x-ray system; and

~~((E)))~~ (D) X-ray system(s) that do not incorporate automatic exposure control shall utilize the maximum milliamperage of the x-ray system. Materials (e.g. an attenuation block) may be placed in the useful beam to protect the imaging system.

(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 at 10 centimeters from any 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, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the tabletop.

(iii) If the source is above the tabletop 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 as it can be placed, provided that it 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. 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 all mobile fluoroscopes, and

(d) 20 centimeters for image intensified fluoroscopes used for specific surgical application. The users operating manual must provide precautionary measures to be adhered to during the use of device.

(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 minutes without resetting.

(b) A signal audible to the fluoroscopist shall indicate the completion of any 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 ~~((WAC 402-28-040))~~ 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., 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 WAC 402-28-031 (2)(e).

(ii) Exceptions to ~~((WAC 402-28-040 (9)))~~ (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) Radiation therapy simulation systems. Radiation therapy simulation systems shall be exempt from all the requirements of ~~((WAC 402-28-040))~~ subsections (1), (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 systems as do not meet the requirements of ~~((WAC 402-28-040))~~ subsection (7) of this section, and are provided with a means of indicating the cumulative time during which individual patient has been exposed to x-rays. Procedures shall require that the timer be reset between examinations in such cases.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-28-091 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 ((5)) five centimeters from the surface of the tube housing assembly;

(ii) 0-150 kVp systems. Systems which are manufactured or installed prior to the effective date of ((WAC 402-28-091)) 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 ((WAC 402-28-091)) this section shall have a leakage radiation which does not exceed 100 milliroentgens in ((+)) one hour at ((+)) one meter from the source;

(iv) 151 to 999 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 ((WAC 402-28-091)) this section shall meet the requirements of ((WAC 402-28-091 (+))) (c)(i) of this subsection;

(iii) Adjustable beam limiting devices installed before the effective date of ((WAC 402-28-091)) this section shall, for the portion of the x-ray beam to be blocked by these devices, transmit not more than ((5)) five percent of the original x-ray beam at the maximum kilovoltage and maximum treatment filter.

(d) Filter system. The filter system shall be so designed that:

(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 ((5)) five centimeters from the filter insertion slot opening does not exceed 30 roentgens per hour 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 ((5)) 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 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 preselected time has elapsed;

(iv) The timer shall permit accurate presetting and determination of exposure times as short as 1 second;

(v) The time shall not permit an exposure if set at zero;

(vi) ((The timer shall comply with the provisions of WAC 402-28-091 (1)(m) where applicable;

(vii)) 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 ((402-28-WAC)) 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) Means for indicating kV and x-ray tube current;

(iv) The means for terminating an exposure at any time;

(v) A locking device which will prevent unauthorized use of the x-ray system; and

(vi) For x-ray equipment manufactured after the effective date of ((WAC 402-28-091)) 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.

(k) Shutters. Unless it is possible to bring the x-ray output to the prescribed exposure parameters within ((5)) 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) 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.

(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 WAC ((of these regulations)) and the shielding plan review provisions of WAC 402-28-032, the treatment room shall meet the following design requirements:

(a) Warning lights. Treatment rooms to which access is possible though 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 useful beam is "on." Also, it is required that entrances other than the main one be equipped with interior locks, activated for the period of exposure, and that the main entrance 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 ((WAC 402-28-091 (2))) (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 ~~((WAC 402-28-091(2)))~~ ~~(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) ~~((Surveys, calibrations, spot checks, and operating procedures.~~

~~(i) 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 change in the facility or equipment which might cause a significant increase in radiation hazard.~~

~~(ii) The expert shall report his findings in writing to the person in charge of the facility and a copy of the report shall be maintained by the registrant for inspection by the department.~~

~~(iii) The survey and report shall indicate all instances where the installation in the opinion of the qualified expert is in violation of applicable regulations and cite all items of noncompliance.~~

~~(ff))~~ 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 a national standard. The instrument shall have been calibrated within the preceding ~~((2))~~ two years.

(iv) The calibrations made pursuant to ~~((WAC 402-28-091(2)))~~ ~~(c)(i)~~ of this subsection shall be such that the dose at a reference point in soft tissue can be calculated to within ~~((+5))~~ \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) The degree of congruence between the radiation field and the field indicated by the localizing device if such device is present; and

(D) 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 ~~((WAC 402-28-091(2)))~~ ~~(e)~~ of this subsection shall be maintained by the registrant for ~~((2))~~ 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.

~~((g))~~ Spot checks. Spot checks shall be performed on x-ray systems capable of operation at greater than 150 kVp. Such spot checks shall meet the following requirements:

~~(i) The spot check procedures shall be in writing and shall have been developed by a qualified expert;~~

~~(ii) The measurements taken during the spot checks shall demonstrate the degree of consistency of the operating characteristics which can affect the radiation output of the x-ray system;~~

~~(iii) The spot check procedure shall specify the frequency at which tests or measurements are to be performed;~~

~~(iv) The procedure shall also note conditions which shall require that the system be recalibrated in accordance with WAC 402-28-091(2)(f); and~~

~~(v) Records of spot check measurements performed pursuant to WAC 402-28-091(2)(g) shall be maintained by a registrant for 2 years following such measurement.~~

~~((h))~~ ~~(f)~~ Operating procedures.

~~(i) Therapeutic x-ray systems shall specify the frequency at which tests or measurements are to be performed;~~

~~((j))~~ When a patient must be held in position for radiation therapy, mechanical supporting or restraining devices shall be used;

~~((k))~~ ~~(ii)~~ The tube housing assembly shall not be held by an individual during exposures;

~~((iv))~~ ~~(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 WAC ~~((of these regulations))~~. No individual other than the patient shall be in the treatment room during exposures when the kVp exceeds 150;

~~((v))~~ ~~(iv)~~ The x-ray system shall not be used in the administration of radiation therapy unless the requirements of ~~((WAC 402-28-091(2)(c)(i) and (f)(iv)))~~ ~~(e)~~ of this subsection have been met.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-28-101 X-RAY AND ELECTRON THERAPY SYSTEMS WITH ENERGIES OF ONE MEV AND ABOVE. Chapter 402-44 WAC except WAC 402-44-110 (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, the following definitions shall be applicable to ~~((WAC 402-28-101))~~ this section.

(a) "Applicator" means a structure which indicates the extent of the treatment field at a given distance from the virtual source and which may or may not incorporate the beam limiting device.

(b) "Beam scattering filter" means a filter used in order to scatter a beam of electrons.

(c) "Central axis of the beam" means a line passing through the virtual source and the center of the plane figure formed by the edge of the final beam limiting device.

(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 ~~((WAC 402-28-101))~~ this section which were manufactured on or before the effective date of these regulations.

(g) "Field flattening filter" means a filter 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 depth in a phantom and defined by specified isodose 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" mean radiation therapy with relative displacement of the useful beam and the patient during irradiation.

(m) "New equipment" means systems subject to ~~((WAC 402-28-101))~~ this section which were manufactured after effective date of these regulations.

(n) "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.

(o) "Patient" means an individual subjected to examination and treatment.

(p) "Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation.

(q) "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) "Radiation treatment prescription" means the absorbed dose which is intended to be delivered to the treatment volume.

(s) "Radiation head" means the structure from which the useful beam emerges.

(t) "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) "Secondary dose monitoring system" means a system which will terminate irradiation in the event of failure of the primary system.

(v) "Shadow tray" means a device attached to the radiation head to support auxiliary beam limiting material.

(w) "Stationary beam therapy" means radiation therapy without relative displacement of the useful beam and the patient during irradiation.

(x) "Target" means that part of a radiation source which intercepts a beam of accelerated particles with subsequent emission of other radiation.

(y) "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) "Treatment field" means the area of the patient's skin which is to be irradiated.

(aa) 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 meet the following requirements:

(A) For all operating conditions, the dose equivalent in rem due to leakage radiation, including x-ray, electrons, and neutrons, at any point in a circular plane of ~~((2))~~ 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 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 ~~((+00))~~ one hundred square centimeters at the positions specified.

(B) For each system the registrant shall determine, or obtain from the manufacturer, the leakage radiation existing at the positions specified in ~~((WAC 402-28-101(2)))~~ ((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 meet the following requirements:

(A) The leakage radiation, excluding neutrons, at any point in the area specified by ~~((WAC 402-28-101(2)))~~ ((a)(i)(A) of this subsection), where such area intercepts the central axis of the beam ~~((+))~~ one meter from the virtual source, should 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 be averaged over an area up to but not exceeding ~~((+00))~~ one hundred square centimeters at the positions specified.

(B) For each system, the registrant should determine, or obtain from the manufacturer, the leakage radiation existing at the positions specified in ~~((WAC 402-28-101(2)))~~ ((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 ~~((WAC 402-28-101(2)))~~ ((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 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 ~~((WAC 402-28-101(2)))~~ ((a) of this subsection).

(ii) The registrant should determine, or obtain from the manufacturer, the actual leakage radiation existing at the positions specified in ~~((WAC 402-28-101(2)))~~ ((a) of this subsection) for specified operating conditions. Measurements should be averaged over an area up to but not exceeding ~~((+00))~~ one hundred square centimeters at the positions specified.

(c) Beam limiting devices. Adjustable or interchangeable beam limiting devices shall be provided and such devices shall transmit no more than ~~((2))~~ 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 ~~((+00))~~ one hundred square centimeters at the normal treatment distance.

(d) Filters.

(i) If the absorbed dose rate information required by ~~((WAC 402-28-101(2)))~~ ((p) of this subsection) is dependent on operation with a field flattening or beam scattering filter in place, such filter shall be removable only by the use of tools.

(ii) In systems which utilize a system of wedge filters, interchangeable field flattening filters, or interchangeable beam scattering filters:

(A) Irradiation shall not be possible until a selection of a filter has been made at the treatment control panel;

(B) An interlock system shall be provided to prevent irradiation if the filter selected is not in the correct position;

(C) An indication of the wedge filter orientation with respect to the treatment field shall be provided 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;

(E) Each filter which is removable from the system shall be clearly identified as to that filter's material of construction, thickness, and the wedge angle for wedge filters; and

(F) An interlock shall be provided to prevent irradiation if any filter selection operation carried out in the treatment room does not agree with the filter selection operation carried out at the treatment control panel.

(e) Beam quality. The registrant shall determine, or obtain from the manufacturer, data sufficient to assure that the following beam quality requirements are met:

(i) The absorbed dose resulting from x-rays in a useful electron beam at a point on the central axis of the beam ~~((+0))~~ 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 as a Fraction of Maximum Absorbed Dose
1	0.03
15	0.05
35	0.10
50	0.20

(ii) Compliance with ~~((WAC 402-28-101(2)))~~ ((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 ~~((+5))~~ fifteen centimeters by ~~((+5))~~ fifteen centimeters; and

(C) A phantom whose cross-sectional dimensions exceed the measurement radiation field by at least ~~((5))~~ 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 ~~((WAC 402-28-101(2)))~~ ((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 ~~((WAC 402-28-101 (2)))~~ (e)(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 ~~((+5))~~ fifteen centimeters by ~~((+5))~~ fifteen centimeters.

(v) The registrant shall determine, or obtain from the manufacturer, the maximum percentage absorbed dose due to stray neutrons in the useful beam for specified operating conditions.

(f) Beam monitors. All therapy systems shall be provided with radiation detectors in the radiation head.

(i) New equipment shall be provided with at least two 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 radiation detector. This detector shall be incorporated into a primary system.

(iii) The detectors and system into which 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.

(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 ~~((WAC 402-28-101 (2)))~~ (h) of this subsection shall assure that the malfunctioning of one system shall not affect the correct functioning of the second system. In addition:

(I) The failure of any element common to both systems shall terminate the useful beam.

(II) The failure of any element common to both systems which could affect the correct operation of 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 increasing dose is displayed by increasing numbers and shall be so designed that, in the event of an overdosage of radiation, the absorbed dose may be accurately determined under all normal conditions of use or foreseeable failures.

(G) In the event of power failure, the dose monitoring information required in ~~((WAC 402-28-101 (2)))~~ (h) of this subsection displayed at the control panel at the time of failure shall be retrievable in at least one system.

(g) Beam symmetry.

(i) For new equipment, each therapy machine shall have the capability of comparing the dose rates in each of the four quadrants of the central ~~((80))~~ eighty percent of the useful beam. Beam symmetry information shall be displayed at the treatment control panel, and such display shall be capable of indicating a differential of more than ~~((5))~~ five percent between any two of the quadrant dose rates. Beam asymmetry in excess of ~~((20))~~ twenty percent shall automatically terminate the useful beam.

(ii) Beam symmetry requirements of ~~((WAC 402-28-101 (2)))~~ (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.

(h) 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 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 reinitiated.

(iii) The preselected number of dose monitor units shall be displayed at the treatment control panel until reset manually for the next irradiation.

(i) 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 detected by the system.

(iii) Each secondary system shall terminate irradiation when 102 percent of the preselected number of dose monitor units has been detected by the system.

(iv) For new equipment, indicators on the control panel shall show which monitoring system has terminated the beam.

(j) 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) 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.

(l) 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.

(m) 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 made at the treatment control panel.

(ii) An interlock system shall be provided to insure that the equipment can emit only the 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) An interlock system shall be provided to prevent irradiation with x-rays when electron applicators are fitted and irradiation with electrons when accessories for x-ray therapy are fitted.

(v) The radiation type selected shall be displayed at the treatment control panel before and during irradiation.

(n) 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 made at the treatment control panel.

(ii) An interlock system shall be provided to insure that the equipment can emit only the energy of 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.

(iv) The energy selected shall be displayed at the treatment control panel before and during irradiation.

(o) 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 made at the treatment control panel.

(ii) An interlock system shall be provided to insure that the equipment can operate only in the mode 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.

(iv) An interlock system shall be provided to terminate irradiation if the movement stops during moving beam therapy.

(v) Moving beam therapy shall be so controlled that the required relationship between the number of dose monitor units and movement is obtained.

(vi) The mode of operation shall be displayed at the treatment control panel.

(p) 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.

(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 terminated shall be in a record maintained by the registrant.

(q) 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) System (~~(checking facilities)~~) interlock checks. Capabilities shall be provided so that all 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 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 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 the operator may observe the patient from the treatment control panel. When the viewing system is by electronic means (e.g., television), an alternate viewing system shall be provided for use in the event of failure of the primary system.

(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 entrance shall be provided with warning lights, which will indicate when the useful beam is "on" in a readily observable position near the outside of all access doors.

(vi) Interlocks shall be provided such that all entrance doors shall be closed before treatment can be initiated or continued. If 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 change in the facility or equipment which might cause a significant increase in radiation hazard.

(B) The registrant shall obtain a written report of the survey from the qualified expert and a copy of the report shall be transmitted by the registrant to the department.

(C) The (~~(survey and)~~) 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 (~~(WAC 402-28-101)~~) this section shall be performed before the system is first used for irradiation of patient and thereafter at time intervals which do not exceed ~~((6))~~ six months and after any change which might significantly alter the calibration, spatial distribution, or other characteristics of the therapy beam.

(B) The calibration shall be performed under the direct supervision of a qualified expert.

(C) Calibration of the dose equivalent of the therapy beam shall be performed with a measurement instrument the calibration of which is directly traceable to national standards of exposure or absorbed dose and which shall have been calibrated within the preceding ~~((2))~~ two years.

(D) Calibrations made pursuant to (~~(WAC 402-28-101 (2))~~) (u)(ii) of this subsection shall be such that 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 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.

(IV) The uniformity of the radiation field and its dependency upon the direction of the useful beam.

~~((IV) The calibration determinations above shall be provided in sufficient detail such that the absorbed dose to tissue in the useful beam may be calculated to within + 5 percent.)~~

(F) Records of the calibration performed pursuant to (~~(WAC 402-28-101 (2))~~) (u)(ii) of this subsection shall be maintained by the registrant for ~~((2))~~ two years after completion of the calibration.

(G) A copy of the latest calibration performed pursuant to (~~(WAC 402-28-101 (2))~~) (u)(ii) of this subsection shall be available for use by the operator at the treatment control panel.

(iii) Spot checks. Spot checks shall be performed on the system subject to (~~(WAC 402-28-101)~~) this section. Such spot checks shall meet the following requirements:

(A) The 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 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 tests or measurements are to be performed.

(D) For systems in which 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 or inconsistent with calibration data shall be promptly investigated and corrected before the system is used for patient irradiation.

(G) Whenever 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 (~~(WAC 402-28-101 (2))~~) (u)(ii) of this subsection.

(H) Records of spot check measurements performed pursuant to (~~(WAC 402-28-101 (2))~~) (u)(iii) of this subsection 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 (~~(WAC 402-28-101 (2))~~) (u)(i), (ii), and (iii) of this subsection have been met.

³The radiation detectors specified in (~~(WAC 402-28-101 (2))~~) (f) of this subsection may form part of this system.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-32-020 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 semi-permanently 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 ((~~WAC 402-32-020~~ (2))) (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 ((~~WAC 402-32-020~~)) 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, 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(2) is met.

(b) The following information shall be included for the duration of the patient's stay 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.

(5) Information required by subsection (4)(b)(i) and (ii) of this section shall be permanently retained in the patient's official hospital medical record/chart.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-32-100 SPECIAL REQUIREMENTS FOR TELE-THERAPY LICENSEES. (1) Requirement to perform full calibration requirements of teletherapy units.

(a) Any licensee authorized under WAC 402-22-070 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 ((paragraph)) (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).

(d) The exposure rate or dose rate values determined in ((paragraph)) (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 ((paragraph)) (a) of this subsection and physical decay corrections required by ((paragraph)) (d) of this subsection shall be performed by an expert qualified by training and experience in accordance with ((~~WAC 402-32-100~~)) 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(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 ((paragraph)) (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 ((paragraph)) (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 ((paragraph)) (a) of this subsection shall be performed in accordance with procedures established by an expert qualified by training and experience in accordance with ((~~WAC 402-32-100~~)) 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 ~~((WAC 402-32-100))~~ 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 ~~((WAC 402-32-100))~~ subsection (2) of this section shall be performed using a dosimetry system that has been calibrated in accordance with ~~((paragraph))~~ (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 ~~((paragraph))~~ (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 ~~((WAC 402-32-100))~~ subsection (4) of this section are in addition to those set forth in WAC 402-12-050(41).

(5) Records.

The licensee shall maintain, for inspection by the department, records of the measurements, tests, corrective actions, and instrument calibrations made under ~~((WAC 402-32-100))~~ subsections (1) and (2) of this section and records of the licensee's evaluation of the qualified expert's training and experience made under ~~((WAC 402-32-100))~~ 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.

~~((The licensee shall cause each teletherapy unit used to treat humans to be fully inspected and serviced during source replacement or at intervals not to exceed five years, whichever comes first, to assure proper functioning of the source exposure mechanism.~~

~~((Inspection and servicing of the teletherapy unit shall be performed by persons specifically licensed to do so by the United States Nuclear Regulatory Commission or an agreement state.~~

~~((Amendments to teletherapy licenses in effect as of the effective date of these regulations, which extended the time interval for the inspection and servicing requirement of WAC 402-32-100 (6)(a) shall remain in effect and are not rescinded by this section.)) 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 ~~((WAC 402-32-100))~~ subsection (4) of this section. The request should include the name of the proposed qualified expert, a description of his training and experience including information similar to that specified ~~((in))~~ 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 ~~((10))~~ 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 2026, filed 9/16/83)

WAC 402-34-140 LABORATORY SAFETY. In addition to those requirements found in WAC ~~((402-22-070(7)))~~ 402-22-240 Appendix, 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 2026, filed 9/16/83)

WAC 402-34-210 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 ~~((concentrations below applicable limits contained in chapter 402-24))~~ emissions in accordance with limits specified in chapters 402-24 and 402-80 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 2026, filed 9/16/83)

WAC 402-36-070 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 ~~((6))~~ six months. In the absence of a certificate from a transferor that a test has been made within the ~~((6))~~ 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 (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 ~~((or until the sealed source is transferred or disposed of, whichever comes first))~~.

(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 (5) 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 ((four)) 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."

Chapter 402-38 WAC

RADIATION SAFETY REQUIREMENTS FOR WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES

WAC

402-38-010	Purpose.
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402-38-030	Definitions.
402-38-040	Prohibitions.
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402-38-140	Leak testing of sealed sources.
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402-38-220	Labeling.
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402-38-260	Training requirements.
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402-38-300	Personnel monitoring.
402-38-320	Radioactive contamination control.
402-38-340	Security.
402-38-360	Handling tools.
402-38-380	Subsurface tracer studies.
402-38-400	Radiation surveys.
402-38-420	Documents and records required at field stations.
402-38-440	Documents and records required at temporary job sites.
402-38-500	Notification of incidents, abandonment, and lost sources.

NEW SECTION

WAC 402-38-010 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 WAC.

NEW SECTION

WAC 402-38-025 SCOPE. The regulations in this chapter apply to all licensees who use sources of radiation for wireline service operations, including mineral logging, radioactive markers, uranium sinker bars, or subsurface tracer studies.

NEW SECTION

WAC 402-38-030 DEFINITIONS. As used in this chapter, the following definitions apply:

(1) "Casing" means a metal pipe or tube used as a lining for oil or gas wells to prevent collapse of the well-bore.

(2) "Field station" means a facility where radioactive sources may be stored or used and from which equipment is dispatched to temporary job sites.

(3) "Fresh water aquifer" means a geological formation that is capable of yielding a significant amount of fresh water to a well or spring.

(4) "Injection tool" means a device used for controlled subsurface injection of radioactive tracer material.

(5) "Irretrievable well-logging source" means any sealed source containing licensed material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended.

(6) "Logging assistant" means an individual who assists the logging supervisor in performing the well-logging operations.

(7) "Logging supervisor" means an individual who provides personal supervision of the use of licensed material at the temporary job site and who is responsible to the licensee for assuring compliance with requirements of the department's regulations and the conditions of the license.

(8) "Logging tool" means a device used subsurface to perform well-logging.

(9) "Mineral logging" means any logging performed for the purpose of mineral (including water) exploration other than oil or gas.

(10) "Personal supervision" means guidance and instruction by the supervisor who is physically present at the job site and watching the performance of the operation in such proximity that contact is maintained and immediate assistance given as required.

(11) "Radioactive marker" means licensed material used for the purpose of depth determination or direction orientation. This term includes radioactive collar markers and radioactive iron nails.

(12) "Sealed source" means any licensed material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

(13) "Source holder" means the housing or assembly into which a radioactive source is placed for the purpose of facilitating the handling and use of such source in well-logging operations.

(14) "Subsurface tracer study" means, for the purpose of this chapter, the release of unsealed licensed material or a substance labeled with licensed material in a single well or multiple wells for the purpose of tracing the movement or position of the material or substance in the well-bore or adjacent formation(s) (this term does not include the use of licensed material in field flooding studies).

(15) "Surface casing" means a pipe or tube used as a lining in a well to isolate the fresh water zone from the well.

(16) "Temporary job site" means any location to which radioactive materials have been dispatched or taken to perform wireline service operations or subsurface tracer studies.

(17) "Uranium sinker bar" means a weight containing depleted uranium used for the purpose of providing additional force to pull a logging tool down toward the bottom of a well.

(18) "Well-bore" means any drilled hole in which wireline service operations and/or subsurface tracer studies are performed.

(19) "Well-logging" means the lowering and raising of measuring devices or tools which contain sources of radiation into well-bores or cavities (salt domes, etc.) for the purpose of obtaining information about the well and/or adjacent formations which may be used in oil, gas, mineral or geological explorations.

(20) "Well-logging operation" means any activity involving licensed material performed in a well, including well-logging, mineral logging, subsurface tracer studies, use of radioactive markers, radioactive iron nails, uranium sinker bars, and radioactive sands, and transportation or storage of same.

(21) "Wireline" means a cable containing one or more electrical conductors which is used to lower and raise logging tools in the well-bore.

(22) "Wireline service operation" means any evaluation or mechanical service which is performed in the well-bore using devices containing radioactive material on a wireline.

NEW SECTION

WAC 402-38-040 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 shall be met.

NEW SECTION

WAC 402-38-060 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 and the dose limitation requirements of chapter 402-24 WAC are met.

NEW SECTION

WAC 402-38-080 STORAGE PRECAUTIONS. (1) Each source of radiation, except accelerators, shall be provided with a storage and/or transport container. Such containers shall be utilized. The container shall be provided with a lock (or tamper seal, for calibration sources) to prevent unauthorized removal of, or exposure to, the source(s) of radiation. Such locks shall be used each time the source of radiation is placed in the storage/transport container.

(2) Sources of radiation shall be stored in a manner which will minimize danger from explosion and/or fire.

NEW SECTION

WAC 402-38-100 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.

NEW SECTION

WAC 402-38-120 RADIATION SURVEY INSTRUMENTS. (1) The licensee or registrant shall maintain and use sufficient calibrated and operable radiation survey instruments at each field station and temporary job site to make physical radiation surveys as required. Instrumentation shall be capable of measuring 0.1 milliroentgen per hour through at least 100 milliroentgens per hour.

(2) Each radiation survey instrument shall be calibrated:

(a) At intervals not to exceed six months and after each instrument servicing;

(b) At energies and radiation levels appropriate for use;

(c) At two points located approximately one-third and two-thirds at full scale on each scale (for logarithmic scale, at midrange of each decade, and at two points of at least one decade); and

(d) Such that accuracy within ± 20 percent of the true radiation levels can be demonstrated on each scale.

(3) Each licensee shall have available additional calibrated and operable radiation detection instruments capable of detecting radiation and contamination levels that could be encountered during well-logging operations or during the event of an accident, e.g., an alpha meter in case of Am-241 source rupture, a contamination meter and probe, and a high level meter capable of detecting radiation levels up to at least one roentgen per hour. The licensee may own such instruments or may arrange to obtain them from a second party.

(4) Calibration records shall be maintained for a period of at least three years for inspection by the department.

NEW SECTION

WAC 402-38-140 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.

NEW SECTION

WAC 402-38-160 INVENTORIES. (1) Each licensee shall conduct a physical inventory at intervals not to exceed three months to account for all sources of radiation received and possessed. Records of such inventories shall be maintained for at least two years from the date of the inventory for inspection by the department and shall include the quantities, kinds, and serial numbers of sources of radiation,

the location where such sources of radiation are assigned and/or stored, the date of the inventory, and the name of the individual conducting the inventory.

(2) Spotmarkers containing radioactive material shall be inventoried prior to arrival at a field site and prior to departure. Records of such inventories shall include the quantity and kinds of radioactive material, serial numbers where appropriate, the date and name of the person performing the inventory, and shall be maintained for inspection by the department.

NEW SECTION

WAC 402-38-180 UTILIZATION LOGS/RECORDS. Each licensee shall maintain current records, which shall be kept available for inspection by the department for two years from the date of recorded event, showing the following information for each source of radiation:

(1) Make, model, and serial number of each source of radiation used;

(2) The identity of the well-logging supervisor and logging assistants to whom assigned;

(3) The locations where used and dates of use; and

(4) In the case of tracer materials and/or radioactive markers, the utilization records shall also indicate the radionuclide and quantity of activity used in a particular well.

NEW SECTION

WAC 402-38-200 DESIGN, PERFORMANCE, AND CERTIFICATION CRITERIA FOR SEALED SOURCES USED IN DOWNHOLE OPERATIONS. (1) Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations shall be certified by the manufacturer, or other testing organization acceptable to the department, to meet the following minimum criteria:

(a) Be of doubly encapsulated construction;

(b) Contain radioactive material whose chemical and physical forms are as insoluble and nondispersible, respectively, as practical; and

(c) Has been individually pressure tested to at least 24,656 pounds per square inch absolute (170 MN/m^2) without leakage or failure.

(2) Except those containing radioactive material in gaseous form, in the absence of a certificate from a transferor certifying that an individual sealed source meets the requirements of subsections (1) and (3) of this section, the sealed source shall not be put into use until such determinations and testings have been performed and acceptable documented results obtained.

(3) Each sealed source, except those containing a radioactive material in gaseous form, used in downhole operations shall be certified by the manufacturer, or other testing organization acceptable to the department, to meet the sealed source performance requirements for oil well-logging as contained in the January 1986 or most current American National Standard N542, "Sealed Radioactive Sources, Classification."

(4) Certification documents shall be maintained for inspection by the department for a period of three years after source disposal. If a source is abandoned downhole, the certification documents shall be maintained until the department authorizes disposition.

NEW SECTION

WAC 402-38-220 LABELING. (1) Each source, source holder, or logging tool containing radioactive material shall bear a durable, legible, and clearly visible marking or label which has, as a minimum, the standard radiation caution symbol, with or without the conventional color requirement, and the following wording: "DANGER (or CAUTION) RADIOACTIVE MATERIAL." This labeling shall be on the smallest component transported as a separate piece of equipment.

(2) Each transport container shall have permanently attached to it a durable, legible, and clearly visible label which has, at a minimum, the standard radiation caution symbol and colors and the following wording: "DANGER (or CAUTION) RADIOACTIVE MATERIAL, NOTIFY CIVIL AUTHORITIES IF FOUND."

(3) The licensee may not use a uranium sinker bar in well-logging operations after December 31, 1987, unless it is clearly and legibly impressed with the words "CAUTION-RADIOACTIVE DEPLETED URANIUM" and "NOTIFY CIVIL AUTHORITIES IF FOUND."

NEW SECTION

WAC 402-38-240 INSPECTION AND MAINTENANCE. (1) Each licensee shall conduct a program of visual inspection and maintenance of source holders, logging tools, source handling tools, storage containers, transport containers, injection tools, and sinker bars to ensure that the required labeling is legible and that visual physical damage is absent. The licensee shall perform the visual inspection and maintenance at least every three months. Such inspection and maintenance shall follow the manufacturers recommendations for the equipment involved. Licensees shall maintain records of inspections and maintenance for three years for inspection by the department.

(2) Each licensee shall maintain appropriate copies of manufacturer's operating and maintenance instructions at those locations where such inspection and maintenance is performed.

(3) Each licensee shall inspect the source holders, logging tools, and source handling tools for obvious defects before the equipment is used each day to ensure that the equipment is in good working condition.

(4) If any inspection conducted pursuant to this section reveals damage to the labeling or to components critical for radiation safety, the licensee shall remove the item from service until authorized repairs are made.

(5) Removal of a sealed source from a source holder, and maintenance on sealed sources, holders, or pressure housings in which sealed sources are placed, or on other equipment containing a sealed source may not be performed unless a written instruction has been approved by the department as part of the license application.

(6) If a sealed source is stuck in a source holder or logging tool, the licensee may not perform any operations such as drilling, cutting, or chiseling on the source holder or logging tool, unless it is specifically licensed by the department to perform this operation.

(7) The repair, opening, or modification of any sealed source must be performed only by persons specifically licensed to do so by the department, the United States Nuclear Regulatory Commission, an agreement state, or a licensing state.

NEW SECTION

WAC 402-38-260 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 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 WAC;

(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.

(3) Each licensee shall provide for 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.

NEW SECTION

WAC 402-38-280 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 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.

NEW SECTION

WAC 402-38-300 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 Regulatory Guide 8.20 "Applications of Bioassay for I-125 and I-131."

NEW SECTION

WAC 402-38-320 RADIOACTIVE CONTAMINATION CONTROL. (1) During efforts to recover a sealed source lodged in the well, the licensee shall continuously monitor, with an appropriate radiation detection instrument, the circulating fluids from the well to check for contamination resulting from damage to the sealed source.

(2) If the licensee detects evidence that the sealed source has ruptured or licensed materials have caused contamination, it shall initiate required emergency procedures.

(3) If contamination results from the use of licensed material in well-logging operations, the licensee shall decontaminate all work areas, equipment, and unrestricted areas to levels deemed appropriate by the department.

NEW SECTION

WAC 402-38-340 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).

NEW SECTION

WAC 402-38-360 HANDLING TOOLS. The licensee shall provide and require the use of tools that will assure remote handling of sealed sources other than low activity calibration sources.

NEW SECTION

WAC 402-38-380 SUBSURFACE TRACER STUDIES. (1) Protective gloves and other appropriate protective clothing and equipment shall be used by all personnel handling radioactive tracer material. Adequate precautions shall be taken to avoid ingestion or inhalation of radioactive material, and to avoid contamination of field site stations and temporary job sites.

(2) No licensee shall cause the injection or administration of radioactive material into fresh water aquifers without prior written authorization from the department and any other appropriate state agency.

NEW SECTION

WAC 402-38-400 RADIATION SURVEYS. (1) Radiation surveys shall be made and recorded for each area where radioactive materials are stored at intervals not to exceed six months. In those cases where neutron sources are involved, calculations for dose rate may be substituted for direct measurement.

(2) Radiation surveys shall be made and recorded for the radiation levels in occupied positions and on the exterior of each vehicle used to transport radioactive material. Such surveys shall include each and every source of radiation or combination of sources to be transported in the vehicle. In those cases where neutron sources are involved, calculations for dose rate may be substituted for direct measurement.

(3) After removal of the sealed source from the logging tool and before departing the job site, the logging tool detector shall be energized and/or a survey meter used to assure that the logging tool and all related equipment are free of contamination.

(4) Radiation surveys shall be made and recorded at the job site or well head for each tracer operation, except those using Hydrogen-3, Carbon-14, or Sulfur-35. Such surveys shall include measurements of radiation levels immediately before and after each operation.

(5) If the licensee suspects that, as a result of operations involving a sealed source, the encapsulation of the sealed source could have been damaged by the operation, it shall conduct a radiation survey, including a contamination survey, during and after the operation.

(6) The licensee shall make a radiation survey at the temporary job site for each subsurface tracer study. The survey must include measurement of radiation levels before and after the operation, and measurement of contamination levels after the subsurface tracer study.

(7) Records of surveys required pursuant to this section shall include the dates, the identification of individuals making the survey, the identification of survey instruments used including make, model, serial number and calibration date, and an exact description of the location of the survey with diagram. Records of these surveys shall be maintained for inspection by the department for at least two years after completion of the survey.

NEW SECTION

WAC 402-38-420 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;
- (5) Records of the latest leak test results required pursuant to WAC 402-38-140;
- (6) Records of inventories required pursuant to WAC 402-38-160;
- (7) Utilization records required pursuant to WAC 402-38-180;
- (8) Records of inspection and maintenance required pursuant to WAC 402-38-240;
- (9) Survey records required pursuant to WAC 402-38-400; and
- (10) Training records required pursuant to WAC 402-38-260.

NEW SECTION

WAC 402-38-440 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 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;
- (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.

NEW SECTION

WAC 402-38-500 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 WAC.

(2) The licensee shall immediately notify the state of Washington radiation protection by telephone (206/753-3468) and subsequently within five days by confirmatory letter if it knows or has reason to believe that:

(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:

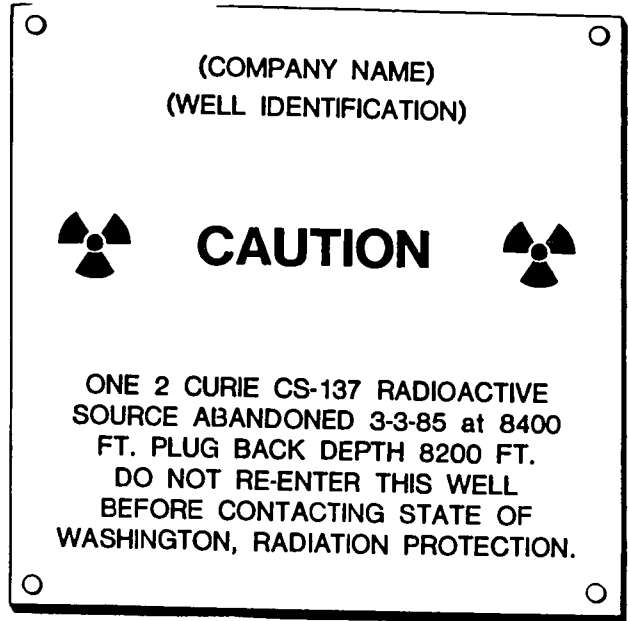
(a) "Do not drill below plug back depth";

(b) "Do not enlarge casing"; and/or

(c) "Do not reenter the hole before contacting the state of Washington radiation control section."

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.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-44-120 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, for restricted areas and WAC 402-24-050, for unrestricted areas.

(2) A registrant as required by WAC 402-24-050 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 Appendix A - Table II, except as authorized pursuant to WAC 402-24-135 or 402-24-050(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.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-48-010 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 WAC. The definitions contained in WAC 402-12-050 also apply to this chapter.

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-48-020 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 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 ~~((violation))~~ noncompliance involving radiological working conditions, proposed imposition of civil penalty, order issued pursuant to chapter 402-12 WAC, or any response from the licensee or registrant.

(2) If posting of a document specified in ~~((WAC 402-48-020))~~ 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 shall conspicuously post pertinent emergency procedures.

(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.

~~((4))~~ (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.

~~((5))~~ (6) Department documents posted pursuant to ~~((WAC 402-48-020))~~ 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 ~~((violation))~~ item(s) of noncompliance has been completed, whichever is later.

AMENDATORY SECTION (Amending Order 2026, filed 9/16/83)

WAC 402-48-040 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, office of radiation ((control-section)) 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 (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. Such report shall be furnished within ~~((30))~~ thirty days from the time the request is made, or within ~~((30))~~ 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 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 and shall include, at a

minimum, the time and date(s) of the incident(s), the dose, the name, Social Security number, and date of birth of the individual(s) involved.

(5) In addition to the requirements of ~~((WAC 402-48-040))~~ 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 1084, filed 1/14/76)

WAC 402-48-070 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 of radiation ((control-unit)) 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 ((control-unit)) protection no later than at the time of inspection except that, upon the request of the worker giving such notice, his 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 ((control-unit)) protection determines that the complaint meets the requirements set forth in ~~((WAC 402-48-070))~~ 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 1084, filed 1/14/76)

WAC 402-48-080 INSPECTIONS NOT WARRANTED—INFORMAL REVIEW. (1) If the department of social and health services, office of radiation ((control-unit)) protection determines, with respect to a complaint under WAC 402-48-070 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 ((control-unit)) protection shall notify the complainant in writing of such determination.

(a) If the complaint resulted from activities concerning naturally occurring, 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 ~~((Supervisor))~~ Assistant Director, Division of Industrial Safety and Health, ~~((P.O. Box 207))~~ 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 inter-agency agreement between the department of labor and industries and the department of social and health services, office of radiation ((control-unit)) 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, 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 of radiation ((control unit)) protection and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

(2) If the office of radiation ((control unit)) protection determines that an inspection is not warranted because the requirements of WAC 402-48-070(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(1).

NEW SECTION

WAC 402-52-050 DEFINITIONS. The following definitions apply to the specified terms as used in this chapter.

(1) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

(2) "Closure" means the activities following operations to decontaminate and decommission the buildings and site used to produce by-product materials and reclaim the tailings and/or waste disposal area.

(3) "Closure plan" means the department approved plan to accomplish closure.

(4) "Compliance period" begins when the department sets secondary groundwater protection standards and ends when the owner or operator's license is terminated and the site is transferred to the state or federal agency for long-term care.

(5) "Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

(6) "Disposal area" means the area containing by-product materials to which the requirements of criterion 6 apply.

(7) "Existing portion" means that land surface area of an existing surface impoundment on which significant quantities of uranium or thorium by-product materials had been placed prior to September 30, 1983.

(8) "Groundwater" means water below the land surface in a zone of saturation.

(9) "Leachate" means any liquid, including any suspended or dissolved components in the liquid, that has percolated through or drained from the by-product material.

(10) "Licensed site" means the area contained within the boundary of a location under the control of persons generating or storing by-product materials under a department license.

(11) "Liner" means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment which restricts the downward or lateral escape of by-product material, hazardous constituents, or leachate.

(12) "Point of compliance" is the site specific location in the uppermost aquifer where the groundwater protection standard must be met.

(13) "Surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well.

(14) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

AMENDATORY SECTION (Amending Order 1683, filed 7/28/81)

WAC 402-52-100 CRITERIA RELATED TO DISPOSITION OF URANIUM MILL TAILINGS OR WASTES. As used in this section, the term "as low as reasonably achievable" has the same

meaning as in WAC 402-10-010. The term by-product material has the same meaning as WAC 402-12-050 (6)(b).

As required by WAC 402-22-150(6), each applicant for a license to possess and use source material in conjunction with uranium or thorium milling, or by-product material at sites formerly associated with such milling, is required to include in a license application proposed specifications relating to the milling operation and the disposition of tailings or waste resulting from such milling activities. This section establishes criteria relating to the siting, operation, decontamination, decommissioning, and reclamation of mills and tailings or waste systems and sites at which such mills and systems are located and site and by-product material ownership. Applications must clearly demonstrate how these criteria have been addressed. The specifications shall be developed considering the expected full capacity of tailings or waste systems and the lifetime of mill operations. Where later expansions of systems or operations may be likely, the ((amendability)) amenability of the disposal system to accommodate increased capacities without degradation in long-term stability and other performance factors shall be evaluated.

Licensees or applicants may propose alternatives to the specific requirements in these criteria. The alternative proposals may take into account local or regional conditions, including geology, topography, hydrology, and meteorology. The department may find that the proposed alternatives meet the department's requirements if the alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with the sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by the requirements of the standards promulgated by the United States Environmental Protection Agency in 40 CFR 192, Subparts D and E.

(1) Criterion 1 - In selecting among alternative tailings disposal sites or judging the adequacy of existing tailings sites, the following site features which would assure meeting the broad objective of isolating the tailings and associated contaminants from man and the environment ((in the short term and for thousands of years)) for one thousand years to the extent reasonably achievable, and in any case, for at least two hundred years without ongoing active maintenance shall be considered:

(a) Remoteness from populated areas;

(b) Hydrogeologic and other environmental conditions conducive to continued immobilization and isolation of contaminants from ((usable)) groundwater sources; and

(c) Potential for minimizing erosion, disturbance, and dispersion by natural forces over the long term.

In the selection of disposal sites, primary emphasis shall be given to isolation of tailings or wastes, a matter having long-term impacts, as opposed to consideration only of short-term convenience or benefits, such as minimization of transportation or land acquisition costs. While isolation of tailings will be a function of both site characteristics and engineering design, overriding consideration shall be given to siting features given the long-term nature of the tailings hazards.

Tailings shall be disposed in a manner such that no active maintenance is required to preserve the condition of the site.

(2) Criterion 2 - To avoid proliferation of small waste disposal sites, by-product material from in-situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote above ground extraction operations shall preferably be disposed at existing large mill tailings disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity and the costs and environmental impacts of transporting the wastes to a large disposal site, such offsite disposal is demonstrated to be impracticable or the advantage of onsite burial clearly outweigh the benefits of reducing the perpetual surveillance obligations.

(3) Criterion 3 - The "prime option" for disposal of tailings is placement below grade, either in mines or specially excavated pits (that is, when the need for any specially constructed retention structure is eliminated).

The evaluation of alternative sites and disposal methods performed by mill operators in support of their proposed tailings disposal program (provided in applicants' environmental reports) shall reflect serious consideration of this disposal mode. In some instances, below-grade disposal may not be the most environmentally sound approach, such as might be the case if a ((high quality)) groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Also, geologic and topographic conditions might make full,

below-grade burial impracticable; for example, ~~((bedrock may be sufficiently near the surface that blasting would be required to excavate a disposal pit at excessive cost, and))~~ near-surface bedrock could create prominent excavation costs while more suitable alternate sites ~~((are not))~~ may be available. Where full below-grade burial is not practicable, the size of the retention structures, and the size and steepness of slopes of associated exposed embankments, shall be minimized by excavation to the maximum extent reasonably achievable or appropriate, given the geologic and hydrogeologic conditions at a site. In these cases, it must be demonstrated that an above-grade disposal program will provide reasonably equivalent isolation of the tailings from natural erosional forces.

(4) Criterion 4 - The following site and design criteria shall be adhered to whether tailings or wastes are disposed of above or below grade:

(a) Upstream rainfall catchment areas must be minimized to decrease erosion potential and the size of the probable maximum ~~((possible))~~ flood which could erode or wash out sections of the tailings disposal area.

(b) Topographic features shall provide good wind protection.

(c) Embankment and cover slopes shall be relatively flat after final stabilization to minimize erosion potential and to provide conservative factors of safety assuring long-term stability. The broad objective should be to contour final slopes to grades which are as close as possible to those which would be provided if tailings were disposed of below grade; this could, for example, lead to slopes of about ~~((+))~~ ten horizontal to ~~((+))~~ one vertical (10h:1v) or less steep. In general, slopes should not be steeper than about 5h:1v. Where steeper slopes are proposed, reasons why a slope less steep than 5h:1v would be impracticable should be provided, and compensating factors and conditions which make such slopes acceptable should be identified.

(d) A fully self-sustaining vegetative cover shall be established or rock cover employed to reduce wind and water erosion to negligible levels.

Where a full vegetative cover is not likely to be self-sustaining due to climatic conditions, such as in semiarid and arid regions, rock cover shall be employed on slopes of the impoundment system.

The following factors shall be considered in establishing the final rock cover design to avoid displacement of rock particles by human and animal traffic or by natural processes, and to preclude undercutting and piping:

(i) Shape, size, composition, gradation of rock particles (excepting bedding material, average particle size shall be at least cobble size or greater);

(ii) Rock cover thickness and zoning of particles by size; and

(iii) Steepness of underlying slopes.

(e) Individual rock fragments shall be dense, sound, and resistant to abrasion, and free from defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used. Shale, rock laminated with shale, and cherts shall not be used.

Rock covering of slopes may not be required where top covers are on the order of ~~((+))~~ ten meters or greater; impoundment slopes are on the order of 10h:1v or less; bulk cover materials have inherently favorable erosion resistance characteristics; and there is negligible drainage catchment area upstream of the pile, and there is good wind protection as described in ~~((points))~~ (a) and (b) of this ~~((criterion))~~ subsection.

(f) Impoundment surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope gradient. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with substantial rock cover (riprap). In addition to providing for stability of the impoundment systems itself, the overall stability, erosion potential, and geomorphology of surrounding terrain shall be evaluated to assure that there are no processes, such as gully erosion, which would lead to impoundment instability.

~~((+))~~ (g) The impoundment shall not be located near a capable fault that could cause a maximum credible earthquake larger than that which the impoundment could reasonably be expected to withstand. As used in this criterion, the term "capable fault" has the same meaning as defined in Section III (g) of Appendix A of 10 CFR Part 100. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.

~~((ff))~~ (h) The impoundment, where feasible, should be designed to incorporate features which will promote deposition of suspended particles. For example, design features which promote deposition of sediment suspended in any runoff which flows into the impoundment area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.

(5) Criterion 5 - ~~((Steps shall be taken to reduce seepage of toxic materials into groundwater to the maximum extent reasonably achievable. Any seepage which does occur shall not result in deterioration of groundwater quality. Any existing groundwater supplies shall be protected from any deterioration in their current or potential use. The following steps shall be considered to accomplish this criterion:~~

(a) Installation of low permeability bottom liners (where synthetic liners are used, a leakage detection system shall be installed immediately below the liner to ensure major failures are detected if they occur. This is in addition to the groundwater monitoring program conducted as provided in criterion 7 WAC 402-52-100(7). Where clay liners are proposed or relatively thin in-situ clay soils are to be relied upon for seepage control, tests shall be conducted with representative tailings solutions and clay materials to confirm that no significant deterioration of permeability or stability properties will occur with continuous exposure of clay to tailings solutions. Tests shall be run for a sufficient period of time to reveal any effects if they are going to occur (in some cases, deterioration has been observed to occur rather rapidly after about nine months of exposure).

(b) Mill process design which provides the maximum practicable recycle of solutions and conservation of water to reduce the net input of liquid to the tailings impoundment.

(c) Dewatering of tailings by process devices and/or in-situ drainage system. At new sites, tailings shall be dewatered by a drainage system installed at the bottom of the impoundment to lower the phreatic surface and reduce the driving head for seepage, unless tests show tailings are not amenable to such a system. Where in-situ dewatering is to be conducted, the impoundment bottom shall be graded to assure that the drains are at a low point. The drains shall be protected by suitable filter materials to assure that drains remain free running. The drainage system shall also be adequately sized to assure good drainage.

(d) Neutralization to prevent movement of toxic substances.

Where groundwater is affected at an existing site due to seepage, action shall be taken to alleviate conditions that lead to excessive seepage and restore groundwater to its quality before milling operations began to the maximum extent practicable. The specific seepage control and groundwater protection method, or combination of methods, to be used must be worked out on a site-specific basis. Technical specifications shall be prepared to control installation of seepage control systems. A quality assurance, testing, and inspection program, which includes supervision by a qualified engineer or geologist, shall be established to assure that specification is met.

While the primary method of protecting groundwater shall be isolation of tailings and tailings solutions, disposal involving contact with groundwater will be considered provided supporting tests and analysis are presented demonstrating that the proposed disposal and treatment methods will not degrade groundwater from current or potential uses.

Furthermore, steps shall be taken during stockpiling of ore to minimize penetration of radionuclides into underlying soils; suitable methods include lining and/or compaction of ore storage areas.

In support of a tailings disposal system proposal, the applicant/operator shall supply information concerning the following:

(e) The chemical and radioactive characteristics of the waste solutions:

(f) The characteristics of the underlying soil and geologic formations particularly the extent to which they will control transport of contaminants and solutions. This shall include detailed information concerning extent, thickness, uniformity, shape, and orientation of underlying strata. Hydraulic gradients and conductivities of the various formations shall be determined.

This information shall be gathered by borings and field survey methods taken within the proposed impoundment area and in surrounding areas where contaminants might migrate to usable groundwater. The information gathered on borings shall include both geologic and geophysical logs in sufficient number and degree of sophistication to allow determining significant discontinuities, fractures, and channelled deposits which are of high hydraulic conductivity. If field survey methods are used, they should be in addition to and calibrated with borehole logging. Hydrologic parameters such as permeability shall not be determined on the basis of laboratory analysis of

samples alone; a sufficient amount of field testing (e.g., pump tests) shall be conducted to assure actual field properties are adequately understood. Testing shall be conducted to allow estimating chemisorption attenuation properties of underlying soil and rock.

(g) Location, extent, quality, and capacity of any groundwater at and near the site.) criteria 5(a) through 5(g) and new criterion 9 incorporate the basic groundwater protection standards imposed by the United States Environmental Protection Agency in 40 CFR Part 192, Subparts D and E (48 FR 45926; October 7, 1983) which apply during operations and prior to the end of closure. Groundwater monitoring to comply with these standards is required by this criterion.

(a) The primary groundwater protection standard is a design standard for surface impoundments used to manage uranium and thorium by-product material. Surface impoundments (except for an existing portion) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil, groundwater, or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil, groundwater, or surface water) during the active life of the facility, provided that impoundment closure includes removal or decontamination of all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate. For impoundments that will be closed with the liner material left in place, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility.

(b) The liner required by (a) of this subsection must be:

(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(iii) Installed to cover all surrounding earth likely to be in contact with the wastes or leachate.

(c) The applicant or licensee will be exempted from the requirements of (a) of this subsection if the department finds, based on a demonstration by the applicant or licensee, that alternate design and operating practices together with site characteristics will prevent the migration of any hazardous constituents into groundwater or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

(d) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave actions; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

(e) When dikes are used to form the surface impoundment, the dikes must be designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the impoundment.

(f) Uranium and thorium by-product materials must be managed to conform to the following secondary groundwater protection standard: Hazardous constituents entering the groundwater from a licensed site must not exceed the specified concentration limits in the uppermost aquifer beyond the point of compliance during the compliance period. Hazardous constituents are those constituents identified by the department pursuant to (g) of this subsection. Specified concentration limits are those limits established by the department as indicated in (j) of this subsection. The department will also establish the point of compliance and compliance period on a site specific basis through license

conditions and orders. The objective in selecting the point of compliance is to provide the earliest practicable warning that the impoundment is releasing hazardous constituents to the groundwater. The point of compliance must be selected to provide prompt indication of groundwater contamination on the hydraulically downgradient edge of the disposal area. The department must identify hazardous constituents, establish concentration limits, set the compliance period, and adjust the point of compliance, if needed, when the detection monitoring established under criterion 7 indicates leakage of hazardous constituents from the disposal area.

(g) A constituent becomes a hazardous constituent subject to (j) of this subsection when the constituent:

(i) Is reasonably expected to be in or derived from the by-product material in the disposal area;

(ii) Has been detected in the groundwater in the uppermost aquifer; and

(iii) Is listed in WAC 402-52-300 Appendix A.

(h) The department may exclude a detected constituent from the set of hazardous constituents on a site specific basis if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to exclude constituents, the department will consider the following:

(i) Potential adverse effect on groundwater quality, considering —
(A) The physical and chemical characteristics of the waste in the licensed site, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering —

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(i) In making any determinations under (h) and (k) of this subsection about the use of groundwater in the area around the facility, the department will consider any identification of underground sources of drinking water and exempted aquifers made by the United States Environmental Protection Agency.

(j) At the point of compliance, the concentration of a hazardous constituent must not exceed —

(i) The department approved background concentration of that constituent in the groundwater;

(ii) The respective value given in the table in subsection (5)(l) of this section if the constituent is listed in the table and if the background level of the constituent is below the value listed; or

(iii) An alternate concentration limit established by the department.

(k) The department will establish a site specific alternate concentration limit for a hazardous constituent as provided in (j) of this subsection if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will apply its as low as reasonably

achievable criterion in this chapter. The department will also consider the following factors:

- (i) Potential adverse effects on groundwater quality, considering —
 - (A) The physical and chemical characteristics of the waste in the licensed site including its potential for migration;
 - (B) The hydrogeological characteristics of the facility and surrounding land;
 - (C) The quantity of groundwater and the direction of groundwater flow;
 - (D) The proximity and withdrawal rates of groundwater users;
 - (E) The current and future uses of groundwater in the area;
 - (F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;
 - (G) The potential for health risks caused by human exposure to waste constituents;
 - (H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
 - (I) The persistence and permanence of the potential adverse effects.
- (ii) Potential adverse effects on hydraulically-connected surface water quality, considering —
 - (A) The volume and physical and chemical characteristics of the waste in the licensed site;
 - (B) The hydrogeological characteristics of the facility and surrounding land;
 - (C) The quantity and quality of groundwater, and the direction of groundwater flow;
 - (D) The patterns of rainfall in the region;
 - (E) The proximity of the licensed site to surface waters;
 - (F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
 - (G) The existing quality of surface water including other sources of contamination and the cumulative impact on surface water quality;
 - (H) The potential for health risks caused by human exposure to waste constituents;
 - (I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
 - (J) The persistence and permanence of the potential adverse effects.

(I) MAXIMUM VALUES FOR GROUNDWATER PROTECTION:

Constituent or Property	Maximum Concentration
Milligrams per liter	
Arsenic.....	0.05
Barium.....	1.0
Cadmium.....	0.01
Chromium.....	0.05
Lead.....	0.05
Mercury.....	0.002
Selenium.....	0.01
Silver.....	0.05
Endrin (1,2,3,4,10,10-hexachloro-1,7-epoxy-1,4,4a,5,6,7,8,9a-octahydro-1,4-endo,endo-5,8-dimethano naphthalene).....	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer).....	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis(p-methoxyphenylethane).....	0.1
Toxaphene (C ₁₀ H ₁₀ Cl ₆ , Technical chlorinated camphene, 67-69 percent chlorine).....	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid).....	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid).....	0.01
Picocuries per liter	
Combined radium - 226 and radium - 228.....	5
Gross alpha - particle activity (excluding radon and uranium when producing uranium by-product material or thorium when producing thorium by-product material).....	15

(m) If the groundwater protection standards established under (f) of this subsection are exceeded at a licensed site, a corrective action program must be put into operation as soon as is practicable, and in no event later than eighteen months after the department finds that the

standards have been exceeded. The licensee shall submit the proposed corrective action program and supporting rationale for department approval prior to putting the program into operation, unless otherwise directed by the department. The objective of the program is to return hazardous constituent concentration levels in groundwater to the concentration limits set as standards. The licensee's proposed program must address removing the hazardous constituents that have entered the groundwater at the point of compliance or treating them in place. The program must also address removing or treating in place any hazardous constituents that exceed concentration limits in groundwater between the point of compliance and the downgradient facility property boundary. The licensee shall continue corrective action measures to the extent necessary to achieve and maintain compliance with the groundwater protection standard. The department will determine when the licensee may terminate corrective action measures based on data from the groundwater monitoring program and other information that provide reasonable assurance that the groundwater protection standard will not be exceeded.

(n) In developing and conducting groundwater protection programs, applicants and licensees shall also consider the following:

(i) Installation of bottom liners (where synthetic liners are used, a leakage detection system must be installed immediately below the liner to ensure major failures are detected if they occur. This is in addition to the groundwater monitoring program conducted as provided in this criterion. Where clay liners are proposed or relatively thin, in-situ clay soils are to be relied upon for seepage control, tests must be conducted with representative tailings solutions and clay materials to confirm that no significant deterioration of permeability or stability properties will occur with continuous exposure of clay to tailings solutions. Tests must be run for a sufficient period of time to reveal any effects if they are going to occur (in some cases deterioration has been observed to occur rather rapidly after about nine months of exposure)).

(ii) Mill process designs which provide the maximum practicable recycle of solutions and conservation of water to reduce the net input of liquid to the tailings impoundment.

(iii) Dewatering of tailings by process devices and/or in-situ drainage systems (at new sites, tailings must be dewatered by a drainage system installed at the bottom of the impoundment to lower the phreatic surface and reduce the driving head of seepage, unless tests show tailings are not amenable to such a system. Where in-situ dewatering is to be conducted, the impoundment bottom must be graded to assure that the drains are at a low point. The drains must be protected by suitable filter materials to assure that drains remain free running. The drainage system must also be adequately sized to assure good drainage).

(iv) Neutralization to promote immobilization of hazardous constituents.

(o) Where groundwater impacts are occurring at an existing site due to seepage, action must be taken to alleviate conditions that lead to excessive seepage impacts and restore groundwater quality. The specific seepage control and groundwater protection method, or combination of methods, to be used must be worked out on a site-specific basis. Technical specifications must be prepared to control installation of seepage control systems. A quality assurance, testing, and inspection program, which includes supervision by a qualified engineer or scientist, must be established to assure the specifications are met.

(p) In support of a tailings disposal system proposal, the applicant/operator shall supply information concerning the following:

(i) The chemical and radioactive characteristics of the waste solutions.

(ii) The characteristics of the underlying soil and geologic formations particularly as they will control transport of contaminants and solutions. This includes detailed information concerning extent, thickness, uniformity, shape, and orientation of underlying strata. Hydraulic gradients and conductivities of the various formations must be determined. This information must be gathered from borings and field survey methods taken within the proposed impoundment area and in surrounding areas where contaminants might migrate to groundwater. The information gathered on boreholes must include both geologic and geophysical logs in sufficient number and degree of sophistication to allow determining significant discontinuities, fractures, and channeled deposits of high hydraulic conductivity. If field survey methods are used, they should be in addition to and calibrated with borehole logging. Hydrologic parameters such as permeability may not be determined on the basis of laboratory analysis of samples alone; a sufficient amount of field testing (e.g., pump tests) must be conducted to assure actual field properties are adequately understood. Testing must be

conducted to allow estimating chemi-sorption attenuation properties of underlying soil and rock.

(iii) Location, extent, quality, capacity and current uses of any groundwater at and near the site.

(g) Steps must be taken during stockpiling of ore to minimize penetration of radionuclides into underlying soils; suitable methods include lining and/or compaction of ore storage areas.

(6) Criterion 6 - ((Sufficient earth cover, but not less than three meters, shall be placed over tailings or wastes at the end of milling operations to result in a calculated reduction in surface exhalation of radon emanating from the tailings or wastes to less than two picocuries per square meter per second)) (a) In cases where waste by-product material is to be permanently disposed, an earthen cover shall be placed over tailings or wastes at the end of the milling operations and the waste disposal area shall be closed in accordance with a design which shall provide reasonable assurance of control of radiological hazard to:

(i) Be effective for one thousand years, to the extent reasonably achievable, and, in any case, for at least two hundred years; and

(ii) Limit releases of Radon-222 from uranium by-product materials, and Radon-220 from thorium by-product materials, to the atmosphere so as to not exceed an average² release rate of twenty picocuries per square meter per second (pCi/m²/s). In computing required tailings cover thicknesses, moisture in soils in excess of amounts found normally in similar soils in similar circumstances shall not be considered. Direct gamma exposure from the tailings or wastes should be reduced to background levels. The effects of any thin synthetic layer shall not be taken into account in determining the calculated radon exhalation level. If nonsoil materials are proposed ((to reduce tailings covers to less than three meters)) as cover materials, it must be demonstrated that such materials will not crack or degrade by differential settlement, weathering, or other mechanism over long term time intervals.

(b) Near surface materials (i.e., within the top three meters) shall not include mine waste or rock that contains elevated levels of radium; soils used for near surface cover must be essentially the same, as far as radioactivity is concerned, as that of surrounding soils.

(c) The design requirements in this criterion for longevity and control of radon releases shall apply to any portion of a licensed and/or disposal site unless such portion contains a concentration of radium in land, averaged over areas of one hundred square meters, which, as a result of by-product material does not exceed the background level by more than:

(i) Five picocuries per gram (pCi/g) of Radium-226, or, in the case of thorium by-product material, Radium-228, averaged over the first fifteen centimeters below the surface; and

(ii) Fifteen pCi/g of Radium-226, or, in the case of thorium by-product material, Radium-228, averaged over fifteen centimeters thick layers more than fifteen centimeters below the surface.

(d) The licensee must also address the nonradiological hazards associated with the wastes in planning and implementing closure. The licensee shall ensure that disposal areas are closed in a manner that minimizes the need for further maintenance. To the extent necessary to prevent threats to human health and the environment, the licensee shall control, minimize, or eliminate post-closure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to the ground or surface waters or to the atmosphere.

Footnotes:

¹ The standard applies to design. Monitoring for radon after installation of an appropriately designed cover is not required.

² This average shall apply to the entire surface of each disposal area over periods of at least one year, but short compared to one hundred years. Radon will come from both uranium by-product materials and from covering material. Radon envisions from covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from by-product materials to the atmosphere.

(7) Criterion 7 - Milling operations shall be conducted so that all airborne effluent releases are reduced to as low as is reasonably achievable. The primary means of accomplishing this shall be by means of emission controls. Institutional controls, such as extending the site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding

the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. The greatest potential sources of offsite radiation exposure (aside from radon exposure) are dusting from dry surfaces of the tailings disposal area not covered by tailings solution and emissions from yellowcake drying and packaging operations. During operations and prior to closure, radiation doses from radon emissions from surface impoundments shall be kept as low as is practicable. Checks shall be made and logged hourly of all parameters (e.g., differential pressure and scrubber water flow rate) which determine the efficiency of yellowcake stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency; corrective action shall be taken when performance is outside of prescribed ranges. Effluent control devices shall be operative at all times during drying and packaging operations and whenever air is exhausting from the yellowcake stack.

Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations shall cease as soon as practicable.

Operations may not be restarted after cessation due to off-normal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and restarts shall be reported to the agency in writing, within ((+)) ten days of the subsequent restart.

To control dusting from tailings, that portion not covered by standing liquids shall be wetted or chemically stabilized to prevent or minimize blowing and dusting to the maximum extent reasonably achievable. This requirement may be relaxed if tailings are effectively sheltered from wind, such as may be the case where they are disposed of below grade and the tailings surface is not exposed to wind. Consideration shall be given in planning tailings disposal programs to methods which would allow phased covering and reclamation of tailings impoundments since this will help in controlling particulate and radon emissions during operation. To control dustings from diffuse sources, such as tailings and ore pads where automatic controls do not apply, operators shall develop written operating procedures specifying the methods of control which will be utilized.

Milling operations producing or involving thorium by-product material shall be conducted in such a manner as to provide reasonable assurance that the annual dose equivalent does not exceed twenty-five millirems to the whole body, seventy-five millirems to the thyroid, and twenty-five millirems to any other organ of any member of the public as a result of exposures to the planned discharge of radioactive materials, Radon-220 and its daughters excepted, to the general environment.

Uranium and thorium by-product materials shall be managed so as to conform to the applicable provisions of Title 40 of the Code of Federal Regulations, Part 440, Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory, as codified on January 1, 1983.

The licensee shall establish a detection monitoring program needed to establish the groundwater protection standards in subsection (5)(f) of this section. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under subsection (5)(f) of this section. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to subsection (5)(f) of this section, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the

standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

(8) Criterion 8 - These criteria relating to ownership of tailings and their disposal sites become effective on November 8, 1981, and apply to all licenses terminated, issued, or renewed after that date.

Any uranium or thorium milling license or tailings license shall contain such terms and conditions as the United States ((NRC)) Nuclear Regulatory Commission determines necessary to assure that prior to termination of the license, the licensee will comply with ownership requirements of this criterion for sites used for tailings disposal.

Title to the by-product material licensed pursuant to WAC 402-22-150 and land, including any interests therein (other than land owned by the United States or by a state) which is used for the disposal of any such by-product material, or is essential to ensure the long term stability of such disposal site, shall be transferred to the United States or the state. In view of the fact that physical isolation must be the primary means of long term control, and government land ownership is a desirable supplementary measure, ownership of certain severable subsurface interests (for example, mineral rights) may be determined to be unnecessary to protect the public health and safety and the environment. In any case, however, the applicant/operator must demonstrate a serious effort to obtain such subsurface rights, and must, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to either a United States ((NRC)) Nuclear Regulatory Commission general or specific license prohibiting the disruption and disturbance of the tailings. In some rare cases, such as may occur with deep burial where no ongoing site surveillance will be required, surface land ownership transfer requirements may be waived. For licenses issued before November 8, 1981, the United States Nuclear Regulatory Commission may take into account the status of the ownership of such land, and interests therein, and the ability of a licensee to transfer title and custody thereof to the United States or the state.

(9) Criterion 9 - Secondary groundwater protection standards required by subsection (5) of this section are concentration limits for individual hazardous constituents. The list of constituents found in Appendix A identifies the constituents for which standards must be set and complied with if the specific constituent is reasonably expected to be in or derived from the by-product material and has been detected in groundwater. For purposes of this criterion, the property of gross alpha activity will be treated as if it is a hazardous constituent. Thus, when setting standards under subsection (5)(j) of this section, the department will also set a limit for gross alpha activity.

NEW SECTION

WAC 402-52-300 APPENDIX A.

Hazardous Constituents

Acetonitrile (Ethanenitrile)
 Acetophenone (Ethanone, 1-phenyl)
 3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts (Warfarin)
 2-Acetylaminofluorene (Acetamide, N-(9H-fluorene-2-yl)-)
 Acetyl chloride (Ethanoyl chloride)
 1-Acetyl-2-thiourea (Acetamide, N-(aminothioxomethyl)-)
 Acrolein (2-Propenal)
 Acrylamide (2-Propenamide)
 Acrylonitrile (2-Propenenitrile)
 Aflatoxins
 Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,8b-hexahydro-endo, exo-1,4,5,8-Dimethanonaphthalene)
 Allyl alcohol (2-Propen-1-ol)
 Aluminum phosphide
 4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)
 6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methyl-carbamate azirino[2',3':3,4] pyrrolo [1,2-a] indole-4,7-dione, (ester) (Mitomycin C) (Azirino[2'3':3,4] pyrrolo (1,2-a) indole-4,7-dione, 6-amino-8-((amino-carbonyloxy)methyl)-1, 1a, 2, 8, 8a, 8b-hexahydro-8a methoxy-5-methyl-)
 5-(Aminomethyl)-3-isoxazolol (3(2H)-Isoxazolone, 5-(aminomethyl)-) 4-Aminopyridine (4-Pyridinamine)

Hazardous Constituents

Amitrole (1H-1,2,4-Triazol-3-amine)
 Aniline (Benzenamine)
 Antimony and compounds, N.O.S.*
 Aramite (Sulfurous acid, 2-chloroethyl-, 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester)
 Arsenic and compounds, N.O.S.*
 Arsenic acid (Orthoarsenic acid)
 Arsenic pentoxide (Arsenic (V) oxide)
 Arsenic trioxide (Arsenic (III) oxide)
 Auramine (Benzenamine, 4,4'-carbonimidoylbis [N,N-Dimethyl-, monohydrochloride)
 Azaserine (L-Serine, diazoacetate (ester))
 Barium and compounds, N.O.S.*
 Barium cyanide
 Benz[c]acridine (3,4-Benzacridine)
 Benz[a]anthracene (1,2-Benzanthracene)
 Benzene (Cyclohexatriene)
 Benzenearsonic acid (Arsonic acid, phenyl-)
 Benzene, dichloromethyl- (Benzal chloride)
 Benzenethiol (Thiophenol)
 Benzidine ([1,1'-Biphenyl]-4,4'-diamine)
 Benzo[b]fluoranthene (2,3-Benzofluoranthene)
 Benzo[j]fluoranthene (7,8-Benzofluoranthene)
 Benzo[a]pyrene (3,4-Benzopyrene)
 p-Benzoquinone (1,4-Cyclohexadienedione)
 Benzotrifluoride (Benzene, trifluoromethyl)
 Benzyl chloride (Benzene, (chloromethyl)-)
 Beryllium and compounds, N.O.S.*
 Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])
 Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])
 N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)
 Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])
 Bis(chloromethyl) ether (Methane, oxybis[chloro-])
 Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)
 Bromoacetone (2-Propanone, 1-bromo-)
 Bromomethane (Methyl bromide)
 4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)
 Brucine (Strychnidin-10-one, 2,3-dimethoxy-)
 2-Butanone peroxide (Methyl ethyl ketone, peroxide)
 Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)
 2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methyl-propyl)-)
 Cadmium and compounds, N.O.S.*
 Calcium chromate (Chromic acid, calcium salt)
 Calcium cyanide
 Carbon disulfide (Carbon bisulfide)
 Carbon oxyfluoride (Carbonyl fluoride)
 Chloral (Acetaldehyde, trichloro-)
 Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)
 Chlordane (alpha and gamma isomers) (4,7-Methanoindan, 1, 2, 4, 5, 6, 7, 8, 8-octachloro-3, 4, 7, 7a-tetrahydro-) (alpha and gamma isomers)
 Chlorinated benzenes, N.O.S.*
 Chlorinated ethane, N.O.S.*
 Chlorinated fluorocarbons, N.O.S.*
 Chlorinated naphthalene, N.O.S.*
 Chlorinated phenol, N.O.S.*
 Chloroacetaldehyde (Acetaldehyde, chloro-)
 Chloroalkyl ethers, N.O.S.*
 p-Chloroaniline (Benzenamine, 4-chloro-)
 Chlorobenzene (Benzene, chloro-)
 Chlorobenzilate (Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester)
 p-Chloro-m-cresol (Phenol, 4-chloro-3-methyl)
 1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)
 2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)
 Chloroform (Methane, trichloro-)
 Chloromethane (Methyl chloride)
 Chloromethyl methyl ether (Methane, chloromethoxy-)
 2-Chloronaphthalene (Naphthalene, betachloro-)
 2-Chlorophenol (Phenol, o-chloro-)
 1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)

Hazardous Constituents

3-Chloropropionitrile (Propanenitrile, 3-chloro-)
 Chromium and compounds, N.O.S.*
 Chrysene (1,2-Benzphenanthrene)
 Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
 Coal tars
 Copper cyanide
 Creosote (Creosote, wood)
 Cresols (Cresylic acid) (Phenol, methyl-)
 Crotonaldehyde (2-Butenal)
 Cyanides (soluble salts and complexes), N.O.S.*
 Cyanogen (Ethanedinitrile)
 Cyanogen bromide (Bromide cyanide)
 Cyanogen chloride (Chlorine cyanide)
 Cycasin(beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
 Cyclophosphamide (2H-1,3,2, -Oxazaphosphorine, [bis(2-chloroethyl) amino]-tetrahydro-,2-oxide)
 Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
 DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)
 DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
 DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
 Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
 Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
 Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
 Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
 7H-Dibenzof[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
 Dibenz[a,e]pyrene (1,2,4,5-Dibenzpyrene)
 Dibenz[a,h]pyrene (1,2,5,6-Dibenzpyrene)
 Dibenz[a,i]pyrene (1,2,7,8-Dibenzpyrene)
 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
 1,2-Dibromoethane (Ethylene dibromide)
 Dibromomethane (Methylene bromide)
 Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
 o-Dichlorobenzene (Benzene, 1,2-dichloro-)
 m-Dichlorobenzene (Benzene, 1,3-dichloro-)
 p-Dichlorobenzene (Benzene, 1,4-dichloro-)
 Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
 1,4-Dichloro-2-butene (2-Butene, 1,4-dichloro-)
 Dichlorodifluoromethane (Methane, dichlorodifluoro-)
 1,1-Dichloroethane (Ethylidene dichloride)
 1,2-Dichloroethane (Ethylene dichloride)
 trans-1,2-Dichloroethene (1,2-Dichloroethylene)
 Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
 Dichloromethane (Methylene chloride)
 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
 2,6-Dichlorophenol (Phenol, 2,6-dichloro-)
 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
 Dichlorophenylarsine (Phenyl dichloroarsine)
 Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
 1,2-Dichloropropane (Propylene dichloride)
 Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
 Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
 1,3-Dichloropropene (1-Propene, 1,3-dichloro-)
 Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)
 1,2:3,4-diepoxybutane (2,2'-Bioxirane)
 Diethylarsine (Arsine, diethyl-)
 N,N-Diethylhydrazine (Hydrazine, 1,2-diethyl)
 O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)
 O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)
 Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)
 O,O-Diethyl O-2-pyrazinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)
 Diethylstilbestrol (4,4'-Stilbenediol, alpha, alpha-diethyl, bis(dihydrogen phosphate, (E)-)
 Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)

Hazardous Constituents

3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
 Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)
 Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-)
 p-Methylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenyl-lazo)-)
 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)
 3,3'-Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
 Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)
 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)
 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)
 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl] oxime (Thiofanox)
 alpha, alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl-)
 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)
 Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)
 Dimethyl sulfate (Sulfuric acid, dimethyl ester)
 Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*)
 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)
 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)
 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)
 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)
 Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)
 1,4-Dioxane (1,4-Diethylene oxide)
 Diphenylamine (Benzenamine, N-phenyl-)
 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)
 Di-n-propylnitrosamine (N-Nitroso-di-n-propylamine)
 Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
 2,4-Dithiobiuret (Thioimidodicarbonic diamide)
 Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
 Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
 Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)
 Ethyl cyanide (propanenitrile)
 Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediyldithiocarbamic acid, salts and esters)
 Ethyleneimine (Aziridine)
 Ethylene oxide (Oxirane)
 Ethylenethiourea (2-Imidazolidinethione)
 Ethyl methacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)
 Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
 Fluoranthene (Benzo[j,k]fluorene)
 Fluorine
 2-Fluoroacetamide (Acetamide, 2-fluoro-)
 Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)
 Formaldehyde (Methylene oxide)
 Formic acid (Methanoic acid)
 Glycidylaldehyde (1-Propanol-2,3-epoxy)
 Halomethane, N.O.S.*
 Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
 Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1, 4, 5, 6, 7, 8, 8-heptachloro-2, 3-epoxy-3a, 4, 7, 7-tetrahydro-, alpha, beta, and gamma isomers)
 Hexachlorobenzene (Benzene, hexachloro-)
 Hexachlorobutadiene (1,3-Butadiene, 1,1,2,3,4,4-hexachloro-)
 Hexachlorocyclohexane (all isomers) (Lindane and isomers)
 Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1, 2, 3, 4, 5, 5-hexachloro-)
 Hexachloroethane (Ethane, 1,1,1,2,2,2-hexachloro-)
 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene (Hexachlorohexa-hydro-endo, endo-dimethanonaphthalene)
 Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))
 Hexachloropropene (1-Propene, 1,1,2,3,3,3-hexachloro-)

Hazardous Constituents

Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
 Hydrazine (Diamine)
 Hydrocyanic acid (Hydrogen cyanide)
 Hydrofluoric acid (Hydrogen fluoride)
 Hydrogen sulfide (Sulfur hydride)
 Hydroxydimethylarsine oxide (Cacodylic acid)
 Indeno (1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
 Iodomethane (Methyl iodide)
 Iron dextran (Ferric dextran)
 Isocyanic acid, methyl ester (Methyl isocyanate)
 Isobutyl alcohol (1-Propanol, 2-methyl-)
 Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
 Kepone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta-[cd]pentalen-2-one)
 Lasiocarpine (2-Butenoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
 Lead and compounds, N.O.S.*
 Lead acetate (Acetic acid, lead salt)
 Lead phosphate (Phosphoric acid, lead salt)
 Lead subacetate (Lead, bis(acetato-0)tetrahydroxytri-)
 Maleic anhydride (2,5-Furandione)
 Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)
 Malononitrile (Propanedinitrile)
 Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)
 Mercury fulminate (Fulminic acid, mercury salt)
 Mercury and compounds, N.O.S.*
 Methacrylonitrile (2-Propenenitrile, 2-methyl-)
 Methanethiol (Thiomethanol)
 Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenyl-amino-)
 Metholmyl (Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester)
 Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
 2-Methylaziridine (1,2-Propylenimine)
 3-Methylcholanthrene (Benz[*a*]aceanthrylene, 1,2-dihydro-3-methyl-)
 Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis(2-chloro-))
 Methyl ethyl ketone (MEK) (2-Butanone)
 Methyl hydrazine (Hydrazine, methyl-)
 2-Methylacetonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
 Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
 Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime (Propanal, 2-methyl-2-(methylthio)-, 0-[(methylamino)carbonyl]-oxime)
 N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitroso-N-methyl-N'-nitro-)
 Methyl parathion (0,0-dimethyl 0-(4-nitrophenyl) phosphorothioate)
 Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
 Molybdenum and compounds, N.O.S.*
 Mustard gas (Sulfide, bis(2-chloroethyl)-)
 Naphthalene
 1,4-Naphthoquinone (1, 4-Naphthalenedione)
 1-Naphthylamine (alpha-Naphthylamine)
 2-Naphthylamine (beta-Naphthylamine)
 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
 Nickel and compounds, N.O.S.*
 Nickel carbonyl (Nickel tetracarbonyl)
 Nickel cyanide (Nickel (II) cyanide)
 Nicotine and salts (Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
 Nitric oxide (Nitrogen (II) oxide)
 p-Nitroaniline (Benzenamine, 4-nitro-)
 Nitrobenzine (Benzene, nitro-)
 Nitrogen dioxide (Nitrogen (IV) oxide)
 Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl) - N-methyl-, and hydrochloride salt)
 Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro- N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
 Nitroglycerine (1,2,3-Propanetriol, trinitrate)
 4-Nitrophenol (Phenol, 4-nitro-)

Hazardous Constituents

4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
 Nitrosamine, N.O.S.*
 N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
 N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
 N-Nitrosodiethylamine (Ethanamine, N-ethyl-N-nitroso-)
 N-Nitrosodimethylamine (Dimethylnitrosamine)
 N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
 N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
 N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
 N-Nitrosomorpholine (Morpholine, N-nitroso-)
 N-Nitrosornicotine (Nicotinic acid, N-nitroso-)
 N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
 Nitrosopyrrolidine (Pyrrole, tetrahydro-, N-nitroso-)
 N-Nitrososarcosine (Sarcosine, N-nitroso-)
 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
 Octamethylpyrophosphoramidate (Diphosphoramidate, octamethyl-)
 Osmium tetroxide (Osmium (VIII) oxide)
 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)
 Paraldehyde (1,3,5-Trioxane, 2,4,6-trimethyl-)
 Parathion (Phosphorothioic acid, 0,0-diethyl 0-(p-nitrophenyl)ester)
 Pentachlorobenzene (Benzene, pentachloro-)
 Pentachloroethane (Ethane, pentachloro-)
 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
 Pentachlorophenol (Phenol, pentachloro-)
 Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)
 Phenol (Benzene, hydroxy-)
 Phenylenediamine (Benzenediamine)
 Phenylmercury acetate (Mercury, acetatophenyl-)
 N-Phenylthiourea (Thiourea, phenyl-)
 Phosgene (Carbonyl chloride)
 Phosphine (Hydrogen phosphide)
 Phosphorodithioic acid, 0,0-diethyl S-[(ethylthio)methyl] ester (Phorate)
 Phosphorothioic acid, 0,0-dimethyl 0-[p-((dimethylamino)sulfonyl)-phenyl] ester (Famphur)
 Phthalic acid esters, N.O.S.* (Benzene, 1, 2-dicarboxylic acid, esters, N.O.S.*)
 Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)
 2-Picoline (Pyridine, 2-methyl-)
 Polychlorinated biphenyl, N.O.S.*
 Potassium cyanide
 Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
 Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
 1,3-Propane sultone (1,2-Oxathiolane, 2,2-dioxide)
 n-Propylamine (1-Propanamine)
 Propylthiouracil (Undecamethylenediamine, N,N'-bis(2-chlorobenzyl)-, dihydrochloride)
 2-Propyn-1-ol (Propargyl alcohol)
 Pyridine
 Radium -226 and -228
 Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[3,4,5-trimethoxybenzoyl]oxy-, methyl ester)
 Resorcinol (1,3-Benzenediol)
 Saccharin and salts (1,2-Benzoisothiazolin-3-one, 1,1-dioxide, and salts)
 Safrole (Benzene, 1,2-methylenedioxy-4-allyl-)
 Selenious acid (Selenium dioxide)
 Selenium and compounds, N.O.S.*
 Selenium sulfide (Sulfur selenide)
 Selenourea (Carbamimidoseleonic acid)
 Silver and compounds, N.O.S.*
 Silver cyanide
 Sodium cyanide
 Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitroso-ureido)-)
 Strontium sulfide
 Strychnine and salts (Strychnidin-10-one, and salts)
 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) (Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
 Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-, N.O.S.*)
 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)

Hazardous Constituents

- 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)
- Tetrachloroethane (Ethane, 1,1,2,2-tetrachloro-)
- Tetrachloromethane (Carbon tetrachloride)
- 2,3,4,6,-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)
- Tetraethyldithiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)
- Tetraethyl lead (Plumbane, tetraethyl-)
- Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)
- Tetranitromethane (Methane, tetranitro-)
- Thallium and compounds, N.O.S.*
- Thallic oxide (Thallium (III) oxide)
- Thallium (I) acetate (Acetic acid, thallium (I) salt)
- Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)
- Thallium (I) chloride
- Thallium (I) nitrate (Nitric acid, thallium (I) salt)
- Thallium selenite
- Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)
- Thioacetamide (Ethanethioamide)
- Thiosemicarbazide (Hydrazinecarbothioamide)
- Thiourea (Carbamide thio-)
- Thiuram (Bis(dimethylthiocarbamoyl) disulfide)
- Thorium and compounds, N.O.S.*, when producing thorium by-product material
- Toluene (Benzene, methyl-)
- Toluenediamine (Diaminotoluene)
- o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)
- Tolylene diisocyanate (Benzene, 1,3-diisocyanatomethyl-)
- Toxaphene (Camphene, octachloro-)
- Tribromomethane (Bromoform)
- 1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
- 1,1,1-Trichloroethane (Methyl chloroform)
- 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
- Trichloroethene (Trichloroethylene)
- Trichloromethanethiol (Methanethiol, trichloro-)
- Trichloromonofluoromethane (Methane, trichlorofluoro-)
- 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
- 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)
- 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) (Acetic acid, 2,4,5-trichlorophenoxy-)
- 2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex) (Propionic acid, 2-(2,4,5-trichlorophenoxy)-)
- Trichloropropane, N.O.S.* (Propane, trichloro-, N.O.S.*)
- 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
- 0,0,0-Triethyl phosphorothioate (Phosphorothioic acid, 0,0,0-triethyl ester)
- sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
- Tris(1-aziridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl-)
- Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)
- Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl (1,1'-biphenyl)- 4,4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)
- Uracil mustard (Uracil 5-[bis(2-chloroethyl)amino]-)
- Uranium and compounds, N.O.S.*
- Vanadic acid, ammonium salt (ammonium vanadate)
- Vanadium pentoxide (Vanadium (V) oxide)
- Vinyl chloride (Ethene, chloro-)
- Zinc cyanide
- Zinc phosphide

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GENERAL PROVISIONS

NEW SECTION

WAC 402-61-010 PURPOSE AND SCOPE. (1) The regulations in this chapter establish procedures, criteria, and terms and conditions upon which the department issues licenses for land disposal of low-level radioactive wastes received from other persons. (Applicability of the requirements in this chapter to department licenses for waste disposal facilities in effect on the effective date of this regulation will be determined on a case-by-case basis and implemented through terms and conditions of the license or by orders issued by the department.) The requirements of this chapter are in addition to, and not in substitution for, other applicable requirements of these regulations or other state regulations.

(2) The regulations in this chapter do not apply to disposal of by-product material as defined in WAC 402-12-050 (6)(b) or disposal of waste as provided in WAC 402-24-050, 402-24-140, or 402-24-150.

(3) This chapter establishes procedural requirements and performance objectives applicable to any method of land disposal. It establishes specific technical requirements for near-surface disposal of radioactive waste which involves disposal in the uppermost portion of the earth.

NEW SECTION

WAC 402-61-020 DEFINITIONS. As used in this chapter, the following definitions apply:

(1) "Active maintenance" means any significant activity needed during the period of institutional control to maintain a reasonable assurance that the performance objectives of WAC 402-61-180 and

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 herein pursuant to the requirements of RCW 34.08.040.

Chapter 402-61 WAC
LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

- WAC
- General Provisions
- 402-61-010 Purpose and scope.

402-61-190 are met. Such active maintenance includes ongoing activities such as the pumping and treatment of water from a disposal unit or one-time measures such as replacement of a disposal unit cover. Active maintenance does not include custodial activities such as repair of fencing, repair or replacement of monitoring equipment, revegetation, minor additions to soil cover, minor repair of disposal unit covers, and general disposal site upkeep such as mowing grass.

(2) "Buffer zone" means a portion of the disposal site that is controlled by the licensee or by the United States Department of Energy and that lies under the disposal units and between the disposal units and the boundary of the site.

(3) "Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acid, and polycarboxylic acids.

(4) "Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a land disposal facility. The term does not mean disposal site exploration, necessary roads for disposal site exploration, borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the disposal site or the protection of environmental values.

(5) "Custodial agency" means an agency of the government designated to act on behalf of the government owner of the disposal site.

(6) "Disposal" means the isolation of wastes from the biosphere inhabited by man and his food chains by emplacement in a land disposal facility.

(7) "Disposal site" means that portion of a land disposal facility which is used for disposal of waste. It consists of disposal units and a buffer zone.

(8) "Disposal unit" means a discrete portion of the disposal site into which waste is placed for disposal. For near-surface disposal, the unit is usually a trench.

(9) "Engineered barrier" means a man-made structure or device that is intended to improve the land disposal facility's ability to meet the performance objectives in this chapter.

(10) "Explosive material" means any chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

(11) "Hazardous waste" means those wastes designated as hazardous by United States Environmental Protection Agency regulations in 40 CFR Part 261.

(12) "Hydrogeologic unit" means any soil or rock unit or zone which by virtue of its porosity or permeability, or lack thereof, has a distinct influence on the storage or movement of groundwater.

(13) "Inadvertent intruder" means a person who might occupy the disposal site after closure and engage in normal activities, such as agriculture, dwelling construction, or other pursuits in which an individual might be unknowingly exposed to radiation from the waste.

(14) "Intruder barrier" means a sufficient depth of cover over the waste that inhibits contact with waste and helps to ensure that radiation exposures to an inadvertent intruder will meet the performance objectives set forth in this chapter or engineered structures that provide equivalent protection to the inadvertent intruder.

(15) "Land disposal facility" means the land, buildings, and equipment which are intended to be used for the disposal of wastes into the subsurface of the land.

(16) "Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of the disposal site.

(17) "Near-surface disposal facility" means a land disposal facility in which waste is disposed within approximately the upper thirty meters of the earth's surface.

(18) "Pyrophoric liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130°F (54.4°C).

(19) "Pyrophoric solid" means any solid material, other than one classed as an explosive, which under normal conditions, is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

(20) "Site closure and stabilization" means those actions that are taken upon completion of operations that prepare the disposal site for custodial care and that assure that the disposal site will remain stable and will not need ongoing active maintenance.

(21) "Stability" means structural stability.

(22) "Surveillance" means monitoring and observation of the disposal site for purposes of visual detection of need for maintenance, custodial care, evidence of intrusion, and compliance with other license and regulatory requirements.

(23) "Waste" means those low-level radioactive wastes that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level waste has the same meaning as in the Low-Level Radioactive Waste Policy Act, Public Law 96-573, that is, radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in section 11 e.(2) of the Atomic Energy Act (uranium or thorium tailings and waste).

NEW SECTION

WAC 402-61-030 LICENSE REQUIRED. (1) No person may receive, possess, or dispose of waste received from other persons at a land disposal facility unless authorized by a license issued by the department pursuant to this chapter, and chapter 402-22 WAC.

(2) Each person shall file an application with the department pursuant to chapter 402-22 WAC and obtain a license as provided in this chapter before commencement of construction of a land disposal facility. Failure to comply with this requirement may be grounds for denial of a license.

NEW SECTION

WAC 402-61-040 CONTENT OF APPLICATION. In addition to the requirements set forth in chapter 402-22 WAC, an application to receive from others, possess, and dispose of wastes shall consist of general information, specific technical information, institutional information, and financial information as set forth in WAC 402-61-050 through 402-61-090.

NEW SECTION

WAC 402-61-050 GENERAL INFORMATION. The general information shall include each of the following:

(1) Identity of the applicant including:

(a) The full name, address, telephone number, and description of the business or occupation of the applicant;

(b) If the applicant is a partnership, the name and address of each partner and the principal location where the partnership does business;

(c) If the applicant is a corporation or an unincorporated association, (i) the state where it is incorporated or organized and the principal location where it does business, and (ii) the names and addresses of its directors and principal officers; and

(d) If the applicant is acting as an agent or representative of another person in filing the application, all information required under this subsection must be supplied with respect to the other person.

(2) Qualifications of the applicant:

(a) The organizational structure of the applicant, both offsite and onsite, including a description of lines of authority and assignments of responsibilities, whether in the form of administrative directives, contract provisions, or otherwise;

(b) The technical qualifications, including training and experience, of the applicant and members of the applicant's staff to engage in the proposed activities. Minimum training and experience requirements for personnel filling key positions described in (a) of this subsection must be provided.

(c) A description of the applicant's personnel training program; and

(d) The plan to maintain an adequate complement of trained personnel to carry out waste receipt, handling, and disposal operations in a safe manner.

(3) A description of:

(a) The location of the proposed disposal site;

(b) The general character of the proposed activities;

(c) The types and quantities of waste to be received, possessed, and disposed of;

(d) Plans for use of the land disposal facility for purposes other than disposal of wastes; and

(e) The proposed facilities and equipment.

(4) Proposed schedules for construction, receipt of waste, and first emplacement of waste at the proposed land disposal facility.

NEW SECTION

WAC 402-61-060 SPECIFIC TECHNICAL INFORMATION. The specific technical information shall include the following information needed for demonstration that the performance objectives and the applicable technical requirements of this chapter will be met. The specific technical information shall be in the form of an environmental report which the department can use to independently evaluate the project under the provisions of the State Environmental Policy Act (SEPA):

(1) A description of the natural and demographic disposal site characteristics as determined by disposal site selection and characterization activities. The description shall include geologic, geochemical, geotechnical, hydrologic, ecologic, archaeological, meteorologic, climatologic, and biotic features of the disposal site and vicinity.

(2) A description of the design features of the land disposal facility and the disposal units. For near-surface disposal, the description shall include those design features related to infiltration of water; integrity of covers for disposal units; structural stability of backfill, wastes, and covers; contact of wastes with standing water; disposal site drainage; disposal site closure and stabilization; elimination to the extent practicable of long-term disposal site maintenance; inadvertent intrusion; occupational exposures; disposal site monitoring; and adequacy of the size of the buffer zone for monitoring and potential mitigative measures.

(3) A description of the principal design criteria and their relationship to the performance objectives.

(4) A description of the design basis natural events or phenomena and their relationship to the principal design criteria.

(5) A description of codes and standards which the applicant has applied to the design and which will apply to construction of the land disposal facilities.

(6) A description of the construction and operation of the land disposal facility. The description shall include as a minimum the methods of construction of disposal units; waste emplacement; the procedures for and areas of waste segregation; types of intruder barriers; onsite traffic and drainage systems; survey control program; methods and areas of waste storage; and methods to control surface water and groundwater access to the wastes. The description shall also include a description of the methods to be employed in the handling and disposal of wastes containing chelating agents or other nonradiological substances that might affect meeting the performance objectives of this chapter.

(7) A description of the disposal site closure plan, including those design features which are intended to facilitate disposal site closure and to eliminate the need for ongoing active maintenance.

(8) An identification of the known natural resources at the disposal site, whose exploitation could result in inadvertent intrusion into the wastes after removal of active institutional control.

(9) A description of the kind, amount, classification, and specifications of the radioactive material proposed to be received, possessed, and disposed of at the land disposal facility.

(10) A description of the quality control program for the determination of natural disposal site characteristics and for quality control during the design, construction, operation, and closure of the land disposal facility and the receipt, handling, and emplacement of waste. Audits and managerial controls must be included.

(11) A description of the radiation safety program for control and monitoring of radioactive effluents to ensure compliance with the performance objective in WAC 402-61-180 and occupational radiation exposure to ensure compliance with the requirements of chapter 402-24 WAC and to control contamination of personnel, vehicles, equipment, buildings, and the disposal site. Both routine operations and accidents shall be addressed. The program description must include procedures, instrumentation, facilities, and equipment.

(12) A description of the environmental monitoring program to provide data to evaluate potential health and environmental impacts and the plan for taking corrective measures if migration is indicated.

(13) A description of the administrative procedures that the applicant will apply to control activities at the land disposal facility.

NEW SECTION

WAC 402-61-070 TECHNICAL ANALYSES. The specific technical information shall also include the following analyses needed to demonstrate that the performance objectives of this chapter will be met:

(1) Pathways analyzed in demonstrating protection of the general population from releases of radioactivity shall include air, soil, ground-water, surface water, plant uptake, and exhumation by burrowing animals. The analyses shall clearly identify and differentiate between the roles performed by the natural disposal site characteristics and design features in isolating and segregating the wastes. The analyses shall clearly demonstrate that there is reasonable assurance that the exposures to humans from the release of radioactivity will not exceed the limits set forth in WAC 402-61-180.

(2) Analyses of the protection of individuals from inadvertent intrusion shall include demonstration that there is reasonable assurance the waste classification and segregation requirements will be met and that adequate barriers to inadvertent intrusion will be provided.

(3) Analyses of the protection of individuals during operations shall include assessments of expected exposures due to routine operations and likely accidents during handling, storage, and disposal of waste. The analyses shall provide reasonable assurance that exposures will be controlled to meet the requirements of chapter 402-24 WAC.

(4) Analyses of the long-term stability of the disposal site and the need for ongoing active maintenance after closure shall be based upon analyses of active natural processes such as erosion, mass wasting, slope failure, settlement of wastes and backfill, infiltration through covers over disposal areas and adjacent soils, and surface drainage of the disposal site. The analyses shall provide reasonable assurance that there will not be a need for ongoing active maintenance of the disposal site following closure.

NEW SECTION

WAC 402-61-080 INSTITUTIONAL INFORMATION. The institutional information submitted by the applicant shall include:

(1) A certification by the federal or state agency which owns the disposal site that the federal or state agency is prepared to accept transfer of the license when the provisions of WAC 402-61-150 are met and will assume responsibility for institutional control after site closure and postclosure observation and maintenance.

(2) Where the proposed disposal site is on land not owned by the federal or state government, the applicant shall submit evidence that arrangements have been made for assumption of ownership in fee by the federal or state agency before the department issues a license.

NEW SECTION

WAC 402-61-090 FINANCIAL INFORMATION. The financial information shall be sufficient to demonstrate that the financial qualifications of the applicant are adequate to carry out the activities for which the license is sought and meet other financial assurance requirements of this chapter.

NEW SECTION

WAC 402-61-100 REQUIREMENTS FOR ISSUANCE OF A LICENSE. A license for the receipt, possession, and disposal of waste containing or contaminated with radioactive material will be issued by the department upon finding that:

(1) The issuance of the license will not constitute an unreasonable risk to the health and safety of the public;

(2) The applicant is qualified by reason of training and experience to carry out the disposal operations requested in a manner that protects health and minimizes danger to life or property;

(3) The applicant's proposed disposal site, disposal design, land disposal facility operations, including equipment, facilities, and procedures, disposal site closure, and postclosure institutional control are adequate to protect the public health and safety in that they provide reasonable assurance that the general population will be protected from releases of radioactivity as specified in the performance objective in WAC 402-61-180.

(4) The applicant's proposed disposal site, disposal site design, land disposal facility operations, including equipment, facilities, and procedures, disposal site closure, and postclosure institutional control are adequate to protect the public health and safety in that they will provide reasonable assurance that individual inadvertent intruders are protected in accordance with the performance objective in WAC 402-61-190.

(5) The applicant's proposed land disposal facility operations, including equipment, facilities, and procedures, are adequate to protect

the public health and safety in that they will provide reasonable assurance that the standards for radiation protection set out in chapter 402-24 WAC will be met;

(6) The applicant's proposed disposal site, disposal site design, land disposal facility operations, disposal site closure, and postclosure institutional control are adequate to protect the public health and safety in that they will provide reasonable assurance that long-term stability of the disposed waste and the disposal site will be achieved and will eliminate to the extent practicable the need for ongoing active maintenance of the disposal site following closure;

(7) The applicant's demonstration provides reasonable assurance that the applicable technical requirements of this chapter will be met;

(8) The applicant's proposal for institutional control provides reasonable assurance that such control will be provided for the length of time found necessary to ensure the findings in subsections (3) through (6) of this section and that the institutional control meets the requirements of WAC 402-61-270.

(9) The financial or surety arrangements meet the requirements of this chapter.

(10) The provisions of the State Environmental Policy Act have been met.

NEW SECTION

WAC 402-61-110 CONDITIONS OF LICENSES. (1) A license issued under this chapter, or any right thereunder, may be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, only if the department finds, after securing full information, that the transfer is in accordance with the provisions of the act and gives its consent in writing in the form of a license amendment.

(2) The licensee shall submit written statements under oath upon request of the department, at any time before termination of the license, to enable the department to determine whether the license should be modified, suspended, or revoked.

(3) The license will be terminated only on the full implementation of the final closure plan as approved by the department, including postclosure observation and maintenance.

(4) The licensee shall be subject to the provisions of the act, now or hereafter in effect, and to all rules, regulations, and orders of the department. The terms and conditions of the license are subject to amendment, revision, or modification, by reason of amendments to, or by reason of rules, regulations, and orders issued in accordance with the terms of the act.

(5) Each person licensed by the department pursuant to the regulations in this chapter shall confine possession and use of materials to the locations and purposes authorized in the license.

(6) The licensee shall not dispose of waste until the department has inspected the land disposal facility and has found it to be in conformance with the description, design, and construction described in the application for a license.

(7) The department may incorporate in any license at the time of issuance, or thereafter, by appropriate rule, regulation, or order, additional requirements and conditions with respect to the licensee's receipt, possession, and disposal of waste as it deems appropriate or necessary in order to:

(a) Protect health or to minimize danger to life or property;

(b) Require reports and the keeping of records, and to provide for inspections of activities under the license that may be necessary or appropriate to effectuate the purposes of the act and regulations thereunder.

(8) The authority to dispose of wastes expires on the date stated in the license. Any expiration date on a license applies only to the above ground activities and to the authority to dispose of waste. Failure to renew the license shall not relieve the licensee of responsibility for implementing site closure, postclosure observation, and transfer of the license to the site owner.

NEW SECTION

WAC 402-61-120 APPLICATION FOR RENEWAL OR CLOSURE. (1) An application for renewal must be filed at least ninety days prior to license expiration.

(2) An application for closure under WAC 402-61-130 must be filed at least one year prior to proposed closure.

(3) Applications for renewal of a license must be filed in accordance with WAC 402-61-040 through 402-61-090. Applications for closure

must be filed in accordance with WAC 402-61-130. Information contained in previous applications, statements, or reports filed with the department under the license may be incorporated by reference if the references are clear, specific, and remain pertinent.

(4) In any case in which a licensee has filed an application in proper form for renewal of a license, the license shall not expire until the department has taken final action on the application for renewal.

(5) In determining whether a license will be renewed, the department will apply the criteria set forth in WAC 402-61-100.

NEW SECTION

WAC 402-61-130 CONTENTS OF APPLICATION FOR SITE CLOSURE AND STABILIZATION. (1) Prior to final closure of the disposal site, or as otherwise directed by the department, the applicant shall submit an application to amend the license for closure. This closure application shall include a final revision and specific details of the disposal site closure plan included as part of the license application submitted under WAC 402-61-060(7) that includes each of the following:

(a) Any additional geologic, hydrologic, or other data pertinent to the long-term containment of emplaced wastes obtained during the operational period.

(b) The results of tests, experiments, or any other analyses relating to backfill of excavated areas, closure and sealing, waste migration and interaction with emplacement media, or any other tests, experiments, or analysis pertinent to the long-term containment of emplaced waste within the disposal site.

(c) Any proposed revision of plans for:

(i) Decontamination and/or dismantlement of surface facilities;

(ii) Backfilling of excavated areas; or

(iii) Stabilization of the disposal site for postclosure care.

(d) Any significant new information regarding the environmental impact of closure activities and long-term performance of the disposal site.

(2) Upon review and consideration of an application to amend the license for closure submitted in accordance with subsection (1) of this section the department shall issue an amendment authorizing closure if there is reasonable assurance that the long-term performance objectives of this chapter will be met.

NEW SECTION

WAC 402-61-140 POSTCLOSURE OBSERVATION AND MAINTENANCE. The licensee shall observe, monitor, and carry out necessary maintenance and repairs at the disposal site until the site closure is complete and the license is transferred by the department in accordance with WAC 402-61-150. Responsibility for the disposal site must be maintained by the licensee for five years. A shorter or longer time period for postclosure observation and maintenance may be established and approved as part of the site closure plan, based on site-specific conditions.

NEW SECTION

WAC 402-61-150 TRANSFER OF LICENSE. Following closure and the period of postclosure observation and maintenance, the licensee may apply for an amendment to transfer the license to the disposal site owner. The license shall be transferred when the department finds:

(1) That the closure of the disposal site has been made in conformance with the licensee's disposal site closure plan, as amended and approved as part of the license;

(2) That reasonable assurance has been provided by the licensee that the performance objectives of this chapter are met;

(3) That any funds and necessary records for care ill be transferred to the disposal site owner;

(4) That the postclosure monitoring program is operational for implementation by the disposal site owner; and

(5) That the federal or state agency which will assume responsibility for institutional control of the disposal site is prepared to assume responsibility and ensure that the institutional requirements found necessary under WAC 402-61-100(8) will be met.

NEW SECTION

WAC 402-61-160 TERMINATION OF LICENSE. (1) Following any period of institutional control needed to meet the requirements

found necessary under WAC 402-61-100, the licensee may apply for an amendment to terminate the license.

(2) This application will be reviewed in accordance with the provisions of chapter 402-22 WAC.

(3) A license shall be terminated only when the department finds:

(a) That the institutional control requirements found necessary under WAC 402-61-100(8) have been met;

(b) That any additional requirements resulting from new information developed during the institutional control period have been met; and

(c) That permanent monuments or markers warning against intrusion have been installed.

NEW SECTION

WAC 402-61-170 GENERAL REQUIREMENT. Land disposal facilities shall be sited, designed, operated, closed, and controlled after closure so that reasonable assurance exists that exposures to individuals are within the requirements established in the performance objectives in WAC 402-61-180 through 402-61-210.

NEW SECTION

WAC 402-61-180 PROTECTION OF THE GENERAL POPULATION FROM RELEASES OF RADIOACTIVITY. Concentrations of radioactive material which may be released to the general environment in groundwater, surface water, air, soil, plants, or animals shall not result in an annual dose exceeding an equivalent of twenty-five millirems (0.25 mSv) to the whole body, seventy-five millirems (0.75 mSv) to the thyroid, and twenty-five millirems (0.25 mSv) to any other organ of any member of the public. Reasonable effort should be made to maintain releases of radioactivity in effluents to the general environment as low as is reasonably achievable.

NEW SECTION

WAC 402-61-190 PROTECTION OF INDIVIDUALS FROM INADVERTENT INTRUSION. Design, operation, and closure of the land disposal facility shall ensure protection of any individual inadvertently intruding into the disposal site and occupying the site or contacting the waste at any time after active institutional controls over the disposal site are removed.

NEW SECTION

WAC 402-61-200 PROTECTION OF INDIVIDUALS DURING OPERATIONS. After the effective date of these regulations, operations at the land disposal facility shall be conducted in compliance with the standards for radiation protection set out in chapter 402-24 WAC, except for releases of radioactivity in effluents from the land disposal facility, which shall be governed by WAC 402-61-180. Every reasonable effort should be made to maintain radiation exposures as low as is reasonably achievable.

NEW SECTION

WAC 402-61-210 STABILITY OF THE DISPOSAL SITE AFTER CLOSURE. The disposal facility shall be sited, designed, used, operated, and closed to achieve long-term stability of the disposal site and to eliminate, to the extent practicable, the need for ongoing active maintenance of the disposal site following closure so that only surveillance, monitoring, or minor custodial care is required.

NEW SECTION

WAC 402-61-220 DISPOSAL SITE SUITABILITY REQUIREMENTS FOR LAND DISPOSAL. (1) Disposal site suitability for near-surface disposal. The primary emphasis in disposal site suitability is given to isolation of wastes, and to disposal site features that ensure that the long-term performance objectives are met.

(a) The disposal site shall be capable of being characterized, modeled, analyzed, and monitored.

(b) Within the region where the facility is to be located, a disposal site should be selected so that projected population growth and future developments are not likely to affect the ability of the disposal facility to meet the performance objectives of this chapter.

(c) Areas shall be avoided having known natural resources which, if exploited, would result in failure to meet the performance objectives of this chapter.

(d) The disposal site shall be generally well drained and free of areas of flooding or frequent ponding. Waste disposal shall not take place in a one hundred-year flood plain, coastal high-hazard area or wetland, as defined in Executive Order 11988, "Flood Plain Management Guidelines."

(e) Upstream drainage areas shall be minimized to decrease the amount of runoff which could erode or inundate waste disposal units.

(f) The disposal site shall provide sufficient depth to the water table that groundwater intrusion, perennial or otherwise, into the waste will not occur. The department will consider an exception to this requirement to allow disposal below the water table if it can be conclusively shown that disposal site characteristics will result in molecular diffusion being the predominant means of radionuclide movement and the rate of movement will result in the performance objectives being met. In no case will waste disposal be permitted in the zone of fluctuation of the water table.

(g) The hydrogeologic unit used for disposal shall not discharge groundwater to the surface, except for groundwater monitoring operations.

(h) Areas shall be avoided where tectonic processes such as faulting, folding, seismic activity, or vulcanism may occur with such frequency and extent to significantly affect the ability of the disposal site to meet the performance objectives of this chapter or may preclude defensible modeling and prediction of long-term impacts.

(i) Areas shall be avoided where surface geologic processes such as mass wasting, erosion, slumping, landsliding, or weathering occur with such frequency and extent to significantly affect the ability of the disposal site to meet the performance objectives of this chapter, or may preclude defensible modeling and prediction of long-term impacts.

(j) An existing disposal site may be located where nearby facilities or activities could adversely impact the ability of the site to meet the performance objectives of this chapter or significantly mask the environmental monitoring program, provided an extensive environmental monitoring program exists which is designed to differentiate, to the maximum extent practicable, between contributions from the disposal site and other nearby facilities.

(2) (Reserved.)

NEW SECTION

WAC 402-61-230 DISPOSAL SITE DESIGN FOR LAND DISPOSAL. (1) Disposal site design for near-surface disposal.

(a) Site design features shall be directed toward long-term isolation and avoidance of the need for continuing active maintenance after site closure.

(b) The disposal site design and operation shall be compatible with the disposal site closure and stabilization plan and lead to disposal site closure that provides reasonable assurance that the performance objectives will be met.

(c) The disposal site shall be designed to complement and improve, where appropriate, the ability of the disposal site's natural characteristics to assure that the performance objectives will be met.

(d) Covers shall be designed to minimize to the extent practicable water infiltration, to direct percolating or surface water away from the disposed waste, and to resist degradation by surface geologic processes and biotic activity.

(e) Surface features shall direct surface water drainage away from disposal units at velocities and gradients which will not result in erosion that will require ongoing active maintenance in the future.

(f) The disposal site shall be designed to minimize to the extent practicable the contact of water with waste during storage, the contact of standing water with waste during disposal, and the contact of percolating or standing water with wastes after disposal.

(2) (Reserved.)

NEW SECTION

WAC 402-61-240 LAND DISPOSAL FACILITY OPERATION AND DISPOSAL SITE CLOSURE. (1) Near-surface disposal facility operation and disposal site closure.

(a) Wastes designated as Class A pursuant to chapter 402-24 WAC shall be segregated from other wastes by placing in disposal units which are sufficiently separated from disposal units for the other waste classes so that any interaction between Class A wastes and other wastes will not result in the failure to meet the performance objectives of this chapter. This segregation is not necessary for Class A wastes if they meet the stability requirements in chapter 402-24 WAC.

(b) Wastes designated as Class C pursuant to chapter 402-24 WAC shall be disposed of so that the top of the waste is a minimum of five meters below the top surface of the cover or must be disposed of with intruder barriers that are designed to protect against an inadvertent intrusion for at least five hundred years.

(c) Except as provided in (l) of this subsection, only waste classified as Class A, B, or C shall be acceptable for near-surface disposal. All waste shall be disposed of in accordance with the requirements of (d) through (k) of this subsection.

(d) Wastes shall be emplaced in a manner that maintains the package integrity during emplacement, minimizes the void spaces between packages, and permits the void spaces to be filled.

(e) Void spaces between waste packages shall be filled with earth or other material to reduce future subsidence within the fill.

(f) Waste shall be placed and covered in a manner that limits the radiation dose rate at the surface of the cover to levels that at a minimum will permit the licensee to comply with all provisions of chapter 402-24 WAC at the time the license is transferred pursuant to WAC 402-61-150.

(g) The boundaries and locations of each disposal unit shall be accurately located and mapped by means of a land survey. Near-surface disposal units shall be marked in such a way that the boundaries of each unit can be easily defined. Three permanent survey marker control points, referenced to United States Geological Survey (USGS) or National Geodetic Survey (NGS) survey control stations, shall be established on the site to facilitate surveys. The USGS or NGS control stations shall provide horizontal and vertical controls as checked against USGS or NGS record files.

(h) A buffer zone of land shall be maintained between any buried waste and the disposal site boundary and beneath the disposed waste. The buffer zone shall be of adequate dimensions to carry out environmental monitoring activities specified in WAC 402-61-250(4) and take mitigative measures if needed.

(i) Closure and stabilization measures as set forth in the approved site closure plan shall be carried out as each disposal unit is filled and covered.

(j) Active waste disposal operations shall not have an adverse effect on completed closure and stabilization measures.

(k) Only wastes containing or contaminated with radioactive material shall be disposed of at the disposal site.

(l) Proposals for disposal of waste that is not generally acceptable for near-surface disposal because the waste form and disposal methods must be different and, in general, more stringent than those specified for Class C waste, may be submitted to the department for approval.

(2) (Reserved.)

NEW SECTION

WAC 402-61-250 ENVIRONMENTAL MONITORING. (1) At the time a new license application is submitted, the applicant shall have conducted a preoperational monitoring program to provide basic environmental data on the disposal site characteristics. The applicant shall obtain information about the ecology, meteorology, climate, hydrology, geology, geochemistry, and seismology of the disposal site. For those characteristics that are subject to seasonal variation, data must cover at least a twelve-month period.

(2) During the land disposal facility site construction and operation, the licensee shall maintain an environmental monitoring program. Measurements and observations must be made and recorded to provide data to evaluate the potential health and environmental impacts during both the construction and the operation of the facility and to enable the evaluation of long-term effects and the need for mitigative measures. The monitoring system must be capable of providing early warning of releases of waste from the disposal site before they leave the site boundary.

(3) After the disposal site is closed, the licensee responsible for postoperational surveillance of the disposal site shall maintain a monitoring system based on the operating history and the closure and stabilization of the disposal site. The monitoring system must be capable of providing early warning of releases of waste from the disposal site before they leave the site boundary.

(4) The licensee shall have plans for taking corrective measures if the environmental monitoring program detects migration of waste which would indicate that the performance objectives may not be met.

NEW SECTION

WAC 402-61-260 ALTERNATIVE REQUIREMENTS FOR DESIGN AND OPERATIONS. The department may, upon request or on its own initiative, authorize provisions other than those set forth in WAC 402-61-220 through 402-61-250 for the segregation and disposal of waste and for the design and operation of a land disposal facility on a specific basis, if it finds reasonable assurance of compliance with the performance objectives of this chapter.

NEW SECTION

WAC 402-61-270 INSTITUTIONAL REQUIREMENTS. (1) Land ownership. Disposal of waste received from other persons may be permitted only on land owned in fee by the federal or state government.

(2) Institutional control. The land owner or custodial agency shall conduct an institutional control program to physically control access to the disposal site following transfer of control of the disposal site from the disposal site operator. The institutional control program shall also include, but not be limited to, conducting an environmental monitoring program at the disposal site, periodic surveillance, minor custodial care, and other requirements as determined by the department; and administration of funds to cover the costs for these activities. The period of institutional controls will be determined by the department, but controls may not be relied upon for more than one hundred years following transfer of institutional control of the disposal site to the owner.

NEW SECTION

WAC 402-61-280 ALTERNATIVE REQUIREMENTS FOR WASTE CLASSIFICATION AND CHARACTERISTICS. The department may, upon request or on its own initiative, authorize other provisions for the classification and characteristics of waste on a specific basis, if, after evaluation of the specific characteristics of the waste, disposal site, and method of disposal, it finds reasonable assurance of compliance with the performance objectives specified in this chapter.

NEW SECTION

WAC 402-61-290 APPLICANT QUALIFICATIONS AND ASSURANCES. Each applicant shall show that it either possesses the necessary funds or has reasonable assurance of obtaining the necessary funds, or by a combination of the two, to cover the estimated costs of conducting all licensed activities over the planned operating life of the project, including costs of construction and disposal.

NEW SECTION

WAC 402-61-300 FUNDING FOR DISPOSAL SITE CLOSURE AND STABILIZATION. (1) The applicant shall provide assurances prior to the commencement of operations that sufficient funds will be available to carry out disposal site closure and stabilization, including: (a) Decontamination or dismantlement of land disposal facility structures; and (b) closure and stabilization of the disposal site so that following transfer of the disposal site to the site owner, the need for ongoing active maintenance is eliminated to the extent practicable and only minor custodial care, surveillance and monitoring are required. These assurances shall be based on department-approved cost estimates reflecting the department-approved plan for disposal site closure and stabilization. The applicant's cost estimates must take into account total costs that would be incurred if an independent contractor were hired to perform the closure and stabilization work.

(2) In order to avoid unnecessary duplication and expense, the department will accept financial sureties that have been consolidated with earmarked financial or surety arrangements established to meet requirements of federal or other state agencies for such decontamination, closure, and stabilization. The department will accept these arrangements only if they are considered adequate to satisfy the requirements of this section and that the portion of the surety which covers the closure of the disposal site is clearly identified and committed for use in accomplishing these activities.

(3) The licensee's financial or surety arrangement shall be submitted annually for review by the department to assure that sufficient funds will be available for completion of the closure plan.

(4) The amount of the licensee's financial or surety arrangement shall change in accordance with changes in the predicted costs of closure and stabilization. Factors affecting closure and stabilization cost

estimates include inflation, increases in the amount of disturbed land, changes in engineering plans, closure and stabilization that has already been accomplished, and any other conditions affecting costs. The financial or surety arrangement shall be sufficient at all times to cover the costs of closure and stabilization of the disposal units that are expected to be used before the next license renewal.

(5) The financial or surety arrangement shall be written for a specified period of time and shall be automatically renewed unless the person who issues the surety notifies the department, the beneficiary (the site owner), and the principal (the licensee) not less than ninety days prior to the renewal date of its intention not to renew. In such a situation, the licensee must submit a replacement surety within thirty days after notification of cancellation. If the licensee fails to provide a replacement surety acceptable to the department, the beneficiary may collect on the original surety.

(6) Proof of forfeiture shall not be necessary to collect the surety so that, in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration. The conditions described above shall be clearly stated on any surety instrument.

(7) Financial or surety arrangements generally acceptable to the department include surety bonds, cash deposits, certificates of deposit, deposits of government securities, escrow accounts, irrevocable letters or lines of credit, trust funds, and combinations of the above or such other types of arrangements as may be approved by the department. Self-insurance, or any arrangement which essentially constitutes self-insurance, will not satisfy the surety requirement for private sector applicants.

(8) The licensee's financial or surety arrangement shall remain in effect until the closure and stabilization program has been completed and approved by the department, and the license has been transferred to the site owner.

NEW SECTION

WAC 402-61-310 FINANCIAL ASSURANCES FOR INSTITUTIONAL CONTROLS. (1) Prior to the issuance of the license, the applicant shall provide for departmental approval, a binding arrangement, between the applicant and the disposal site owner that ensures that sufficient funds will be available to cover the costs of monitoring and any required maintenance during the institutional control period. The binding arrangement shall be reviewed annually by the department to ensure that changes in inflation, technology, and disposal facility operations are reflected in the arrangements.

(2) Subsequent changes to the binding arrangement specified in subsection (1) of this section relevant to institutional control shall be submitted to the department for prior approval.

NEW SECTION

WAC 402-61-320 MAINTENANCE OF RECORDS, REPORTS, AND TRANSFERS. (1) Each licensee shall maintain any records and make any reports in connection with the licensed activities as may be required by the conditions of the license or by the rules, regulations, and orders of the department.

(2) Records which are required by these regulations or by license conditions shall be maintained for a period specified by the appropriate regulations or by license condition. If a retention period is not otherwise specified, these records must be maintained and transferred to the officials specified in subsection (4) of this section as a condition of license termination unless the department otherwise authorizes their disposition.

(3) Records which shall be maintained pursuant to this chapter may be the original or a reproduced copy or microfilm if this reproduced copy or microfilm is capable of producing copy that is clear and legible at the end of the required retention period.

(4) Notwithstanding subsections (1) through (3) of this section, copies of records of the location and the quantity of wastes contained in the disposal site must be transferred upon license termination to the chief executive of the nearest municipality, the chief executive of the county in which the facility is located, the county zoning board or land development and planning agency, the state governor, the United States Department of Energy, and other state, local, and federal governmental agencies as designated by the department at the time of license termination.

(5) Following receipt and acceptance of a shipment of waste, the licensee shall record the date of disposal of the waste, the location of the

disposal site, the condition of the waste packages as received, any discrepancies between materials listed on the manifest and those received, and any evidence of leaking or damaged packages or radiation or contamination levels in excess of limits specified in United States Department of Transportation and state of Washington regulations. The licensee shall briefly describe any repackaging operations of any of the waste packages included in the shipment, plus any other information required by the department as a license condition.

(6) Each licensee authorized to dispose of waste received from other persons shall file a copy of its financial report or a certified financial statement annually with the department in order to update the information base for determining financial qualifications.

(7)(a) Each licensee authorized to dispose of waste received from other persons, pursuant to this chapter, shall submit annual reports to the department. Reports shall be submitted by the end of the first calendar quarter of each year for the preceding year.

(b) The reports shall include:

(i) Specification of the quantity of each of the principal contaminants released to unrestricted areas in liquid and in airborne effluents during the preceding year;

(ii) The results of the environmental monitoring program;

(iii) A summary of licensee disposal unit survey and maintenance activities;

(iv) A summary, by waste class, of activities and quantities of radionuclides disposed of;

(v) Any instances in which observed site characteristics were significantly different from those described in the application for a license; and

(vi) Any other information the department may require.

(c) If the quantities of waste released during the reporting period, monitoring results, or maintenance performed are significantly different from those predicted, the report must cover this specifically.

NEW SECTION

WAC 402-61-330 TESTS ON LAND DISPOSAL FACILITIES. Each licensee shall perform, or permit the department to perform, any tests the department deems appropriate or necessary for the administration of the regulations in this chapter, including but not limited to, tests of:

(1) Wastes;

(2) Facilities used for the receipt, storage, treatment, handling, or disposal of wastes;

(3) Radiation detection and monitoring instruments; or

(4) Other equipment and devices used in connection with the receipt, possession, handling, treatment, storage, or disposal of waste.

NEW SECTION

WAC 402-61-340 AGENCY INSPECTIONS OF LAND DISPOSAL FACILITIES. (1) Each licensee shall afford to the department at all reasonable times opportunity to inspect waste not yet disposed of, and the premises, equipment, operations, and facilities in which wastes are received, possessed, handled, treated, stored, or disposed.

(2) Each licensee shall make available to the department for inspection, upon reasonable notice, records kept by it pursuant to these regulations. Authorized representatives of the department may copy and take away copies of, for the department's use, any record required to be kept pursuant to these regulations.

Chapter 402-62 WAC REQUIREMENTS FOR USERS OF THE WASHINGTON COMMERCIAL LOW-LEVEL WASTE DISPOSAL SITE

WAC

402-62-010	Purpose and scope.
402-62-020	Definitions.
402-62-030	Site use permit.
402-62-040	Waste shipment certification.
402-62-050	Classification of radioactive waste for near-surface disposal.
402-62-060	Radioactive waste characteristics.
402-62-070	Labeling.
402-62-080	Reserved.
402-62-090	Transfer or disposal and manifests.

NEW SECTION

WAC 402-62-010 PURPOSE AND SCOPE. This chapter provides rules governing generators and brokers of low-level radioactive waste seeking to dispose of such waste at any commercial disposal facility in the state of Washington. These rules are in addition to applicable requirements of the United States Nuclear Regulatory Commission (NRC), the United States Department of Transportation (DOT), and other requirements of Title 402 WAC, the requirements of the department of ecology, Title 173 WAC, and conditions of the license issued to the disposal site operator(s).

NEW SECTION

WAC 402-62-020 DEFINITIONS. As used in this chapter, the following definitions apply:

- (1) "Low-level radioactive waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in section 11c.(2) of the Atomic Energy Act.
- (2) "Broker" means a person who performs one or more of the following functions for a low-level radioactive waste generator:
 - (a) Arranges for transportation of the low-level radioactive waste;
 - (b) Collects and/or consolidates shipments of such low-level radioactive waste;
 - (c) Processes such low-level radioactive waste in some manner; provided it shall not mean a carrier whose sole function is to transport such low-level radioactive waste.
- (3) "Shipper" or "consignor" means the last licensee to possess the low-level radioactive waste prior to transportation to the low-level radioactive waste disposal site, normally the generator when no broker is involved; otherwise, the broker.
- (4) "Generator" means the last person who puts radioactive material to practical use, and who then declares it to be no longer of use or value.
- (5) "Motor vehicle" means any vehicle, truck, tractor, semi-trailer, or trailer (or any permitted combination of these), driven by mechanical power and used upon the highways to carry property.
- (6) "Motor common carrier" means a person holding itself out to the general public to provide motor vehicle transportation for compensation over regular or irregular routes, or both.
- (7) "Motor contract carrier" means a person other than a common carrier providing motor vehicle transportation of property for compensation under continuing agreements with one or more persons.
- (8) "Motor private carrier" means a person, other than a motor carrier, transporting property by motor vehicle when the person is the owner, lessee, or bailee of the property being transported; and the property is being transported for sale, lease, rent, or bailment, or to further a commercial enterprise.
- (9) "Motor carrier" means a motor common carrier and a motor contract carrier.
- (10) "Shipment" means the total low-level radioactive waste material transported in one motor vehicle.

NEW SECTION

WAC 402-62-030 SITE USE PERMIT. (1) Each generator and each broker shall possess a valid site use permit prior to the disposal of low-level radioactive waste at any commercial disposal facility in the state of Washington and comply with the requirements of the department of ecology.

- (2) Suspension or revocation of permit.
 - (a) The failure of one or more packages in a shipment of waste to be in compliance with one or more of the requirements of the license issued to the commercial low-level radioactive waste disposal site operator, Title 402 WAC, the United States Nuclear Regulatory Commission, the United States Department of Transportation, or conditions of the disposal site operator's radioactive materials license may cause the suspension of the site use permit of the responsible generator and/or broker.
 - (b) The site use permit of a generator and/or broker may be suspended or revoked if any other licensed commercial low-level radioactive waste disposal site in the United States has refused to accept waste from that generator or broker.
 - (c) A suspended site use permit may be reinstated provided the generator and/or broker submits a quality assurance procedure designed to correct previous problems and to achieve compliance with all applicable requirements.

(3) Brokered shipments.

(a) It is the broker's responsibility to assure that a generator of waste has a valid unencumbered site use permit prior to shipment of waste for disposal.

(b) A broker, as consignor, assumes coresponsibility with a generator for all aspects of that generator's waste until it can be documented to the department's satisfaction that the broker's sphere of responsibility was limited.

NEW SECTION

WAC 402-62-040 WASTE SHIPMENT CERTIFICATION.

(1) A low-level radioactive waste shipment certification, Form RHF-31, must accompany each shipment of radioactive waste to a licensed low-level radioactive waste burial site. All three sections of the form must be completed. The certification shall be submitted at the disposal site to the department of social and health services or its designee, and must be judged to be properly executed prior to the acceptance of the waste by the site operator. If a broker is involved, the broker's and carrier's sections must bear original signatures. The generator's signature need not be an original signature. If a broker is acting as the processor and or packager of the waste, the broker may act as the agent of the generator and may sign the certification statement for the generator, provided the name and site use permit number of the original generator are identified. If no broker is involved, the generator shall so signify by entry in the broker's section of the form that no broker was involved, e.g., "no broker," and the generator and carrier's section must bear original signatures.

(2) In the case of brokered shipments from more than a single generator, information on each generator's certification shall include data clearly identifying, without reference to other documentation, each package transferred from that generator to the broker. The data shall be compatible with package identifications on the shipment manifest (RSR) from the broker, and with identification markings on the packages.

NEW SECTION

WAC 402-62-050 CLASSIFICATION OF RADIOACTIVE WASTE FOR NEAR-SURFACE DISPOSAL. (1) Considerations.

Determination of the classification of waste involves two considerations. First, consideration must be given to the concentration of long-lived radionuclides (and their shorter-lived precursors) whose potential hazard will persist long after such precautions as institutional controls, improved waste form, and deeper disposal have ceased to be effective. These precautions delay the time when long-lived radionuclides could cause exposures. In addition, the magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure. Second, consideration must be given to the concentration of shorter-lived radionuclides for which requirements on institutional controls, waste form, and disposal methods are effective.

(2) Classes of waste. (a) Class A waste is waste that is usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste must meet the minimum requirements set forth in WAC 402-62-060(1). If Class A waste also meets the stability requirements set forth in WAC 402-62-060(2), it is not necessary to segregate the waste for disposal.

(b) Class B waste is waste that must meet more rigorous requirements on waste form to ensure stability after disposal. The physical form and characteristics of Class B waste must meet both the minimum and stability requirements set forth in WAC 402-62-060.

(c) Class C waste is waste that not only must meet more rigorous requirements on waste form to ensure stability but also requires additional measures at the disposal facility to protect against inadvertent intrusion. The physical form and characteristics of Class C waste must meet both the minimum and stability requirements set forth in WAC 402-62-060.

(3) Classification determined by long-lived radionuclides. If the waste contains only radionuclides listed in Table 1, classification shall be determined as follows:

- (a) If the concentration does not exceed 0.1 times the value in Table 1, the waste is Class A.
- (b) If the concentration exceeds 0.1 times the value in Table 1, the waste is Class C.
- (c) If the concentration exceeds the value in Table 1, the waste is not generally acceptable for near-surface disposal.

(d) For waste containing mixtures of radionuclides listed in Table 1, the total concentration shall be determined by the sum of fractions rule described in subsection (7) of this section.

Table 1

Radionuclide	Concentration Curies/Cubic Meter
C-14	8
C-14 in activated metal	80
Ni-59 in activated metal	220
Nb-94 in activated metal	0.2
Tc-99	3
I-129	0,08
Alpha emitting transuranic radionuclides with half-life greater than five years	100 ¹
Pu-241	3,500 ¹
Cm-242	20,000 ¹
Ra-226	100 ¹

¹ Units are nanocuries per gram, to convert to becquerels (Bq) per gram multiply by 37, to convert from curies to gigabecquerels (GBq) multiply by 37. Specific approval of the department is required for disposal of these radionuclides if their concentration is greater than ten percent of the Table 1 value.

(4) Classification determined by short-lived radionuclides. If the waste does not contain any of the radionuclides listed in Table 1, classification shall be determined based on the concentrations shown in Table 2. If a nuclide is not listed in Table 2, it does not need to be considered in determining the waste class.

(a) If the concentration does not exceed the value of Column 1, the waste is Class A.

(b) If the concentration exceeds the value in Column 1, but does not exceed the value in Column 2, the waste is Class B.

(c) If the concentration exceeds the value in Column 2, but does not exceed the value in Column 3, the waste is Class C.

(d) If the concentration exceeds the value in Column 3, the waste is not generally acceptable for near-surface disposal.

(e) For wastes containing mixtures of the radionuclides listed in Table 2, the total concentration shall be determined by the sum of fractions rule described in subsection (7) of this section.

Table 2

Radionuclide	Concentration, Curies/Cubic Meter		
	Column 1	Column 2	Column 3
Total of all radionuclides with less than 5-year half-life	700	(*)	(*)
H-3	40	(*)	(*)
Ni-63	3.5	70	700
Ni-63 in activated metal	35	700	7,000
Sr-90	0.04	150	7,000
Cs-137	1	44	4,600

(*) There are no limits established for these radionuclides in Class B or C wastes. Practical consideration such as the effects of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentrations of other radionuclides in Table 2 determine the waste to be Class C independent of these radionuclides. Specific approval of the department is required prior to packaging of Class B tritium waste.

(5) Classification determined by both long-lived and short-lived radionuclides. If the waste contains a mixture of radionuclides, some of which are listed in Table 1, and some of which are listed in Table 2, classification shall be determined as follows:

(a) If the concentration of a radionuclide listed in Table 1 is less than 0.1 times the value listed in Table 1, the class shall be that determined by the concentration of radionuclides listed in Table 2.

(b) If the concentration of a radionuclide listed in Table 1 exceeds 0.1 times the value listed in Table 1, the waste shall be Class C, provided the concentration of radionuclides listed in Table 2 does not exceed the value shown in Column 3 of Table 2.

(6) Classification of waste with radionuclides other than those listed in Tables 1 and 2. If the waste does not contain any radionuclides listed in either Table 1 or 2, it is Class A.

(7) The sum of the fractions rule for mixtures of radionuclides. For determining classification for waste that contains a mixture of radionuclides, it is necessary to determine the sum of fractions by dividing each radionuclide's concentration by the appropriate limit and adding the resulting values. The appropriate limits must all be taken from the same column of the same table. The sum of the fractions for the column must be less than 1.0 if the waste class is to be determined by that column. Example: A waste contains Sr-90 in a concentration of 50 Ci/m³ and Cs-137 in a concentration of 22 Ci/m³. Since the concentrations both exceed the values in Column 1, Table 2, they must be compared to Column 2 values. For Sr-90 fraction, 50/150 = 0.33; for Cs-137 fraction, 22/44 = 0.5; the sum of the fractions = 0.83. Since the sum is less than 1.0, the waste is Class B.

(8) Determination of concentration in wastes. The concentration of a radionuclide may be determined by indirect methods such as use of scaling factors which relate to the inferred concentration of one radionuclide to another that is measured, or radionuclide material accountability, if there is reasonable assurance that the indirect methods can be correlated with actual measurement. The concentration of a radionuclide may be averaged over the volume of the waste, or weight of the waste if the units are expressed as nanocuries per gram. Guidance on determining waste concentrations in "NRC Low-level Waste Licensing Branch Technical Position on Radioactive Waste Classification," May 1983.

NEW SECTION

WAC 402-62-060 RADIOACTIVE WASTE CHARACTERISTICS. (1) The following are minimum requirements for all classes of waste and are intended to facilitate handling and provide protection of health and safety of personnel at the disposal site.

(a) Wastes shall be packaged in conformance with the conditions of the license issued to the site operator to which the waste will be shipped. Where the conditions of the site license are more restrictive than the provisions of these regulations, the site license condition shall govern.

(b) Wastes shall not be packaged for disposal in cardboard or fiberboard. Wood boxes are prohibited after November 30, 1986.

(c) Liquid waste shall be packaged in sufficient approved absorbent material to absorb twice the volume of the liquid, solidified using an approved solidification agent, or stabilized using an approved stabilization agent.

(d) Solid wastes containing liquid shall contain as little free-standing and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed one percent of the volume.

(e) Waste shall not be readily capable of detonation or of explosive decomposition or reaction at normal pressures and temperatures, or of explosive reaction with water.

(f) Waste shall not contain, or be capable of generating quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This does not apply to radioactive gaseous waste packaged in accordance with (h) of this subsection.

(g) Pyrophoric materials contained in wastes shall be treated, prepared, and packaged to be nonflammable.

(h) Wastes in gaseous forms shall be packaged at a gauge pressure that does not exceed 114 centimeters of mercury at 0° Celsius. Total activity shall not exceed 100 curies (3700 GBq) per container. See additional requirements for the packaging of H-3 (WAC 402-62-050(4)).

(i) Wastes containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce the maximum extent practicable the potential hazard from the nonradiological materials. Void spaces within the waste and between the waste and its package shall be reduced to the extent practicable. Wastes subject to regulation under Resource Conservation and Recovery Act (RCRA) are not allowed at the disposal site.

(2) The following requirements are intended to provide stability of the waste. Stability is intended to ensure that the waste does not degrade and affect overall stability of the site through slumping, collapse, or other failure of the disposal unit and thereby lead to water infiltration. Stability is also a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste.

(a) Classes B, C, and A stable waste shall have structural stability. A structurally stable waste form will generally maintain its physical dimensions and its form, under the expected disposal conditions such as weight of overburden and compaction equipment, the presence of moisture, and microbial activity, and internal factors such as radiation effects and chemical changes. Structural stability can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.

(b) Notwithstanding the provisions in subsection (1)(c) and (d) of this section, liquid waste, or waste containing liquid, shall be converted into a form that contains as little free-standing and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed one percent of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5 percent of the volume of the waste for waste processed to a stable form.

(c) Void spaces within all waste packages shall be avoided to the maximum extent practicable. In addition, stable wastes shall be managed so that designed void spaces within packages represent no more than fifteen percent of the package volume.

NEW SECTION

WAC 402-62-070 LABELING. Each package of waste shall be clearly marked or labeled to identify whether it is Class A, Class B, or Class C waste, in accordance with WAC 402-62-050. Packages of Class A waste shall also be marked stable or unstable as appropriate. These markings or labels shall be affixed to the package adjacent to (within 6 inches) any and all radioactive markings or labels.

NEW SECTION

WAC 402-62-080 VARIANCES. It is inevitable that a small portion of wastes cannot be treated to fully comply with the waste form requirements of this chapter consistent with the ALARA philosophy of chapter 402-10 WAC. A waste disposal site operator may apply to the department for a variance provided:

- (1) The variance requested is not for a continuing process or waste stream;
- (2) An equivalent or greater degree of protection is provided by the proposed alternative; and
- (3) All reasonable methods of complying with the existing requirement have been considered.

NEW SECTION

WAC 402-62-090 TRANSFER FOR DISPOSAL AND MANIFESTS. (1) Each shipment of waste to a licensed land disposal facility shall be accompanied by a shipment manifest that contains the name, address, and telephone number of the person generating the waste. The manifest shall also include the name, address, and telephone number of the person transporting the waste to the land disposal facility. The manifest shall also indicate as completely as practicable: A physical description of the waste; the waste volume; radionuclide identity and quantity; the total radioactivity; and the principal chemical form. The solidification agent shall be specified. Wastes containing more than 0.1 percent chelating agents by weight shall be identified and the weight percentage of the chelating agent estimated. Wastes classified as Class A, Class B, or Class C in WAC 402-62-050 shall be clearly identified as such in the manifest. The total quantity of the radionuclides H-3, C-14, Tc-99 and I-129 must be shown.

(2) The manifest required in subsection (1) of this section may be shipping papers used to meet United States Department of Transportation or United States Environmental Protection Agency regulations or requirements of the receiver, provided all of the required information is included.

(3) Each manifest shall include a certification by the waste generator that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation and the agency. An authorized representative of the waste generator shall sign and date the manifest.

(4) Any licensee who transfers waste to a land disposal facility or a licensed waste collector shall comply with the following requirements. Any licensee who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements of (d) through (h) of this subsection. A licensee shall:

(a) Prepare all wastes so the waste is classified according to WAC 402-62-050 and meets the waste characteristics requirements in WAC 402-62-060.

(b) Label each package of waste to identify whether it is a Class A waste, Class B waste or Class C waste, in accordance with WAC 402-62-050;

(c) Conduct a quality control program to assure compliance with WAC 402-62-050 and 402-62-060; the program must include management evaluation of audits;

(d) Prepare shipping manifests to meet the requirements of subsections (1) and (3) of this section;

(e) Forward a copy of the manifest to the intended recipient, at the time of shipment; or, deliver to a collector at the time the waste is collected, obtaining acknowledgement of receipt in the form of a signed copy of the manifest from the collector;

(f) Include one copy of the manifest with the shipment;

(g) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by these regulations;

(h) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(5) Any waste collector licensee who handles prepackaged waste shall:

(a) Acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest.

(b) Prepare a new manifest to reflect consolidated shipments; the new manifest shall serve as a listing or index for the detailed generator manifests. Copies of the generator manifests shall be a part of the new manifest.

The waste collector may prepare a new manifest without attaching the generator manifests, provided the new manifest contains for each package the information specified in subsection (2) of this section. The collector licensee shall certify that nothing has been done to the waste which would invalidate the generator's certification.

(c) Forward a copy of the new manifest to the land disposal facility operator at the time of shipment;

(d) Include the new manifest with the shipment to the disposal site.

(e) Retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed material as required by these regulations, and retain information from generator manifests as required by these regulations, and retain information from generator manifests until disposition is authorized by the agency; and

(f) For any shipments or any part of a shipment for which acknowledgement of receipt is not received within the times set forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(6) Any licensed waste processor who treats or repackages wastes shall:

(a) Acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest.

(b) Prepare a new manifest that meets the requirements of subsections (1), (2), and (3) of this section. Preparation of the new manifest reflects that the processor is responsible for the waste;

(c) Prepare all wastes so that the waste is classified according to WAC 402-62-050 and meets the waste characteristics requirement in WAC 402-62-060.

(d) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with WAC 402-62-050 and 402-62-070.

(e) A quality control program shall be conducted to assure compliance with WAC 402-62-050 and 402-62-060. The program shall include management evaluation of audits;

(f) Forward a copy of the new manifest to the disposal site operator or waste collector at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgement of receipt in the form of a signed copy of the manifest by the collector.

(g) Include the new manifest with the shipment;

(h) Retain copies of the original manifests and new manifests with documentation of acknowledgement of receipt as the record of transfer of licensed material required by these regulations.

(i) For any shipment or part of a shipment for which acknowledgment is not received within the times set forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(7) The land disposal facility operator shall:

(a) Acknowledge receipt of the waste within one week of receipt by returning a signed copy of the manifest to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. The returned copy of the manifest shall indicate any discrepancies between materials listed on the manifest and materials received;

(b) Maintain copies of all completed manifests until the agency authorizes their disposition; and

(c) Notify the shipper (i.e., the generator or the broker) and the agency when any shipment or part of a shipment has not arrived within sixty days after the advanced manifest was received.

(8) Any shipment or part of a shipment for which acknowledgement is not received within the time set forth in this section must:

(a) Be investigated by the shipper if the shipper has not received notification of receipt within twenty days after transfer; and

(b) Be traced and reported. The investigation shall include tracing the shipment and filing a report with the agency. Each licensee who conducts a trace investigation shall file a written report with the agency within two weeks of completion of the investigation.

Chapter 402-70 WAC SCHEDULE OF FEES

WAC

402-70-010	Purpose and scope.
402-70-020	Definitions.
402-70-030	Payment of fees.
402-70-050	Method of payment.
402-70-070	Fees for licensing and compliance actions.
402-70-080	Fees for perpetual care and maintenance.
402-70-090	Failure by applicant or licensee to pay prescribed fees.

AMENDATORY SECTION (Amending Order 1459, filed 11/30/79, effective 1/1/80)

WAC 402-70-010 PURPOSE AND SCOPE. This chapter establishes fees charged for licensing and inspection services rendered by the office of radiation (~~(control program)~~) protection as authorized under ~~(section 3, chapter 110, Laws of 1979 1st ex. sess)~~ RCW 70.121.030. These fees apply to owners and operators of uranium or thorium milling operations and their associated tailings or waste.

AMENDATORY SECTION (Amending Order 1459, filed 11/30/79, effective 1/1/80)

WAC 402-70-020 DEFINITIONS. As used in this chapter, the following definitions apply:

~~((3))~~ (1) ~~"Administrative amendment" means one that is routine in nature or has no health, safety or environmental significance.~~

~~((2))~~ (2) "Application" means a completed RHF-1 or equivalent with supporting documentation requesting the department to grant authority to receive, possess, use, transfer, own or acquire radioactive materials.

~~((3))~~ (2) "Department" means the department of social and health services which has been designated as the state radiation control agency.

~~((4))~~ (3) "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.

~~((5))~~ (4) "License" means a license issued by the department in accordance with the regulations adopted by the department.

~~((6))~~ "Major amendment" means one requiring evaluation of many aspects of licensed activities where the proposed action could present a potential risk to the public health and safety or which requires an environmental impact statement.

(7) "Minor amendment" means one where health, safety or environmental considerations may be easily resolved or an environmental impact statement is not required. (5) "Perpetual care and maintenance" means further maintenance, surveillance or other care of milling or tailings impoundment sites after termination of the site operator's decommissioning responsibilities and license.

AMENDATORY SECTION (Amending Order 1459, filed 11/30/79, effective 1/1/80)

WAC 402-70-030 PAYMENT OF FEES. (1) Application (fees): Each application (for which a fee is prescribed) shall be accompanied by a remittance in the full amount of the initial application fee. No application will be processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. ~~((All application fees will be charged irrespective of the department's disposition of the application or of a withdrawal of the application))~~ The applicant shall pay any additional actual costs involved with processing the application, and will be billed on a calendar quarter basis. The initial application fee shall be a credit to the applicant's quarterly billings.

(2) ~~((License fees: A fee to cover the cost of the independent environmental assessment plus any cost of an extensive program review not covered by the application fee will be payable upon notification by the department when the review of the project is complete. The license fee will not exceed that specified in WAC 402-70-070. The fee must be received prior to issuance of the license.~~

(3) ~~Amendment fees: The appropriate amendment fees shall accompany the application for amendment. The department will examine the expenditures for professional manpower and appropriate support services and will, where applicable, refund any overcharges or bill the applicant for the additional amendment fee. In no event will the fee exceed that specified in WAC 402-70-070(1). The fee for administrative amendments is a fixed charge. Unilateral amendments or amendments which result from written department requests may be exempted from these fees at the discretion of the department when the amendment is issued for the convenience of the department.~~

(4) ~~Renewal fees: The renewal fee shall accompany the renewal application. Upon completion of the program review, the department will examine the expenditures for professional manpower and appropriate support services and will, where applicable, refund any overcharges.~~

(5) ~~Inspection fees: An annual fee shall be charged to cover the cost of inspections for determining compliance with the provisions of the license including the manpower, laboratory and support services costs associated with the routine environmental monitoring undertaken. The department will examine the expenditures for professional manpower and appropriate support services and will, when applicable, refund any overcharges. In no event will the annual fee exceed that specified in WAC 402-70-070(2))~~ Operations: A charge shall be made to each uranium or thorium milling operation covering the actual expenses incurred by the department in determining compliance with the provisions of established regulations and conditions of the license. The licensee will be billed each calendar quarter until the license is terminated by the department. The quarterly bills will delineate the manpower, laboratory and support service costs associated with routine regulatory activities completed by the department.

(3) ~~Amendment: The actual costs incurred in reviewing and processing an amendment to a license will be added to and included with the department's calendar quarter charge for routine regulatory activities.~~

(4) ~~Renewal: The actual costs incurred in reviewing and processing an application for renewal will be added to and included with the department's calendar quarter charge for routine regulatory activities.~~

AMENDATORY SECTION (Amending Order 1459, filed 11/30/79, effective 1/1/80)

WAC 402-70-050 METHOD OF PAYMENT. (1) Fee payments shall be by check, draft or money order made payable to the department of social and health services.

(2) Fees are due and payable upon submission of the application for license (~~(license renewal or amendment, or upon notification by the department)~~) or within thirty days of receipt of a bill for actual costs incurred per calendar quarter.

~~((3))~~ ~~The provisions of subsection (2) of this section notwithstanding, the department may enter into an agreement with any applicant or licensee to prorate any or all fees which may be required on whatever frequency or payment schedule which may be mutually satisfactory. Such agreement may provide for adjustments in the amount of the periodic payments to compensate for actual costs to the department for program review. The agreement shall be renewed in conjunction with each license renewal.~~

AMENDATORY SECTION (Amending Order 1459, filed 11/30/79, effective 1/1/80)

WAC 402-70-070 FEES FOR LICENSING AND COMPLIANCE ACTIONS. (1) Licenses specifically authorizing the receipt, possession or use of natural uranium and its decay daughters for the extraction of uranium or thorium compounds ((and) or for the reclamation and disposal of the associated tailings or waste shall be subject to ((the following fees for the listed licensing actions)) quarterly payment of expenses incurred by the department. Expenses of the department include those activities which determine licensee's compliance with terms and conditions of the license, review licensing requests and requirements, or maintain a uranium mill program which is compatible with the requirements of the United States Nuclear Regulatory Commission.

Table with 2 columns: Fee description and Amount. Rows include: ((a)) Application fee \$ 27,000; ((b)) License fee \$ 165,000; ((c)) Amendment fee: Major \$ 10,000, Minor \$ 800, Administrative \$ 85; ((d)) Renewal fee \$ 10,000.

(2) ((Licenses specifically authorizing the receipt, possession, or use of natural uranium and its decay daughters for the extraction of uranium or thorium compound and for the reclamation and disposal of the associated tailings or waste shall be subject to an annual inspection fee of ninety thousand dollars to cover the cost of monitoring for compliance with the terms and conditions of the license)) The initial application fee shall be twenty-five thousand dollars. Annual costs shall not exceed ninety thousand dollars for any licensee, except when an environmental impact statement shall be prepared in accordance with chapter 173-11 WAC in which case annual costs shall not exceed two hundred thousand dollars for any licensee.

NEW SECTION

WAC 402-70-080 FEES FOR PERPETUAL CARE AND MAINTENANCE. Licenses specifically authorizing the receipt, possession, or use of natural uranium and its decay daughters for the extraction of uranium or thorium compounds or for the reclamation and disposal of the associated tailings or waste shall be subject to quarterly payments of twenty cents per kilogram of uranium or thorium compound milled out of the raw ore. This payment is due thirty days after the end of each calendar quarter. A minimum charge of two hundred fifty thousand dollars (1978 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 department prior to the termination of a uranium or thorium mill license. The maximum amount paid by each licensee for perpetual care and maintenance shall not exceed one million dollars.

AMENDATORY SECTION (Amending Order 1459, filed 11/30/79, effective 1/1/80)

WAC 402-70-090 FAILURE BY APPLICANT OR LICENSEE TO PAY PRESCRIBED FEES. In any case where the department finds that an applicant or a licensee has failed to pay a prescribed fee ((required by this chapter)) or actual costs incurred during a calendar quarter, the department will not process any application and may suspend or revoke any license or approval involved or may issue an order with respect to licensed activities as the department determines to be appropriate or necessary in order to carry out the provisions of this chapter.

Chapter 402-80 WAC MONITORING AND ENFORCEMENT OF AIR QUALITY AND EMISSION STANDARDS FOR RADIONUCLIDES

Table with 2 columns: WAC number and Purpose. Rows include: 402-80-010 Purpose, 402-80-020 Applicability, 402-80-030 Exemptions, 402-80-040 Definitions, 402-80-050 Standards, 402-80-060 Registration, 402-80-070 New and modified sources, 402-80-080 Monitoring and reporting.

- 402-80-090 Special reports.
402-80-100 Regulatory actions.

NEW SECTION

WAC 402-80-010 PURPOSE. The purpose of this chapter is to establish procedures for the monitoring, control, and reporting of airborne radionuclide emissions from specific sources to assure compliance with applicable standards.

NEW SECTION

WAC 402-80-020 APPLICABILITY. This chapter shall apply state-wide. These provisions apply to:

- (1) Facilities licensed by the department or by the United States Nuclear Regulatory Commission;
(2) United States Department of Energy (DOE) facilities;
(3) Non-DOE federal facilities that emit radionuclides to the air; and
(4) Any other facilities having emissions of radionuclides to the air in amounts that can potentially cause a dose equivalent in excess of five mrem/year to the whole body or 15 mrem/year to the critical organ of any member of the public.
(5) These provisions do not apply to facilities regulated under other state authorities, specifically:
(a) Uranium mill sites (chapter 402-52 WAC);
(b) Nuclear power reactors (chapter 463-54 WAC).

NEW SECTION

WAC 402-80-030 EXEMPTIONS. Types of facilities listed in Table I are exempt from this chapter because they either release no airborne radioactivity or because it has been determined that they would prima facie be in compliance with the standard.

TABLE I

- (1) Users of only sealed sources.
(2) Low-energy accelerators (<200 MeV).
(3) Reserved.

NEW SECTION

WAC 402-80-040 DEFINITIONS. As used in this chapter, these terms have the definitions set forth below.

- (1) "Best available radionuclide control technology (BARCT)" means technology which will result in a radionuclide emission limitation based on the maximum degree of reduction for radionuclides which would be emitted from any proposed stationary source or modification of a source which the permitting authority on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques. In no event shall application of best available radionuclide technology result in emissions of radionuclides which would exceed the ambient annual standard limitation specified in this chapter.
(2) "Critical organ" means the most exposed human organ or tissue exclusive of the integumentary system (skin) and the cornea.
(3) "Department" means the department of social and health services.
(4) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body. Units of dose equivalent are mrem.
(5) "Radionuclide" means any nuclide that emits radiation.
(6) "Whole body" means all human organs or tissue exclusive of the integumentary system (skin) and the cornea.

NEW SECTION

WAC 402-80-050 STANDARDS. The ambient air quality standards and emission limits for radionuclides shall be those promulgated by the department of ecology in chapter 173-480 WAC. The WDOE ambient standard requires that emissions of radionuclides to the air shall not cause a dose equivalent of more than 25 mrem/year to the whole body or 75 mrem/year to a critical organ of any member of the public. Doses due to Radon-220, Radon-222, and their respective decay products are excluded from this chapter. These standards are

consistent with Environmental Protection Agency Final Rules for National Emission Standards for Hazardous Air Pollutants (Standards for Radionuclides published in 40 CFR Part 61 on February 6, 1985).

NEW SECTION

WAC 402-80-060 REGISTRATION. (1) The owner or operator of each source of airborne radionuclide emissions within the following source categories (unless specifically exempted in WAC 402-80-030) shall register the source with the department:

- (a) NRC-licensed facilities;
- (b) United States Department of Energy Facilities;
- (c) Non-DOE federally owned or operated facilities;
- (d) Any other facility having emissions of radionuclides to air in amounts that cause a dose equivalent in excess of 5 mrem/year to the whole body or 15 mrem/year to the critical organ of any member of the public.

(2) State licensees under the authority of other chapters of Title 402 WAC will be deemed registered.

(3) Registration shall be on forms to be supplied by the department. Upon a determination that registration of a particular source meets department of ecology and department of social and health services regulations, the department of social and health services will issue a permit authorizing the emission source with such conditions and limitations as it deems appropriate or necessary.

(4) Fees for permit issuance and inspection services rendered by the department are covered in WAC 440-44-070. A report of closure shall be filed with the department whenever operations producing emissions are permanently ceased at any source within the above categories.

NEW SECTION

WAC 402-80-070 NEW AND MODIFIED SOURCES. (1) Construction shall not commence, on any new source that is required to register per WAC 402-80-060, until a notice of construction has been approved per WAC 402-80-050.

(2) The owner or operator of any source that is required to register per WAC 402-80-060 shall notify the department prior to replacement of radioactive emission control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.

(3) The construction, installation or establishment of a new source subject to this chapter shall utilize best available radionuclide control technology (BARCT).

(4) Addition to, or enlargement, modification, replacement, alteration of any process or source, or replacement of radioactive emission control equipment which will significantly change potential radionuclide emissions or significantly change the dose equivalent to any member of the public will require the proposed project to utilize BARCT for emission control.

NEW SECTION

WAC 402-80-080 MONITORING AND REPORTING. (1) The department may conduct an environmental surveillance program to assure that radiation exposures to the public from airborne radionuclide emission sources are in compliance with applicable standards.

(2) As a part of the surveillance program, the department may require the operator of any facility under the jurisdiction of the department to conduct stack sampling, ambient air monitoring, or other testing as necessary and to report the results to the department. Such testing may include computer dose modeling and verification.

(3) The use of continuous monitoring equipment by the facility operator is encouraged but may not be feasible for some radionuclides. If the department determines that continuous monitoring is not a feasible or reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These may take the form of stack tests conducted at a frequency sufficient to establish emission levels over time and to monitor deviations in these levels.

(4) The facility operator or owner shall submit a semiannual inventory of emissions from the source upon a form, and according to instructions, issued by the department.

(5) The semiannual inventory shall specify the quantities of each of the principal radionuclides released to unrestricted areas in airborne emissions during the previous six months. This data shall be reported in a manner that will permit the department to confirm the potential annual radiation doses to the public. Reports shall be due in writing by May 1 and November 1 of each year.

(6) To determine compliance with applicable standards, radionuclide emissions shall be determined and dose equivalent to members of the public shall be calculated using EPA-approved sampling procedures, EPA codes AIRDOS-EPA and RADRISK, or other procedures, including those based on environmental measurements, that the department has determined to be suitable. In most cases, compliance will be determined by calculating the dose to members of the public at the point of maximum annual air concentration in an unrestricted area.

(7) The following is a list of approved procedures:
(to be provided later)

(8) In order to demonstrate compliance with this chapter, the department may require that a test be made of the emission source. The operator of the source may be required to provide a sampling platform and sampling ports for the department to perform an emission test. The department shall be allowed to obtain a sample from any emissions unit. The operator may observe the sampling and may obtain a sample at the same time.

NEW SECTION

WAC 402-80-090 SPECIAL REPORTS. The facility operator shall advise the department immediately of any shutdown, abnormal operation, or other change in facility operation which could result in an airborne radionuclide emissions violation of applicable standards. If requested by the department, the owner/operator shall submit a written report including known causes, corrective actions taken, and any preventative measures to be taken to minimize or eliminate the chance of recurrence. (See WAC 402-24-190).

NEW SECTION

WAC 402-80-100 REGULATORY ACTIONS. The department may take any of the following regulatory actions to enforce this chapter.

(1) Notice of violation. Whenever the department has reason to believe that any provision of this chapter has been violated, it may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Compliance orders. The department may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

(3) Assurance of discontinuance. The department may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Violations. An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who violates any provision of the act or any regulation or order issued thereunder may be guilty of a gross misdemeanor and upon conviction, may be punished by fine or imprisonment or both, as provided by law.

(5) Impoundment. Sources of radiation shall be subject to impoundment pursuant to WAC 402-12-140.

WSR 86-17-067

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules

concerning the amendment of WAC 284-19-200 to extend the Washington essential property insurance inspection and placement program, commonly called the FAIR plan, for an additional year;

that the agency will at 10:00 a.m., Wednesday, September 24, 1986, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 48.02.060.

The specific statute these rules are intended to implement is RCW 48.01.030 and 48.58.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1986. Mailing Address: Insurance Building, AQ-21, Olympia, WA 98504.

Dated: August 18, 1986

By: Dick Marquardt

Insurance Commissioner

STATEMENT OF PURPOSE

Amending WAC 284-19-200 to extend the Washington essential property insurance inspection and placement program, commonly called the FAIR plan, for an additional period of time.

The statutory authority for the proposed amendment is RCW 48.02.060 to effectuate the provisions of RCW 48.01.030 and 48.58.010.

The proposed change will extend the life of the FAIR plan for an additional year. In the final year, from December 1, 1987, until November 30, 1988, the program will service existing policies but no policies will be issued or renewed, allowing the program to expire in an orderly manner. The purpose of the extension is to continue a means whereby insurers may provide essential property insurance in designated urban areas as dictated by good faith and equity in the fulfillment of the public interest as to which insurance is affected.

David H. Rodgers, Chief Deputy Insurance Commissioner, whose telephone number is (206) 753-7302, is primarily responsible for the implementation and enforcement of the rule, and Robert E. Johnson, Deputy Commissioner, (206) 753-2406, was primarily responsible for the drafting of the amendment. Their addresses are Insurance Building, AQ-21, Olympia, Washington 98504.

The amendment is proposed by the Insurance Commissioner, a state public official.

The proposed amendment is not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: The proposed amendment makes no substantive changes in the FAIR plan program, which will continue as it has in the past. Such economic impact as occurs because of the extension of the program for an additional year will not be dependent upon the size of the insurer, as measured by number of employees as the law requires, but upon the amount of property insurance premiums written by each insurer in relation to the total of all such premiums written by all insurers participating in the program.

AMENDATORY SECTION (Amending Order R 84-5, filed 11/8/84)

WAC 284-19-200 TERMINATION OF PROGRAM. This program shall terminate (~~upon repeal of this regulation (chapter 284-19 WAC). In the event of the expiration of the act or the failure of the program to continue to qualify for riot or civil disorder reinsurance under the act, the program shall continue for an additional four years from the earlier of such expiration or failure to qualify for reinsurance, and, during such additional years,)~~ on November 30, 1988. However, from December 1, 1987, through November 30, 1988, no insurance policy under the program shall be issued or renewed, thereby allowing the program to expire in an orderly manner. The act having expired, the facility, association and governing committee shall continue to function in conformity with chapter 284-19 WAC except with respect to references to the act or the secretary as the same become inapplicable ((and except that no insurance policy under the program shall be issued or renewed during the final year)). No obligations incurred by the association shall be impaired by the termination of the program and such association shall be continued for the purpose of performing such obligations.

WSR 86-17-068

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Seattle, city of, WAC 173-19-2521;

that the agency will at 7:00 p.m., Tuesday, September 23, 1986, in the Seattle City Council Chambers, Seattle 1200 Municipal Building, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Monday, October 20, 1986, 2:00 p.m.

The authority under which these rules are proposed is chapters 43.21A and 34.04 RCW.

The specific statute these rules are intended to implement is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 1, 1986.

Dated: August 19, 1986

By: Phillip C. Johnson

Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2521 City of Seattle.

Description of Purpose: Adoption of a revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts a revision to the shoreline master program for the city of Seattle.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lisa Randlette, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6762.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: On file at the Department of Ecology.

AMENDATORY SECTION (Amending Order DE 85-16 [85-21], filed 8/7/85 [10/1/85])

WAC 173-19-2521 SEATTLE, CITY OF. City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. Revision approved September 10, 1980. Revision approved February 24, 1981. Revision approved May 14, 1981. Revision approved October 1, 1981. Revision approved January 5, 1982. Revision approved February 24, 1983. Revision approved June 7, 1983. Revision approved July 12, 1983. Revision approved October 13, 1983. Revision approved October 1, 1985. Revision approved October 20, 1986.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 86-17-069
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Winthrop, town of, WAC 173-19-3210.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 11, 1986, 2:00 p.m.

The authority under which these rules are proposed is chapters 43.21A and 34.04 RCW.

The specific statute these rules are intended to implement is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 86-14-110 filed with the code reviser's office on July 2, 1986.

Dated: August 15, 1986
 By: Phillip C. Johnson
 Deputy Director, Programs

AMENDATORY SECTION (Amending Order DE 79-34 [85-08], filed 1/30/80 [3/28/85])

WAC 173-19-3210 WINTHROP, TOWN OF. Town of Winthrop master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved February 2, 1979. Revision approved November 23, 1981. Revision approved January 31, 1985. Revision approved March 28, 1985. Revision approved September 11, 1986.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 86-17-070
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Snohomish County, WAC 173-19-390.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, 2:00 p.m. on September 11, 1986.

The authority under which these rules are proposed is chapters 43.21A and 34.04 RCW.

The specific statute these rules are intended to implement is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 86-14-111 filed with the code reviser's office on July 2, 1986.

Dated: August 15, 1986
 By: Phillip C. Johnson
 Deputy Director, Programs

AMENDATORY SECTION (Amending Order DE 83-43, filed 1/4/84)

WAC 173-19-390 SNOHOMISH COUNTY. Snohomish County master program approved December 27, 1974. Revision approved June 16, 1978. Revision approved June 23, 1982. Revision approved August 25, 1983. Revision approved January 4, 1984. Revision approved September 11, 1986.

WSR 86-17-071
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Pacific County, WAC 173-19-330.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Thursday, August 28, 1986.

The authority under which these rules are proposed is chapters 43.21A and 34.04 RCW.

The specific statute these rules are intended to implement is RCW 90.58.120 and [90.58].200.

This notice is connected to and continues the matter in Notice No. WSR 86-16-002 filed with the code reviser's office on July 24, 1986.

Dated: August 19, 1986
 By: Phillip C. Johnson
 Deputy Director, Programs

AMENDATORY SECTION (Amending Order 84-32, filed 9/27/84)

WAC 173-19-330 PACIFIC COUNTY. Pacific County master program approved April 8, 1975. Revision approved June 26, 1980. Revision approved March 16, 1982. Revision approved September 26, 1984. Revision approved August 28, 1986.

WSR 86-17-072
PROPOSED RULES
COMMISSION ON EQUIPMENT
 [Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Commission on Equipment intends to adopt, amend, or repeal rules concerning exemption from the requirement to wear seat belts;

that the agency will at 1:30 p.m., Wednesday, September 24, 1986, in the Small Conference Room, Main Floor, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 152, Laws of 1986.

The specific statute these rules are intended to implement is RCW 46.61.688.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1986.

Dated: August 19, 1986
 By: Lieutenant Gary R. Hallett
 Executive Secretary

STATEMENT OF PURPOSE

Title: Seat belts are designed and intended to protect the occupants of motor vehicles, however, certain occupations dictate that a vehicle be stopped and worked out of on a frequent basis and the wearing of a seat belt assembly would not be practical while performing those specific occupations.

Authority: RCW 46.61.688 relating to motor vehicle safety restraints, chapter 152, Laws of 1986, is intended to allow for exemptions to the requirement to wear a seat belt.

Summary: Individuals riding in specific types of vehicles of a specific year or manufacturer or newer, are required to wear seat belts as per the standards as set forth in Federal Motor Vehicle Safety Standard 208. However, it is recognized that the use of seat belt systems is not practical under specific circumstances.

Agency: Commission on Equipment, Washington State Patrol, Lieutenant Gary R. Hallett, General Administration Building, AX-12, Olympia, Washington 98504, (206) 753-6569.

Comments: RCW 46.61.688 gives the Commission on Equipment the authority to exempt operators or occupants of farm vehicles, construction equipment and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

Government: RCW 46.61.688, chapter 152, Laws of 1986, enacted by the legislature of the state of Washington.

CHAPTER 204-41 WAC SEAT BELT EXEMPTIONS

NEW SECTION

WAC 204-41-010 AUTHORITY. This chapter is promulgated pursuant to RCW 46.61.688 and chapter 152, Laws of 1986, and is intended to administratively implement that statute.

NEW SECTION

WAC 204-41-020 PURPOSE. The purpose of this rule is to exempt the operators and occupants of farm vehicles and construction equipment and specific vehicle operators that stop on a frequent basis from the requirement to wear a seat belt assembly.

NEW SECTION

WAC 204-41-030 SEAT BELTING OF PRISONERS. It is intended that all prisoners being transported in a passenger style patrol vehicle wear a seat belt. However, if the prisoner is combative or for any other reason, the officer in charge of the prisoner has the option to not place the prisoner in a seat belt system.

Prisoners that are transported in the front seat of a patrol vehicle should be placed in a seat belt assembly.

NEW SECTION

WAC 204-41-040 RURAL UNITED STATES POSTAL CARRIERS. Employees of the United States Postal Service are not required to wear a seat belt system while delivering mail and while actually on a designated rural mail route. Seat belt use is required when traveling to and from the mail route.

NEW SECTION

WAC 204-41-050 RURAL NEWSPAPER CARRIERS. Employees of newspapers that deliver newspapers on rural routes are not required to wear a seat belt system while actually on a designated newspaper delivery route. This shall mean in sparsely populated areas. Seat belt use is required when traveling to and from the newspaper route.

NEW SECTION

WAC 204-41-060 CONSTRUCTION EQUIPMENT. Operators of construction equipment not designed or used primarily for the transportation of persons, are not required to wear a seat belt system. This construction equipment shall include, but not limited to, such equipment as ditch digging apparatus, well boring apparatus, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, motor graders, road rollers, earth moving carry-alls and scrapers.

NEW SECTION

WAC 204-41-070 FARM TRACTORS AND FARM VEHICLES. Operators and passengers of farm tractors and farm vehicles are not required to wear a seat belt system.

(1) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(2) "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

WSR 86-17-073
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
 [Memorandum—August 15, 1986]

MEETING CANCELLED

The regular meeting of the Public Works Board scheduled for Tuesday, September 9, 1986, has been cancelled.

SPECIAL MEETING

A special meeting of the Public Works Board has been called for Tuesday, September 30, 1986. The meeting will begin at 8:30 a.m. and be held at the Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, WA.

The Public Works Board also indicated that this meeting may be adjourned and continued to a later date due to the amount of business to be conducted. If the meeting is continued, the board will reconvene on Tuesday, October 7, 1986, at the Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA. The time shall be as set by the board and posted with the order of adjournment per RCW 42.30.090.

WSR 86-17-074
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning continuation of eligibility for pregnant women, new WAC 388-83-031 and 388-99-011.

It is the intention of the secretary to adopt these rules on an emergency basis on August 18, 1986;

that the agency will at 10:00 a.m., Wednesday, September 24, 1986, in the Auditorium, OB-2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 14.09 [74.09] RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by September 10, 1986. The meeting site is in a location which is barrier free.

Dated: August 18, 1986

By: Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: New WAC 388-83-031 and 388-99-011.

Purpose of the Rule: To implement section 9501(c) of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986.

This rule is required by COBRA.

Statutory Authority: RCW 74.08.090.

Summary: Effective April 7, 1986, pursuant to section 9501(c) of the Consolidated Omnibus Budget Reconciliation Act (COBRA) states are required to provide Medicaid for all pregnancy-related postpartum care to all women who, while pregnant, received medical assistance under the state plan. Eligibility for Medicaid must continue until the end of the sixty day period beginning on the last day of the pregnancy.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules proposed by DSHS.

These rules are necessary as a result of federal law, Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272).

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

NEW SECTION

WAC 388-83-031 CONTINUATION OF ELIGIBILITY FOR PREGNANT WOMEN. A woman who was eligible for and received Medicaid on the last day of pregnancy shall continue to be eligible for Medicaid-covered postpartum and pregnancy-related services for sixty days following that date.

NEW SECTION

WAC 388-99-011 CONTINUATION OF ELIGIBILITY FOR PREGNANT WOMEN. A woman who was eligible for and received Medicaid on the last day of pregnancy shall continue to be eligible for Medicaid-covered postpartum and pregnancy-related services for sixty days following that date.

WSR 86-17-075
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Order 2414—Filed August 19, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and

adopt at Olympia, Washington, the annexed rules relating to schedule of charges, amending WAC 275-16-030.

This action is taken pursuant to Notice No. WSR 86-14-010 filed with the code reviser on June 20, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 71.02.412 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 71.02.410.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 14, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2273, filed 8/15/85)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	(\$113.24) 124.58	\$179.32 \$212.06	\$144.78) \$145.21
Physician Costs	*	((8.64)) 7.14	*
*Physician costs will be billed on a fee for service basis			
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient Day Care Per Day	—	((67.78)) 71.17	—
Per Hour	—	((11.30)) 11.86	—
(c) ANCILLARY SERVICES -			
Per relative value unit / ¹			
Radiology	((7.47)) 4.91	7.47	4.83) 3.99
Pathology	((.55)) .35	.55	.38) .36
Medical Clinics	((1.94)) 2.60	1.94	1.00) 2.05
Electroencephalogram	—	—	1.00
Electrocardiogram	—	—	((.41)) .30
Inhalation Therapy	—	—	—
Physical Therapy	((2.02)) 1.85	2.02	1.18) 2.29
Occupational Therapy	—	—	((27.82)) 21.27
Speech Therapy	—	—	((16.43)) 15.53
Dental	((—)) 22.95	—	41.24) 37.66
Podiatry	((1.18)) .92	1.18	1.22) 1.00
Optometry	—	—	1.00

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

¹/California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 86-17-076
PROPOSED RULES
INSURANCE COMMISSIONER
[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning basic procedures for insuring and dealing with insureds and prospective insureds with respect to the epidemic of Acquired Immune Deficiency Syndrome (AIDS) and its related conditions, and imposing an additional reporting requirement in annual statements filed by insurers, health care service contractors, and health maintenance organizations;

that the agency will at 9:30 a.m., Tuesday, September 23, 1986, in the John A. Cherberg Building, Hearing Room #1, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 25, 1986, in the Insurance Commissioner's Office, Olympia, Washington, at 10:00 a.m.

The authority under which these rules are proposed is RCW 48.02.060 (3)(a), 48.44.050 and 48.46.200.

The specific statute these rules are intended to implement is RCW 48.01.030, 48.05.250(1), 48.18.11 (1)(c) [48.18.110 (1)(c)], 48.18.480, 48.30.300, 48.44.095, 48.44.220, 48.46.080 and 48.46.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1986. Mailing Address: Insurance Building, AQ-21, Olympia, WA 98504.

Dated: August 20, 1986

By: David H. Rodgers

Chief Deputy Insurance Commissioner

STATEMENT OF PURPOSE

Title: Chapter 284-90 WAC, to set forth new rules and procedures for dealing with insureds and prospective insureds with respect to the epidemic of Acquired Immune Deficiency Syndrome (AIDS) and its related conditions.

The statutory authority for the proposed rules is RCW 48.02.060 (3)(a), 48.44.050 and 48.46.200 to effectuate the provisions of RCW 48.01.030, 48.05.250(1), 48.18.110 (1)(c), 48.18.480, 48.30.300, 48.44.095, 48.44.220, 48.46.080 and 48.46.370. These statutes generally pertain to the equitable treatment of insureds and prospective insureds and the proper classification thereof.

The purpose of the proposed rules is to set forth some basic procedures for dealing with the epidemic of Acquired Immune Deficiency Syndrome (AIDS) and its related conditions. It is being promulgated because of

the current uncertainties in the treatment of insureds and prospective insureds as it relates to the epidemic.

The rules will apply to insurers, health care service contractors, and health maintenance organizations.

WAC 284-90-020 effectuates the various statutes prohibiting unfair discrimination between insureds having like risks and exposure factors. The practical effect of these statutes is to require grouping of insureds into classes of like risk and exposure and the charging of a premium commensurate with the risk and exposure. This assures the equitable treatment of each class of insured in the sense that the premium charged is reasonably related to the risks assumed by the insurer and that no class of insureds supports (or is supported by) another class of insureds. For example: Insureds with a heart condition should not subsidize (or be subsidized by) insureds with AIDS or diabetes; policies issued on a standard basis should not be surcharged to support those issued to insureds suffering from an ailment.

To properly classify such prospective insureds, insurers must ask appropriate questions on application forms and may require reasonable testing of prospective insureds. The rule sets standards for such questions and testing.

WAC 284-90-030 requires life insurance companies, health care service contractors, and health maintenance organizations to include in their annual reports a paragraph setting forth their actuary's expectation of the effects of the AIDS epidemic on the insurer's financial position.

David H. Rodgers, Chief Deputy Insurance Commissioner, (206) 753-7302 is directly responsible for drafting the proposed rules and will supervise their implementation and enforcement. His office is in the Insurance Building, AQ-21, Olympia, Washington 98504-0321.

The rules are proposed by Dick Marquardt, the Insurance Commissioner, a state public official.

The proposed rules are not necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: The proposed rules will have minimal impact on insurers, large or small. The additional cost per employee per hour of labor is estimated to be zero, whether the insurer has more or less than fifty employees. Reduced to its essentials, the proposed rules require insurers to process prospective insureds who may be suffering from AIDS in the same manner they process prospective insureds who may be suffering from any other ailment. There is no basis for treating a small insurer — one with fifty or fewer employees — differently from a large company. Insureds and prospective insureds of either are entitled to the same consideration and the rules will assure equitable treatment for all.

Chapter 284-90 WAC
RULES PERTAINING TO AIDS

WAC	
284-90-010	Purpose.
284-90-020	Insuring procedures relating to AIDS.
284-90-030	Actuarial reserves—Annual financial statements.

NEW SECTION

WAC 284-90-010 PURPOSE. (1) This regulation is promulgated because of the current uncertainties in the treatment of insureds and prospective insureds as related to the epidemic of Acquired Immune Deficiency Syndrome (AIDS) and its related conditions. Such related conditions include a positive testing for the HLTV-III antibodies and a diagnosis of AIDS Related Complex (ARC). The regulation sets forth some basic procedures for dealing with the epidemic.

(2) The insurance code prohibits unfair discrimination between insureds having like risk and exposure factors. The practical effect of the law is to require grouping of insureds into classes of like risk and exposure and charging a premium commensurate with the risk and exposure. This assures the equitable treatment of each class of insureds in the sense that the premium charge is reasonably related to the risk assumed by the insurer and that no class of insureds supports (or is supported by) another class of insureds. For example: Insureds with a heart condition should not subsidize (or be subsidized by) insureds with AIDS or diabetes; policies issued on a standard basis should not be surcharged to support those issued to insureds suffering from an ailment. To properly classify such prospective insureds, insurers must ask appropriate questions on application forms and may require reasonable testing of prospective insureds.

NEW SECTION

WAC 284-90-020 INSURING PROCEDURES RELATING TO AIDS. (1) AIDS must be treated as any other disease. AIDS and its variants are diseases and must be considered as such under the insurance laws of this state. Underwriting considerations must be consistent with the underwriting considerations applied to other diseases. Prospective insureds must be accepted or rejected or rated standard or substandard on the basis of bona fide and substantiated statistical differences in risk or exposure.

(2) Questions on insurance applications are important and necessary. Questions about AIDS and related health conditions on applications for insurance must be in clear and understandable language and must lend themselves to the placement of applicants in the proper class of insureds. Questions which are ambiguous or misleading are prohibited.

(3) Blood testing of applicants may be appropriate. When used, the blood testing of insurance applicants must be administered on a non-discriminatory basis. If a prospective insured is to be declined or rated substandard because of HLTV-III antibodies in the blood, such action must be based on a Western Blot Test or another test of equal or greater accuracy. Testing procedures of lesser accuracy may be used on a nondiscriminatory basis for underwriting purposes, but a prospective insured may not be declined or rated substandard solely on the basis of results from such test(s).

(4) There are several aspects of the disease AIDS which may create unforeseen claim settlement problems under life insurance, loss of time, and medical coverages. The likelihood of the claimant incurring medical expenses from several different symptoms of AIDS or one of its related conditions may make it difficult to determine when the disease first manifested itself. The long incubation period along with the intermittent ailments may create problems with the pre-existing conditions clause and the incontestable provision, as well as the rules which determine a new spell of illness. The benefit provision, including any extended benefit provision, will determine the extent of claim payments if the disease manifested itself while the policy was in force but continued after expiration of coverage or termination of the contract. Such matters, and others unique to the disease of AIDS and its related conditions, must be resolved in a manner consistent with the settlement of claims resulting from other diseases.

NEW SECTION

WAC 284-90-030 POLICY RESERVES—ANNUAL FINANCIAL STATEMENTS. The instructions for the annual statement of life and disability insurers, health care service contractors, and health maintenance organizations which must be filed with the insurance commissioner requires an actuarial statement setting forth the actuary's opinion relating to policy reserves and other actuarial items. Effective with statements submitted after December 31, 1986, such statements shall include a paragraph setting forth the actuary's expectation of the effects of the AIDS epidemic on the insurer's financial position.

WSR 86-17-077
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

- Amd WAC 458-20-113 Ingredients or components, chemicals used in processing new articles for sale.
- Amd WAC 458-20-134 Commercial or industrial use.
- Amd WAC 458-20-136 Manufacturing, processing for hire, fabricating.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 23, 1986.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.04.050 and 82.04.190, as amended by chapter 231, Laws of 1986.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 23, 1986.

Dated: August 20, 1986
By: Matthew J. Coyle
Acting Director

STATEMENT OF PURPOSE

Title: WAC 458-20-113 Ingredients or components, chemicals used in processing new articles for sale.

Description of Purpose: To bring the administrative rule in conformity with the construction of RCW 82.04.050 (1)(c) applied by the Washington Supreme Court in *Lone Star Cement v. State*, 97 Wn.2d 630 by deleting the "primary purpose" test as applied to components and ingredients of new articles being produced for sale. To clarify the meaning of "components and ingredients" which are excluded from the definition of "retail sale" under the above statute. To implement chapter 231, Laws of 1986, which provides a sales tax and use tax exemption for property purchased and used to make ferrosilicon in the manufacture of magnesium under express conditions.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.050 and 82.04.190, as amended by chapter 231, Laws of 1986.

Reasons Supporting Proposed Action: The Washington Supreme Court ruled in *Lone Star Cement* (97 Wn.2d 630) that WAC 458-20-113 improperly contained a "primary purpose" test applicable to articles purchased and used as components or ingredients of new articles being produced for sale. This rule must be corrected to delete this test. This is a ministerial amendment because the law has been administered pursuant to the court's decision since it was rendered in 1982. Also, the rule must be further amended to incorporate the special sales and use tax exemptions for ferrosilicon products provided by chapter 231, Laws of 1986. The rule must also be changed to comply with uniform and [and] consistent identification formatting now being used in all

revenue rules. Because all of these amendments are ministerial and do not change the substantive application of the law or rule, they are being adopted, as amended, without public hearing.

Title: WAC 458-20-134 Commercial or industrial use.

Description of Purpose: To implement chapter 231, Laws of 1986. To put the rule in new numbering and lettering identification format for uniformity and consistency.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.050 and 82.04.190, as amended by chapter 231, Laws of 1986.

Reasons Supporting Proposed Action: This rule already includes references to express exemptions from use tax for some specific articles acquired or manufactured for use in manufacturing other articles for sale. The presently proposed amendment simply adds another statutory exemption for magnesium manufacturers who acquire and use ferrosilicon in the manufacturing process. Also, the rule is reformatted for ease of reference by using a new numbering and lettering identification system. These amendments are ministerial and nonsubstantive. Therefore, no public hearing is necessary.

Title: WAC 458-20-136 Manufacturing, processing for hire, fabricating.

Description of Purpose: To simplify and clarify existing rule provisions without any substantive change in administration. To include cross-references to other rules which are being concurrently amended to incorporate express statutory tax exemptions. To reformat this rule for uniformity and consistency of identification under a new format for all new or amended revenue rules.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.040 and 82.04.190, as amended by chapter 231, Laws of 1986.

Reasons Supporting Proposed Action: Housekeeping changes in this rule are necessary, primarily to cross-reference to other related revenue rules. Also, this rule needs to be simplified and reformatted. All changes are ministerial and nonsubstantive, requiring no public hearing.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

AMENDATORY SECTION (Amending Order ET 70-3 (Rule 113), filed 5/29/70, effective 7/1/70)

WAC 458-20-113 INGREDIENTS OR COMPONENTS, CHEMICALS USED IN PROCESSING NEW ARTICLES FOR SALE. (1) The term "retail sale" means "every sale of tangible personal property . . . other than a sale to one who purchases for the purpose of resale . . . or for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly

through contact with an ingredient of a new article being produced for sale . . . (RCW 82.04.050.)

(2) INGREDIENTS OR COMPONENTS. The sale of articles of tangible personal property which physically enter into and form a part of a new article or substance produced for sale does not constitute a retail sale. This does not exempt from the retail sales tax the sale of articles consumed in a manufacturing process which do not enter into and become a physical part of the new article produced for sale, such as fuel used for heating purposes, oil for machinery, sandpaper, etc.

~~((ARTICLES PURCHASED FOR DUAL PURPOSES. Where an article purchased serves a dual purpose, tax liability under the retail sales tax is determined by the primary purpose for which the article is purchased. The fact that a portion of the article purchased actually becomes a physical part of the new article produced for sale is not in itself sufficient to constitute the sale thereof a sale at wholesale, unless such use is the primary purpose for which the article was purchased. Thus, the sale of coal to a cement manufacturer which is used primarily as a fuel for producing heat is a taxable retail sale even though the ash from the burned coal is blown into the cement mixture and actually remains an ingredient thereof. Likewise the sale of coke to a foundry to produce heat for melting iron or steel is a taxable retail sale, although a secondary purpose in using coke is to introduce carbon into the metal.))~~

(3) Also, the definition of retail sale does not exclude consumables purchased for use in manufacturing, refining, or processing new articles for sale merely because some constituents of the consumables may also be traceable in the finished product, which are impurities or undesirable or unnecessary constituents of the finished product.

(4) For articles to qualify for sales and use tax exemption as ingredients or components of products produced for sale, such articles or their constituents must be traceable in the finished product and identifiable as having been directly provided by the article claimed for exemption.

(5) CHEMICALS USED IN PROCESSING. Sales of chemicals to a person for use in processing articles produced for sale are not retail sales, and therefore are not subject to the retail sales tax.

(6) "Chemicals used in processing" carries its common restricted meaning in commercial usage. It includes only chemical substances which are used by the purchaser to unite with other chemical substances, present as ingredients or components of the articles or substances being processed, to produce a chemical reaction therewith, as contrasted with merely a physical change therein. A chemical reaction is one in which there takes place a permanent change of certain properties, with the formation of new substances which differ in chemical composition and properties from the substances originally present, and usually differ from them in appearance as well. It is not necessary that all of the new substances which are formed be present in the final completed article or substance which is sold; one or more of such new substances resulting from the chemical reaction may be removed or drawn off in the processing.

(7) To illustrate: Sales of chemicals to a pulp mill for use in the digesting and bleaching of pulp are not subject to the retail sales tax because such chemicals react chemically with the cellulose in the pulp fiber which, in turn, becomes a major ingredient of the final product, paper. Similarly, sales of carbon to an aluminum reduction plant for the primary purpose of forming a chemical reaction with alumina to remove its oxygen content are not retail sales.

(8) Conversely, sales of water purifiers and wetting agents to a pulp mill are taxable sales. The treated water acts primarily as a conveyor or carrier of the pulp fibers and only an insignificant part of the water becomes an ingredient of the final product. Similarly, sales of caustic soda to potato processors to remove peelings from potatoes are retail sales because the chemical reacts only with the peelings which are removed as waste, and not with the potatoes which are sold as the final product.

(9) Sales of diesel or fuel oil to a steel mill or foundry, for use or consumption primarily in generating heat, are retail sales and subject to the retail sales tax, notwithstanding the fact that some portion of the oil may cause a chemical reaction and to some extent alter the character of the article being manufactured or processed.

(10) Effective April 3, 1986, (chapter 231, Laws of 1986), purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose is to create a chemical reaction directly through contact with an ingredient of ferrosilicon, are not subject to retail sales tax or use tax.

(11) In special cases where doubt exists, a special ruling will be made by the department of revenue upon submission of all the pertinent facts relative to the nature of the chemical substances concerned and the use made thereof by the purchaser.

Revised June 1, 1970.

AMENDATORY SECTION (Amending Order ET 83-15, filed 3/15/83)

WAC 458-20-134 COMMERCIAL OR INDUSTRIAL USE.

(1) "The term 'commercial or industrial use' means the following uses of products, including by-products, by the extractor or manufacturer thereof:

((+)) (a) Any use as a consumer; and

((+)) (b) The manufacturing of articles, substances or commodities." (RCW 82.04.130.)

(2) Following are examples of commercial or industrial use:

((+)) (a) The use of lumber by the manufacturer thereof to build a shed for ((his)) its own use.

((+)) (b) The use of a motor truck by the manufacturer thereof as a service truck for ((himself)) itself.

((+)) (c) The use by a boat manufacturer of patterns, jigs and dies which ((he)) it has manufactured.

((+)) (d) The use by a contractor building or improving a publicly owned road of crushed rock or pit run gravel which ((he)) it has extracted.

(3) BUSINESS AND OCCUPATION TAX. Persons manufacturing or extracting tangible personal property for commercial or industrial use are subject to tax under the classifications manufacturing or extracting, as the case may be. The tax is measured by the value of the product manufactured or extracted and used. (See WAC 458-20-112 for definition and explanation of value of products.)

(4) USE TAX. Persons manufacturing or extracting tangible personal property for commercial or industrial use are subject to use tax on the value of the articles used. (See WAC 458-20-178 for further explanation of the use tax and definition of value of the article used.)

~~((EXCEPTIONS.))~~ (5) EXEMPTIONS. The following uses of articles produced for commercial or industrial use are expressly exempt of use tax.

(a) RCW 82.12.0263 exempts from the use tax the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same. (Example: The use of hog fuel to produce heat or power in the same plant which produced it.)

(b) Effective April 3, 1986, (chapter 231, Laws of 1986) property produced for use in manufacturing ferrosilicon which is subsequently used to make magnesium for sale is exempt of use tax if the primary purpose is to create a chemical reaction directly through contact with an ingredient of ferrosilicon.

(6) RCW 82.12.010 provides that in the case of articles manufactured for commercial or industrial use by manufacturers selling to the United States Department of Defense, the value of the articles used shall be determined according to the value of the ingredients of such articles, rather than the full value of the manufactured articles as is normally the case.

AMENDATORY SECTION (Amending Order ET 83-15, filed 3/15/83)

WAC 458-20-136 MANUFACTURING, PROCESSING FOR HIRE, FABRICATING. (1) DEFINITIONS. "The term 'to manufacture' embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles." (RCW 82.04.120.) It means the business of producing articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving these matters new forms, qualities, properties, or combinations. It includes such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, curing, aging, canning, etc. It includes also the preparing, packaging and freezing of fresh fruits, vegetables, fish, meats and other food products, the making of custom made suits, dresses, ((and)) coats, ((and-also)) awnings, blinds, boats, curtains, draperies, rugs, and

tanks, and other articles constructed or made to order. (~~It also includes the generation or production of electrical energy for resale or consumption outside the state.~~)

(2) The word "manufacturer" means every person who, from ~~(his)~~ the person's own materials or ingredients manufactures for sale, or for commercial or industrial use any articles, substance or commodity either:

~~(+)~~ directly, or
~~(+)~~ by contracting with others for the necessary labor or mechanical services.

(3) However, a nonresident of the state of Washington who owns materials process for hire in this state is not deemed to be a manufacturer because of such processing. Further, any owner of materials from which a nuclear fuel assembly is fabricated in this state by a processor for hire is also not deemed to be a manufacturer because of such processing.

(4) The term "to manufacture" does not include activities which consist of cutting, grading, or ice glazing of seafood which has been cooked, frozen, or canned outside this state; the mere cleaning and freezing of whole fish; or the repairing and reconditioning of tangible personal property for others.

(5) The term "processing for hire" means the performance of labor and mechanical services upon materials belonging to others so that as a result a new, different or useful article of tangible personal property is produced for sale or commercial or industrial use. Thus, a processor for hire is any person who would be a manufacturer if ~~(he)~~ that person were performing the labor and mechanical services upon ~~(his)~~ that person's own materials.

(6) BUSINESS AND OCCUPATION TAX (~~MANUFACTURING—LOCAL SALES~~). Persons who manufacture products in this state and sell the same at retail in this state are subject to the business and occupation tax under the classification retailing and those who sell such products at wholesale in this state are taxable under the classification wholesaling—all others. Persons taxable under the classification retailing and wholesaling—all others are not taxable under the classification manufacturing with respect to the manufacturing of products so sold within this state.

(7) MANUFACTURING—INTERSTATE OR FOREIGN SALES. Persons who manufacture products in this state and sell the same in interstate or foreign commerce are taxable under the classification manufacturing upon the value of the products so sold, and are not taxable under retailing or wholesaling—all others in respect to such sales. (See WAC 458-20-193.) (~~The generation or production of electrical energy for resale or consumption outside the state is subject to tax under the manufacturing classification.~~)

(8) MANUFACTURING—SPECIAL CLASSIFICATIONS. The law provides several special classifications and rates for activities which constitute "manufacturing" as defined in this rule. These include manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil (RCW 82.04.260(2)); splitting or processing dried peas (RCW 82.04.260(3)); manufacturing seafood products which remain in a raw, raw frozen, or raw salted state (RCW 82.04.260(4)); manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables (RCW 82.04.260(5)); manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions (RCW 82.04.260(6)); and manufacturing nuclear fuel assemblies (RCW 82.04.260(10)). In all such cases the principles set forth in the preceding paragraphs headed manufacturing—local sales and manufacturing—interstate or foreign sales will be applicable. Local sales will be subject to the business and occupation tax only under the classifications retailing or wholesaling—all others at the applicable rates for those classifications, while interstate or foreign sales will be taxable only under the classifications manufacturing wheat into flour, splitting or processing dried peas, manufacturing raw seafood products, manufacturing fresh fruits and vegetables, manufacturing aluminum, and manufacturing nuclear fuel assemblies, as the case may be. Local sales (at either retail or wholesale) of nuclear fuel assemblies by the manufacturer thereof are subject to business and occupation tax.

(9) The special classification and rate for slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale (RCW 82.04.260(8)) combines manufacturing and nonmanufacturing activities. As to those activities which constitute "manufacturing" as defined in this rule, the statutory classification and rate are applicable to both local and interstate or foreign sales. As to those activities which involve the mere selling of perishable meat products not manufactured by the vendor, the statutory classification and rate are

applicable to local sales only, and interstate or foreign sales are deductible from gross proceeds of sales.

(10) MANUFACTURING FOR COMMERCIAL USE. Persons who manufacture products in this state for their own commercial or industrial use are taxable under the classification manufacturing on the value of the products manufactured and used. (See WAC 458-20-134 for definition of commercial or industrial use.)

(11) PROCESSING FOR HIRE. Persons processing for hire for consumers or for persons other than consumers are taxable under the processing for hire classification upon the total charge made therefor.

(12) MATERIALS FURNISHED IN PART BY CUSTOMER. In some instances, the persons furnishing the labor and mechanical services undertake to produce a new article, substance, or commodity from materials or ingredients furnished in part by ~~(him)~~ them and in part by the customer. In such instances, tax liability is as follows:

~~(+)~~ (a) The persons furnishing the labor and mechanical services will be presumed to be the manufacturer if the value of the materials or ingredients furnished by ~~(him)~~ them is equal to or exceeds 20% of the total value of all materials or ingredients which become a part of the finished product.

~~(+)~~ (b) If the person furnishing the labor and mechanical services furnishes materials constituting less than 20% of the value of all of the materials which become a part of the finished product, such person will be presumed to be processing for hire. The person for whom the work is performed is the manufacturer in that situation, and will be taxable as such.

(c) In cases where the person furnishing the labor and mechanical services supplies, sells, or furnishes to the customer, before processing, 20% or more in value of the materials from which the finished product is made, the person furnishing the labor and mechanical services will be deemed to be the owner of the materials and taxable as a manufacturer.

(13) RETAIL SALES TAX. Persons taxable as engaging in the business of manufacturing and selling at retail any of the products manufactured and persons manufacturing, fabricating, or processing for hire tangible personal property for consumers shall collect the retail sales tax upon the total charge made to their customers.

(14) Sales to processors for hire and to manufacturers of articles of tangible personal property which do not become an ingredient or component part of a new article produced, or are not chemicals used in processing the same, are retail sales, and the retail sales tax must be collected thereon. (However, see WAC 458-20-113 and 458-20-134 for certain express exemptions.)

~~(+)~~ (15) USE TAX. Manufacturers are taxable under the use tax upon the use of articles manufactured by them for their own use in this state. (See WAC 458-20-113 and 458-20-134 for certain express exemptions.)

(16) See WAC 458-20-244 for sales and use tax on food products.

WSR 86-17-078
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
(Filed August 20, 1986)

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning requirements for signs where popcorn is sold, chapter 16-129 WAC;

that the agency will at 1:00 p.m., Friday, September 26, 1986, in the Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 1986.

The authority under which these rules are proposed is chapter 69.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 26, 1986.

Dated: August 20, 1986
By: James E. Wommack
Assistant Director

STATEMENT OF PURPOSE

Description of Purpose: To provide for signs where popcorn is sold to indicate type of butter flavoring.

Agency Personnel to Contact: James E. Wommack, Assistant Director, Dairy and Food Division, 406 General Administration Building, Olympia, WA 98504, (206) 753-5042.

This rule is proposed by the dairy industry.

Agency Comments: None.

These rules are not necessary as a result of the federal law, or federal or state court action.

Small Business Impact: None.

NEW SECTION

WAC 16-129-050 REQUIREMENTS FOR SIGNS IN THEATRES OR OTHER COMMERCIAL FOOD SERVICE ESTABLISHMENTS WHICH PREPARE AND SELL POPCORN FOR HUMAN CONSUMPTION AT POINT OF SALE. (1) Popcorn flavored with butter - Sign shall be in a conspicuous location of durable material in contrasting block letters not less than two inches high and one-half inch wide stating "Flavored With Butter" or words to that effect.

(2) Popcorn flavored in semblance of butter - Sign shall be in a conspicuous location of durable material with contrasting block letters not less than two inches high and one-half inch wide stating "Imitation Butter Flavor" and listing ingredients contained in the flavor in descending order of predominance.

**WSR 86-17-079
PROPOSED RULES
FOREST PRACTICES BOARD
[Filed August 20, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Forest Practices Board intends to adopt, amend, or repeal rules concerning WAC 222-34-010, 222-34-020 and 222-34-030 on reforestation of harvested forest lands in Western and Eastern Washington and the related reports, inspections and supplemental reforestation directives;

that the agency will at 8:15 p.m., Tuesday, October 7, 1986, in the Extension Office Auditorium, Yakima County Courthouse, Rooms 231 and 232, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1986.

The authority under which these rules are proposed is RCW 76.09.040.

The specific statute these rules are intended to implement is RCW 76.09.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 4:00 p.m., September 26, 1986.

Dated: August 19, 1986
By: William Baxter
for Arden Olson
Executive Secretary

STATEMENT OF PURPOSE

Title: Reforestation, chapter 222-34 WAC.

Description of Purpose: The proposed rules reduce the number of seedlings required for acceptable stocking in Western Washington and reduce the potential need for additional reforestation or thinning while providing for an adequate number of seedlings to reasonably utilize the productivity of the forest land. Forest landowners can reduce expenditures for reforestation and may realize greater economic returns. Eastern Washington stocking of seedlings remains the same. Required reports, timing of inspections and directives are clarified. Reports are required for supplemental reforestation as well as the initial reforestation and more uniform compliance procedures are provided.

Statutory Authority: RCW 76.09.040.

Specific Statute Rule is Intended to Implement: RCW 76.09.070.

Summary of Rule: The proposed rules reduce minimum stocking in Western Washington to 190 seedlings per acre while 150 seedlings per acre on 20 percent of the harvested area is allowed for variation in distribution of the seedlings. Also saplings and merchantable trees or combinations thereof are acceptable if there is a minimum of 100 trees per acre. Eastern Washington stocking remains at 150 seedlings per acre while 120 seedlings per acre is allowed on 20 percent of the harvested area. Also, advanced reproduction, saplings and merchantable trees or combinations thereof are acceptable if there is a minimum of 100 trees per acre. Reporting, inspections and supplemental reforestation are clarified.

Reasons Supporting Proposed Action: Current economics and forest technology require fewer trees per acre for productivity and profit. The current rules require more trees than is necessary and costs are unnecessarily higher for establishment and management.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arden Olson, Executive Secretary for the Forest Practices Board is responsible for preparation of draft rules subject to review, modification, and adoption or disapproval by the board. Forest Practices rules are implemented and enforced by authorized field personnel of the Department of Natural Resources that are assigned to seven administrative area offices.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Washington Forest Practices Board is proposing the rules in response to suggestions of private forest landowners and Society of American Foresters.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: No increase in expenditures is planned for enforcement of reforestation.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Reforestation costs will be reduced for both large and small businesses.

AMENDATORY SECTION (Amending Resolution No. 82-1, filed 8/3/82, effective 10/1/82)WAC 222-34-010 REQUIRED REFORESTATION—WEST OF CASCADES SUMMIT. (1) Reforestation – where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban uses, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting; or
 (ii) Partial cutting where 50 percent or more of the timber volume is removed within any 5-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged; or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes; for example, removal of individual trees from lands used for farming or grazing; or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber; or

(iv) A minimum of ~~((300))~~ 190 vigorous, undamaged, well-distributed seedlings (~~(, saplings, or merchantable trees)~~) per acre of a commercial tree species remain ~~((after logging, or combinations thereof, well-distributed))~~ on the area harvested and not more than 20 percent of the harvested area has less than a minimum of 150 seedlings per acre; or

(v) A minimum of 100 vigorous, undamaged, well-distributed saplings or merchantable trees per acre of a commercial species or combinations thereof, remain on the area harvested.

(2) Acceptable stocking. Stocking levels are acceptable if ~~((300))~~ a minimum of 190 well-distributed, vigorous, undamaged seedlings per acre of commercial tree species or such lesser number as the department determines will ~~((fully))~~ reasonably utilize the timber growing capacity of the site, have survived on the site at least 1 growing season. "Well-distributed" ~~((shall))~~ means that ~~((no significant plantable))~~ not more than 20 percent of the harvested area contains ~~((fewer))~~ less than ~~((the equivalent of 300 trees))~~ a minimum of 150 seedlings per acre as determined by the department.

(3) Competing vegetation. Competing vegetation shall be controlled to the extent necessary to allow establishment, survival, and growth by commercial species.

(4) Artificial regeneration standards.

(a) Satisfactory reforestation – clearcuts. Satisfactory reforestation of a clearcut harvest occurs if within 3 years of completion of harvest, or a period of from 1 to 5 years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in subsection (2) of this section: PROVIDED, That regeneration failures from causes beyond the applicant's control will not result in violation of this section, but supplemental planting or reforestation may be required (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest land owner's control require delay in planting or seeding.

(i) Reforestation species. Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(A) Site data indicates better potential production for the proposed species than the existing species.

(B) Control of forest insects or diseases.

(C) Greater economic return.

(ii) Seedling or seeding standards. Except as approved by the department to qualify as acceptable reforestation, the seedlings or seeds must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) Satisfactory reforestation – partial cuts. Where reforestation is required in connection with a partial cut, the harvest application shall include a plan for stocking improvement. The plan shall be approved unless the department determines that it will not reasonably utilize the timber growing capacity of the site ~~((to the extent practical))~~.

(5) Natural regeneration standards. A natural regeneration plan may be approved as acceptable reforestation if:

(a) A seed source of well formed trees of commercial tree species, capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan, or until issuance of a satisfactory reforestation inspection report.

(c) The seed source must consist of:

(i) Seed blocks of sizes and locations shown on the plan and satisfactory to the department; or

(ii) An average of at least 8 individually marked, well-distributed, undamaged, vigorous, windfirm seed trees per acre of plantable area and no inadequately stocked area is more than 400 feet from the nearest seed tree; and

(iii) Competing vegetation shall be controlled to the extent necessary to allow establishment, survival, and growth by commercial species.

(6) Any alternate plan for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in subsection (2) of this section within a period of 1 to 5 years.

AMENDATORY SECTION (Amending Resolution No. 82-1, filed 8/3/82, effective 10/1/82)WAC 222-34-020 REQUIRED REFORESTATION—EAST OF CASCADES SUMMIT. (1) Reforestation – where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban use, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting; or

(ii) Partial cutting where 50 percent or more of the timber volume is removed within any 5-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged; or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes, for example, removal of individual trees from lands used exclusively for farming or cultivated pasture; or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber; or

(iv) A minimum of ~~((+00))~~ 150 vigorous, undamaged, well-distributed seedlings (~~(, saplings or merchantable trees)~~) per acre of a commercial tree species remain ~~((after logging, or combinations thereof, well-distributed))~~ on the area harvested and not more than 20 percent of the harvested area has less than a minimum of 120 seedlings per acre; or

(v) A minimum of 100 vigorous, undamaged, well-distributed advanced regeneration, saplings or merchantable trees per acre of a commercial tree species or combinations thereof, remain on the area harvested.

(2) Acceptable stocking. Stocking levels are acceptable if a minimum of 150 well-distributed, vigorous, undamaged seedlings per acre of commercial tree species or such lesser number as the department determines will reasonably utilize the timber growing capacity of the site have survived on the site at least 1 growing season. "Well-distributed" means that ~~((no significant plantable))~~ not more than 20 percent of the harvested area contains ~~((fewer))~~ less than ~~((the equivalent))~~ a minimum of ~~((+50))~~ 120 trees per acre as determined by the department. ~~((Lesser numbers of trees per acre may be acceptable if the department determines that the timber growing capacity of the site will be fully utilized.))~~

(3) Competing vegetation. Competing vegetation shall be controlled to the extent necessary to allow establishment survival and growth by commercial species.

(4) Artificial regeneration standards.

(a) Satisfactory reforestation – clearcuts. Satisfactory reforestation of a clearcut harvest occurs if within 3 years of completion of harvest or a period of from 1 to 5 years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in subsection (2) of this section: PROVIDED, That regeneration failures from causes beyond the applicant's control will not result in a violation of this section, but supplemental planting may be required (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather

conditions or other circumstances beyond the forest landowner's control require delay in planting or seeding.

(i) Reforestation species. Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(A) Site data indicates better potential production for the proposed species than the existing species.

(B) Control of forest insects or diseases.

(C) Greater economic return.

(ii) Seedling and seed standards. Except as approved by the department to qualify as acceptable reforestation, the seedlings and seed must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) Satisfactory reforestation – partial cuts. Partial cuts not meeting the specifications of subsection (1)(b)(iv) or (v) of this section shall have a seed source as required in subsection (5)(c)(ii) of this section.

(5) Natural regeneration standards. A natural regeneration plan may be approved by the department as acceptable reforestation if:

(a) A seed source of well-formed, vigorous trees of commercial tree species capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan or until issuance of a satisfactory reforestation inspection report.

(c) The seed source consists of one of the following, or combinations thereof:

(i) Seed blocks which total a minimum of 5 percent of the area of each 40 acre subdivision or portion thereof harvested: PROVIDED, That the seed block should be reasonably windfirm, at least 1/2 acre in size, and reserved in locations shown on the plan and approved by the department; or

(ii) A minimum of 4 undamaged seed trees per acre, well distributed over each 40 acre subdivision or portion thereof harvested: PROVIDED, That the distance from seed trees of harvested areas that are not adequately stocked should not be more than 200 feet. Seed trees shall be of commercial tree species, vigorous and of seed-bearing age and size.

(6) Any alternate plan for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in subsection (2) of this section within a period of 1 to 5 years.

AMENDATORY SECTION (Amending Resolution No. 82-1, filed 8/3/82, effective 10/1/82)

WAC 222-34-030 REFORESTATION—PLANS—REPORTS—INSPECTIONS. (1) Reforestation plans. Reforestation plans must be submitted with the application or notification except where no reforestation is required. The department shall designate difficult regeneration areas utilizing silvicultural information. The department shall approve a reforestation plan for difficult regeneration areas if it determines that such a plan will achieve acceptable stocking according to WAC 222-34-010 and 222-34-020.

(2) Reforestation reports. The landowner, forest landowner, or his designee shall file a report with the department either at the time of completion of planting or reforestation or at the end of the normal planting season. When artificial seeding is used the report shall be filed 2 growing seasons after seeding.

(3) The reports in subsection (2) of this section must contain at least the following:

(a) The original forest practice application or notification number.

(b) Species reforested, planted, or seeded.

(c) Age of stock planted or seed source zone.

(d) Description of actual area reforested, planted, or seeded.

(4) Inspection; supplemental planting or reforestation directives.

(a) Within 12 months after a reforestation report is received, the department shall inspect the reforested lands. The department shall issue written notice to the landowner, forest landowner, or his designee stating whether supplemental planting or reforestation or further inspection is required within 30 days after the deadline for inspection or the reforestation shall be deemed satisfactory.

(b) If the inspection shows that acceptable stocking levels have not been achieved, the department shall direct the forest landowner to perform supplemental planting in accordance with the planting standards

of WAC 222-34-010 (3) and (4)(a)(ii), (~~222-34-020(3)~~) 222-34-020 (3) and (4)(a)(ii) (~~and 222-34-010(3)~~): PROVIDED, That:

(i) In lieu of such supplemental planting, the department and the forest landowner may agree on a supplemental reforestation plan.

(ii) Supplemental planting or reforestation shall not be required (~~in the eastside region~~) where in the opinion of the department planting or reforestation is not feasible due to rocky ground, dry conditions, excessively high water table or other adverse site factors and the department determines that there is little probability of significantly increasing the stocking level.

(iii) (~~Supplemental planting shall not be required if the department determines that there is little probability of significantly increasing the stocking level.~~) Where supplemental planting or reforestation has been required by the department, the landowner, forest landowner, or his designee shall file a report of supplemental planting or reforestation upon completion.

(iv) Except where stocking improvement is necessary to protect public resources and is feasible, further supplementary planting shall not be required where acceptable stocking levels have not been achieved after two properly performed supplemental plantings.

(c) Within 12 months after a supplemental planting or reforestation report is received, the department shall inspect the reforested lands.

(d) Evidence of compliance. (If the department determines on inspection that acceptable reforestation has been achieved, on the request of the forest landowner the department shall confirm in writing that no further reforestation obligations remain. If no supplemental planting directive has been issued within 30 days after the deadline for the inspection, reforestation shall be deemed satisfactory unless the department has informed the landowner prior to the deadline that further inspections by the department on the area are needed.) The department shall within 30 days after the deadline for inspection or reinspection and when requested by the forest landowner confirm in writing whether acceptable stocking levels have been achieved, provided field conditions do not prevent the department from properly evaluating the reforestation.

(~~(d)~~) (e) Where a natural regeneration plan has been approved by the department, the department may allow up to 5 years to achieve acceptable stocking levels.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-34-050 URBAN AND OTHER LANDS EXEMPTED FROM THE REFORESTATION REQUIREMENTS. (1) Those lands which an applicant has declared are to be converted to a nonforest use and are in fact converted within (~~three~~) 3 years of completion of harvest.

(2) Those lands the department determines should be exempted in whole or in part where the forest land has the likelihood of future conversion to urban development and where:

(a) They have the likelihood of development within a (~~ten~~) 10 year period, and

(b) The development is for urban use, and

(c) The development contemplated would be consistent with any local or regional land use plans or ordinances, and

(d) Said lands have not been classified or designated reforestation lands under chapter 84.28 RCW, forest land under chapter 84.33 RCW or timber lands under chapter 84.34 RCW (Open space law).

(3) Utility rights of way. Reforestation is not required for initial clearing or reclearing of utility rights of way in actual use for utility purposes or scheduled for construction of utility facilities within ten years from the date of completion of harvest, provided that if the scheduled facility is not completed, the area shall be reforested within one year.

(4) Public lands. Reforestation is not required on the following lands, unless required by regulation of the agency owning or acquiring the lands:

(a) Lands owned in fee by a public agency which has budgeted for construction within (~~ten~~) 10 years a specific project inconsistent with commercial timber production.

(b) Lands being acquired by public agency for construction within (~~ten~~) 10 years of a project inconsistent with timber production, if at the time of completion of harvest the public agency has entered into a binding contract for the purchase of the lands or initiated legal proceedings for the condemnation of the lands.

WSR 86-17-080
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—August 20, 1986]

The State Board of Education schedule of meeting dates and locations for the 1986 calendar year, filed with the state code reviser on November 27, 1985 (WSR 85-24-046), and amended on December 19, 1985 (WSR 86-01-092), is amended as follows: The location of the September 25-26, 1986, State Board of Education business meeting has been changed from the Vancouver School District to the Media Center of McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, Washington. The meeting will convene at 9:00 a.m.

WSR 86-17-081
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning authority, WAC 180-51-005;

that the agency will at 9:00 a.m., Thursday, September 25, 1986, in the Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, September 26, 1986.

The authority under which these rules are proposed is RCW 28A.05.062.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, September 25, 1986.

Dated: August 20, 1986

By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-51 WAC, High school graduation requirements.

Rule Section(s): WAC 180-51-005 Authority.

Statutory Authority: RCW 28A.05.062.

Purpose of the Rule(s): References the authority for the State Board of Education to establish graduation requirements.

Summary of the New Rule(s) and/or Amendments: To replace chapter number with appropriate statutory authority reference.

Reasons Which Support the Proposed Action(s): Amendment is housekeeping.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 7-84, filed 5/17/84)

WAC 180-51-005 AUTHORITY. The authority for this chapter is ((~~chapter 28A.05~~) RCW 28A.05.062 which authorizes the state board of education to establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985.

WSR 86-17-082
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning authority, WAC 180-53-005;

that the agency will at 9:00 a.m., Thursday, September 25, 1986, in the Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, September 26, 1986.

The authority under which these rules are proposed is RCW 28A.58.085.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, September 25, 1986.

Dated: August 20, 1986

By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-53 WAC, Educational quality—Self-study by school districts.

Rule Section(s): WAC 180-53-005 Authority.

Statutory Authority: RCW 28A.58.085.

Purpose of the Rule(s): References the authority for the State Board of Education to develop rules and regulations governing the procedural criteria for a self-study process by districts.

Summary of the New Rule(s) and/or Amendments: To replace chapter number with appropriate statutory authority reference.

Reasons Which Support the Proposed Action(s): Amendment is housekeeping.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter

Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 22-85, filed 12/2/85)

WAC 180-53-005 AUTHORITY. The authority for this chapter is RCW ((28A.58—(section 2, chapter 349, Laws of 1985))) 28A.58.085, which authorizes the state board of education to develop rules and regulations governing procedural criteria for a self-study process of educational quality for all public schools within each district.

WSR 86-17-083
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Emergency expulsion—Notice of hearing—Waiver of hearing right, WAC 180-40-300;

that the agency will at 9:00 a.m., Thursday, September 25, 1986, in the Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, September 26, 1986.

The authority under which these rules are proposed is RCW 28A.04.132.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, September 25, 1986.

Dated: August 20, 1986

By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-40 WAC, Pupils.

Rule Section(s): WAC 180-40-300 Emergency expulsion—Notice of hearing—Waiver of hearing right.

Statutory Authority: RCW 28A.04.132.

Purpose of the Rule(s): Establishes procedure for notification of a student and his or her parent or guardian of the student's emergency expulsion and opportunity/procedure for requesting a hearing.

Summary of the New Rule(s) and/or Amendments: Provides opportunity for hand delivery of written notice to the student's parent or guardian with a 24 hour requirement; adds a "proviso" which reminds rule readers of the advance notice requirements of the immunization law.

Reasons Which Support the Proposed Action(s): Provides a more efficient and effective procedure for notifying parents particularly in the case of emergency expulsions based upon the immunization law.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Local school districts.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

WAC 180-40-300 EMERGENCY EXPULSION—NOTICE OF HEARING—WAIVER OF HEARING RIGHT. (1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery, or (b) by certified letter(s) deposited in the United States mail, within ((24)) twenty-four hours of the expulsion: PROVIDED, That if the emergency expulsion is based upon a failure to comply with the state immunization law (see chapter 180-38 WAC), the notice must be received by the student's parent(s) or guardian(s) prior to the emergency expulsion of the student regardless of the method of delivery. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,

(b) Specify the alleged reason(s) for the emergency expulsion,

(c) Set forth the corrective action or punishment taken and proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the tenth school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the emergency expulsion may be continued as deemed necessary by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school business days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within ten school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

(3) If a request for a hearing is not received within the required ten school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

WSR 86-17-084
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning student learning objectives, WAC 180-16-220(3);

that the agency will at 9:00 a.m., Thursday, September 25, 1986, in the Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, September 26, 1986.

The authority under which these rules are proposed is RCW 28A.58.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, September 26, 1986.

Dated: August 20, 1986

By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-16 WAC, State support of public schools.

Rule Section(s): WAC 180-16-220(3) Student learning objectives.

Statutory Authority: RCW 28A.58.090.

Purpose of the Rule(s): Establish review process for district student learning objectives.

Summary of the New Rule(s) and/or Amendments: Allows district review of student learning objectives to coincide with district curriculum or textbook reviews or school self-studies.

Reasons Which Support the Proposed Action(s): Amendment by 1986 legislature.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Joan Newman, SPI, 3-6723; and Enforcement: John Swiger, SPI, 3-6710.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 5-86, filed 6/10/86)

WAC 180-16-220 SUPPLEMENTAL PROGRAM AND BASIC EDUCATION ALLOCATION ENTITLEMENT REQUIREMENTS. The following requirements, while not imposed by the "Basic Education Act of 1977," are hereby established by the state board of education as related supplemental conditions to a school district's entitlement to state basic education allocation funds.

(1) Student to certificated staff ratio requirement. The ratio of students enrolled in a school district to full-time equivalent certificated

employees shall not exceed twenty-three to one: PROVIDED, That nonhigh school districts or school districts that have a student enrollment of two hundred fifty or less in grades nine through twelve may, as an alternative to the foregoing requirement, have a ratio of students to full-time equivalent certificated classroom teachers of twenty-six to one or less. For the purpose of this subsection, "certificated employees" shall mean those employees who are required by state statute or by rule of the state board of education, or by written policy of the school district to possess a professional education permit, certificate or credential issued by the superintendent of public instruction, as a condition to employment and "classroom teacher" shall be defined as in WAC 180-16-210 and the students to classroom teachers ratio shall be computed in accordance with WAC 180-16-210(1).

(2) Current and valid certificates. Every school district employee required by WAC 180-75-055 to possess a professional education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, effective August 31, 1987, classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC 180-16-221, 180-16-231, and 180-16-236, respectively.

(3) Student learning objectives. Each school district shall have implemented a program of student learning objectives in the areas of language arts, reading, mathematics, social studies, and physical education for grades kindergarten through twelve. On or before September 1, 1988, school districts shall have initiated implementation of the student learning objectives in all other course(s)/subject(s) taught in the K-12 common schools.

(a) Each school district must evidence community participation in defining the objectives of such a program.

(b) The student learning objectives of such program shall be measurable as to the actual student attainment. Student attainment shall be locally assessed annually.

(c) The student learning objectives program shall be reviewed (~~at least every two years~~) by the (~~school~~) district (~~and~~) according to one of the following options:

Option A: The district shall review all student learning objectives in all required course/subject areas at least every two years.

Option B: If the district board of directors determines that its curriculum review, textbook review, or self-study process includes a review of the district's student learning objectives program, such school district may provide for the periodic review of all or a part of its student learning objectives program in accordance with the time schedule the district has established for one or more of the aforementioned processes. Periodic review under option B shall take place at least every seven years.

In developing and reviewing the learning objectives, districts shall give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.

(4) Other program requirements self evaluation. Each school district shall adopt a procedure to ensure awareness of and compliance with other program requirements, including provisions set forth in WAC 180-16-240.

WSR 86-17-085
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning state support of public schools (relating to waiver options), chapter 180-16 WAC;

that the agency will at 9:00 a.m., Thursday, September 25, 1986, in the McLoughlin Middle School Media Center, 5802 MacArthur Boulevard, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, September 26, 1986.

The authority under which these rules are proposed is RCW 28A.04.127 and 28A.41.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, September 25, 1986.

Dated: August 20, 1986

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-16 WAC, State support of public schools.

Rule Section(s): WAC 180-16-200 Total program hour offering—Basic skills and work skills requirements; and 180-16-205 Classroom teacher contact hours requirement.

Statutory Authority: RCW 28A.01.010, 28A.04.120, 28A.41.130, 28A.41.140, 28A.58.754 and 28A.58.758.

Purpose of the Rule(s): To allow districts, implementing effective educational systems or educational excellence components, to receive waivers from certain basic education program requirements.

Summary of the New Rule(s) and/or Amendments: Districts may receive waivers from the total program hour, basic skill/work skill instructional hour and the teacher contact program requirements by satisfying certain procedural criteria.

Reasons Which Support the Proposed Action(s): Districts need greater flexibility in implementing excellent, effective educational programs.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: John Swiger, SPI, 3-6710.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-200 TOTAL PROGRAM HOUR OFFERING—BASIC SKILLS AND WORK SKILLS REQUIREMENTS—WAIVER. (1) Total program hour offering—Definition.

(a) Each school district shall make available to students enrolled at least a total program hour offering as set forth in subsections (2) through (6) of this section. For the purpose of this section, "total program hour offering" shall mean those hours of sixty minutes each, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for purposes of discussing students' educational needs or progress—exclusive of time actually spent for eating lunchtime meals—when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district.

For special education/handicapped programs operating in separate facilities in a school district, do not exclude the time actually spent for eating lunchtime meals if that time is specifically identified and utilized as instructional meal training for each student in the program.

(b) Adjustments of program hour offerings between grade level groupings. Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in subsections (2) through (6) of this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

(c) Each school district shall make available to students enrolled at least an instructional hour offering as set forth in subsections (3) through (6) of this section. For the purpose of this section, "instructional hour offering" shall mean those hours of sixty minutes each—exclusive of recess time, passing time, total lunch intermission time, and noncountable release time on early dismissal days—when students are provided the opportunity to engage in the basic skills and/or work skills offered by and under the direction of school district staff, as directed by the administration and board of directors of the district.

(d) A school district has "provided the opportunity to engage in" the basic skills and work skills activities required by this section when the district actually conducts basic skills and work skills instruction for students. If a district is not actually conducting the percentage(s) of basic skills and/or work skills required by this section, such district nevertheless shall be deemed to be in compliance with such requirements if such district's instructional time offered to students in basic skills and work skills instruction equals or exceeds the minimum instructional hour requirements in each grade level grouping as specified in subsections (3) through (6) of this section. A school district that makes a reasonable and good faith effort through the first day of the school term to provide students the opportunity to take the section(s) or course(s) necessary to comply with the basic skills and work skills percentages, as specified in subsections (3) through (6) of this section and no student enrolled in such section(s) or course(s), may count that section(s) or course(s) toward the total basic skills and work skills percentages offered to students that term. Each of the basic skills areas specified in subsections (2) through (6) of this section for a particular grade level grouping must be offered each school year to students at one or more of the grade levels within the particular grade level grouping. Instruction in at least one of the following work skills must be offered each school year to students at one or more of the grade levels within each of the grade level groupings specified in subsections (5) and (6) of this section: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(e) Five percent variation—Basic skills and work skills requirements. A school district may establish minimum course mix percentages that deviate within any grade level grouping by up to five percentage points above or below the minimums established by subsections (3) through (6) of this section, provided the total program hour offering requirement for the grade level grouping is met.

(2) Kindergarten. Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours each school year. The program shall include reading, arithmetic, language skills and such other subjects and activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program.

(3) Grades 1 through 3. Each school district shall make available to students in grades one through three at least a total program hour offering of two thousand seven hundred hours each school year. A minimum of ninety-five percent (ninety percent with the five percent variation included, or 2,430 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(4) Grades 4 through 6. Each school district shall make available to students in grades four through six at least a total program offering of two thousand nine hundred seventy hours each school year. A minimum of ninety percent (eighty-five percent with the five percent variation included, or 2,524.5 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of

reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(5) Grades 7 through 8. Each school district shall make available to students in grades seven through eight at least a total program hour offering of one thousand nine hundred eighty hours each school year. A minimum of eighty-five percent (eighty percent with the five percent variation included, or 1,584 instructional hours) of such total program hour offerings shall be in the instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent (five percent with the five percent variation included, or 99 instructional hours) of the total program offerings shall be in the instruction of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(6) Grades 9 through 12.

(a) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours each school year. A minimum of sixty percent (fifty-five percent with the five percent variation included, or 2,376 instructional hours of such total program hour offerings shall be in the instruction of the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent (fifteen percent with the five percent variation included, or 648 instructional hours) of the total program hour offerings shall be in the instruction of work skills. The remainder of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades: PROVIDED, That, whether or not the five percent deviations in course mix percentages allowed by subsection (2)(d) of this section are applied, not less than four hundred and thirty-two instructional hours (i.e., ten percent of the total program hour requirement) of such remaining instructional hours shall consist of basic skills and/or work skills: PROVIDED, That any program hours and/or instructional hours not achieved due to the implementation of WAC 180-16-215(4) relating to students graduating from high school, shall not be deducted from the total program hours calculated.

(b) Grade nine option. Each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours. Each school district shall state which option is in use when providing compliance documentation to the superintendent of public instruction.

(7) Basis and means for determining compliance with basic skills and work skills percentage requirements.

(a) Each school district shall adopt a written policy and procedure for establishing the basis and means for determining and monitoring compliance with the basic skills and work skills percentages, the course requirements and instructional hour minimums as established by this section. Written documentation of such annual determinations and monitoring activities shall be maintained on file by each school district.

(b) Handicapped education programs, vocational-technical institute programs, state institution, state residential school programs and alternative education programs where students are provided access to the basic skills/work skills offered in the regular program, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) WAIVER OPTION.

(a) A district, desiring to implement a local plan to provide an effective educational system to enhance the educational program for all students, may apply for a waiver from the provisions of subsections (2) through (6) of this section, pertaining to the total program hour offerings requirement and the basic skills/work skills percentages/instructional hours requirement. The state board of education shall grant said waiver if the district demonstrates the need for the waiver by meeting

the procedural criteria as specified in (b) and (c) of this subsection. Approval of district waivers shall occur at the March state board of education meeting prior to the school year when implementation is to commence. Each approval shall be valid for three school years and may be renewed for additional three-year periods based on the criteria as specified in (d) of this subsection.

(b) ESTABLISHMENT OF NEED. When a district wishes a deviation from subsections (2) through (6) of this section, it shall create an effective educational program committee comprised of at least one district classroom teacher, one district administrator, one district school board member, one district secondary student and two parents who are not employees of the district. Districts may use an existing committee for this purpose if it includes the same make-up of participating members.

(i) The effective educational program committee shall meet to develop the local plan to provide an effective educational system to enhance the educational program for all students. The plan cannot benefit only a particular group or grade level in the district, but must apply to all students in the district.

(ii) The local plan shall identify:

(A) The basic education program requirements that need to be waived;

(B) A rationale that addresses the need for waiving the identified basic education program requirements;

(C) The goals and objectives of the effective educational system; and

(D) The anticipated results and outcomes of the effective educational system.

(iii) The effective educational program committee shall give sufficient opportunity to the community, through public notice and open public meetings, to give input into the development of the local plan.

(iv) The appointed representative of the effective educational program committee shall present the plan to the board of directors, the board shall provide an opportunity for testimony and review, and the board shall then take action on the plan.

(c) APPLICATION PROCEDURE.

(i) A district, upon the adoption of a local plan to provide an effective educational system, shall make application to the superintendent of public instruction. Accompanying the application form shall be the local plan documentation that identifies the basic education program requirements to be waived and the rationale; the goals and objectives of the effective educational system; and, the anticipated results and outcomes that the plan will achieve. In addition, evidence of the effective educational program committee meetings and verification of the board of director's adoption of the local plan shall be included in the application process.

(ii) The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the March state board of education meeting, when consideration of all waivers shall occur. The superintendent of public instruction shall review all applications and supporting documentation to insure the accuracy of the information and shall recommend approval to the state board of education. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(d) RENEWAL PROCEDURE.

(i) A school district may renew the state board of education's approval of a local plan waiver for periods of three school years provided that an application for renewal is submitted to the superintendent of public instruction and that said application is accompanied by documentation which establishes a continuing need for the waiver. To establish the continuing need, a school district shall verify that:

(A) The effective educational program committee, as defined in (b) of this subsection, reconvened to evaluate the success of the previous plan, and that the evaluation involved a thorough analysis of whether the plan's goals and objectives were achieved;

(B) The educational program committee gave sufficient opportunity to the community, through public notice and open public meetings, to provide input into the evaluation process and make recommendations for its continuation;

(C) The effective educational program committee, based on its evaluation findings and community input, developed a continuing local plan that identifies the basic education program requirements that will need to be waived, the goals/objectives of the plan, and the anticipated results that the plan will have on enhancing the educational program for all students in the district;

(D) The effective educational program committee presented the evaluation findings from the previous local plan, as well as the continuing plan recommendations to the board of directors;

(E) The board of directors adopted the recommendations to continue the plan and to apply for a subsequent waiver.

(ii) The application for renewal and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the March state board of education meeting when consideration of waivers and renewals shall occur. A district, desiring to continue a local plan waiver, must submit the application for renewal and all supporting documentation during the last school year of the previously approved three-year period. The superintendent of public instruction shall review all applications for renewal and supporting documentation; shall notify districts of any deficiency in the application or documentation; and shall recommend approval of the continuation to the state board of education. In the event that deficiencies are found in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-205 CLASSROOM TEACHER CONTACT HOURS REQUIREMENT—WAIVER. (1) Contact hours requirement—Definition. The average annual classroom contact hours for each average annual full-time equivalent certificated classroom teacher employed by a school district shall be no less than twenty-five hours per week. For the purpose of this section "classroom contact hours" shall mean those hours a certificated classroom teacher is instructing students in a classroom, exclusive of such time as the teacher spends for preparation, conferences, administrative duties, and any other non-classroom instruction duties.

(2) Classroom—Definition. For the purpose of this section, "classroom" shall mean those areas or spaces within or without a building, on or off a school campus, that are utilized by a certificated classroom teacher and his/her students for the conduct of planned instructional activities.

(3) Computation of FTE teachers. For the purpose of this section the "average annual full-time equivalent classroom teachers" of a school district shall be the sum of full-time and part-time teachers computed as follows:

(a) Full-time teachers. Each employee who is employed full-time for the regular instructional year exclusive of summer school, and who is assigned solely classroom instructional and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract shall be counted as one full-time equivalent classroom teacher regardless of his/her actual teaching load. No such employee shall be counted as more than one full-time equivalent classroom teacher: **PROVIDED**, That in the case of full-time employees of a school district that conducts a year round regular school program who are employed for a term in excess of the equivalent of the regular instructional year for individual students, such excess term of employment shall be counted as a portion of an additional full-time equivalent classroom teacher.

(b) Part-time teachers. Each part-time employee who is assigned classroom instructional duties solely or in part, and each full-time employee who is assigned both classroom instructional duties and non-classroom related duties (e.g., administrative duties, extracurricular instructional or supervisory duties, etc.) pursuant to his/her basic contract, shall be counted as a fractional full-time equivalent classroom teacher based upon the percentage of time he or she performs duties equivalent to the duties performed by a full-time employee who is assigned solely classroom instructional duties and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract.

(4) Computation of annual average classroom contact hour requirement. A school district's compliance with the average annual contact requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional recordkeeping by classroom teachers as a means of accounting for contact hours shall not be required.

(a) For each teacher, count the actual number of minutes during the school week when the teacher has regularly scheduled responsibilities for the instruction of students. Teacher instructional contact time for the purposes of this requirement shall be that time between the start of the first regularly scheduled class and the end of the last regularly

scheduled class including actual minutes scheduled in all regular classes, laboratories, study halls and the supervision of extended classrooms, work experience, outdoor education and other such programs.

(b) Time spent for lunch intermissions, class changes, recesses, planning/preparation, staff meetings, home visits, conferences, supervision of students in noninstructional activities (lunch duty, playground duty, hall duty, sports programs, student clubs and other activities not requiring student attendance or required for credit), and for specialist teachers (librarian, subject-matter specialist) when the teacher is free from instructional purposes (i.e., released from classroom responsibilities) shall not be countable time for the purpose of computing the teacher's instructional contact. This time is considered valuable and is covered under (c) of this subsection.

(c) The number of average annual full time equivalent classroom teachers employed by a school district and computed pursuant to subsection (3) of this section shall be divided into the total number of actual contact minutes within a normally scheduled instructional week, pursuant to (a) and (b) of this subsection, that such average annual full time equivalent classroom teachers are scheduled to be in contact with and instructing students in a classroom (including those hours which would have been accrued but for the implementation of WAC 180-16-215(4) relating to students graduating from high school.

(d) The quotient received by dividing the total number of actual contact minutes per week, for all average annual full time equivalent classroom teachers in the school district by the number of average annual full time equivalent classroom teachers shall be called the net average contact minutes per week for the average annual full time equivalent certificated classroom teacher in the school district.

(e) At the discretion of each school district board of directors, up to two hundred minutes per average annual full time equivalent classroom teachers for every five school days scheduled for the regular instructional year may be added to the net average contact minutes per week to accommodate for time spent in authorized parent-guardian/teacher conferences, recess, passing time between classes and informal instructional activity.

(f) The quotient received by dividing the net average contact minutes, per week, including up to two hundred minutes to accommodate for time spent in authorized parent-guardian/teacher conferences, recess, passing time between classes and informal instructional activity, by sixty shall be the school district's average annual direct classroom contact hours per week for the average annual full time equivalent certificated classroom teacher in the school district.

(g) The average annual classroom contact hours per week shall not be less than twenty-five hours per week.

(5) WAIVER OPTION.

(a) In the event that a district develops an educational excellence component(s) which consists of less than the twenty-five hours of average teacher contact and the district determines, but for the inclusion of this component(s), that it would meet the twenty-five hour average teacher contact requirement, the district may apply for a waiver of the inclusion of this component(s) within the calculations. The state board of education shall grant said waiver if the district demonstrates the need for the waiver by meeting the procedural criteria, as specified in (b) and (c) of this subsection. Approval of district waivers shall occur at the March state board of education meeting prior to the school year when implementation is to commence. Each approval shall be valid for three school years and may be renewed for additional three-year periods based on the criteria as specified in (d) of this subsection.

(b) ESTABLISHMENT OF NEED. When a district wishes a deviation from the twenty-five hour average teacher contract requirement, it shall create an educational improvement committee comprised of at least one teacher, one district administrator, one district school board member, one district secondary student, and two district parents who are not employees of the district. Districts may use an existing committee for this purpose if it includes the same make-up of participating members.

(i) The educational improvement committee shall meet to develop the local plan for educational excellence.

(ii) The local plan shall include:

(A) A rationale that addresses the need for waiving the twenty-five hour average teacher contact time; that verifies the students' instructional time will not be reduced; and, that explains how the use of the district's teachers is critical to the success of the local plan;

(B) The goals/objectives of the educational excellence program; and

(C) The anticipated results/outcomes of the educational excellence program.

(iii) The educational improvement committee shall give sufficient opportunity to the community, through public notice and open public meetings, to give input into the development of the local plan.

(iv) The appointed representative of the educational improvement committee shall present the plan to the board of directors, the board shall provide an opportunity for testimony and review, and the board shall then take action on the plan.

(C) APPLICATION PROCEDURE.

(i) A district, upon the adoption of a local plan of educational excellence, shall make application to the superintendent of public instruction. Accompanying the application form shall be the local plan documentation that includes the rationale, the goals/objectives of the educational excellence program, and the anticipated results and outcomes that the plan will achieve. In addition, evidence of the educational improvement committee meetings and verification of the board of director's adoption of the local plan shall be included in the application process.

(ii) The application for a waiver and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the March state board of education meeting, when consideration of all waivers shall occur. The superintendent of public instruction shall review all applications and supporting documentation to insure the accuracy of the information and shall recommend approval to the state board of education. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

(D) RENEWAL PROCEDURES.

(i) A school district may renew the state board of education's approval of a local plan waiver for periods of three school years provided that an application for renewal is submitted to the superintendent of public instruction and that said application is accompanied by documentation which establishes a continuing need for a waiver. To establish the continuing need, a school district shall verify that:

(A) The educational improvement committee, as defined in (b) of this subsection, reconvened to evaluate the success of the previous plan, and that the evaluation involved a thorough analysis of whether the plan's goals and objectives were achieved;

(B) The educational improvement committee gave sufficient opportunity to the community, through public notice and open public meetings, to provide input into the evaluation process and make recommendations for its continuation;

(C) The educational improvement committee, based on its evaluation findings and community input, developed a continuing plan that identifies the need to waive the teacher contact requirement, the goals/objectives for the plan, and the anticipated results that the plan will have on educational excellence in the district;

(D) The educational improvement committee presented the evaluation findings from the previous local plan, as well as the continuing plan recommendations to the board of directors; and

(E) The local school board adopted the recommendations to continue the local plan and to apply for a subsequent waiver.

(ii) The application for renewal and all supporting documentation must be received by the superintendent of public instruction at least thirty days prior to the March state board of education meeting, when consideration of waivers and renewals shall occur. A district, desiring to continue a local plan waiver, must submit the application for renewal and all supporting documentation during the last school year in the previously approved three-year period. The superintendent of public instruction shall review all applications for renewal and supporting documentation; shall notify districts of any deficiency in the application or documentation; and, shall recommend the approval of the continuation to the state board of education. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek state board approval at a subsequent meeting.

WSR 86-17-086

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of

Public Instruction intends to adopt, amend, or repeal rules concerning Pilot project—Building selection process, WAC 392-196-065;

that the agency will at 10:00 a.m., Monday, September 29, 1986, in the State Board of Education Conference Room, 4th Floor, Office of the Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 30, 1986.

The authority under which these rules are proposed is Chapter 399, Laws of 1985 (uncodified).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 29, 1986.

Dated: August 15, 1986

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-196 WAC, School personnel—Beginning teachers assistance program.

Rule Section(s): WAC 392-196-065 1985-86 pilot project—Building selection process.

Statutory Authority: Chapter 399, Laws of 1985 (uncodified).

Purpose of the Rule(s): Repeals obsolete section.

Summary of the New Rule(s) and/or Amendments: Repeal WAC 392-196-065.

Reasons Which Support the Proposed Action(s): Provision is obsolete.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Ted Andrews, SPI, 3-3222; and Enforcement: Charles R. Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-196-065 1985-86 PILOT PROJECT—BUILDING SELECTION PROCESS.

WSR 86-17-087

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal

rules concerning Finance—Salary—compensation lid compliance, chapter 392-126 WAC;

that the agency will at 10:00 a.m., Monday, September 29, 1986, in the State Board of Education Conference Room, 4th Floor, Office of the Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 30, 1986.

The authority under which these rules are proposed is RCW 28A.58.095.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 29, 1986.

Dated: August 15, 1986

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-126 WAC, Finance—Salary—compensation lid compliance.

Rule Section(s): WAC 392-126-120 Definition—LEAP document for basic education staff salary allocations; 392-126-225 Definition—Certificated staff salaries; 392-126-230 Definition—Current school year certificated staff highest annual salaries; 392-126-255 Definition—Current school year district certificated derived base salary; 392-126-260 Definition—Maximum allowed basic education certificated derived base salary; 392-126-285 Definition—Form 1043; 392-126-290 Definition—Prior school year certificated staff highest annual salaries; 392-126-291 Definition—Prior school year district certificated derived base salary; 392-126-325 Definition—Classified staff salaries; 392-126-330 Definition—Current school year classified staff highest annual salaries; 392-126-355 Definition—Current school year district classified derived base salary; 392-126-360 Definition—Maximum allowed basic education classified derived base salary; 392-126-385 Definition—Form 1048; 392-126-390 Definition—Form 1049; 392-126-391 Definition—Prior school year classified staff highest annual salaries; 392-126-392 Definition—Prior school year district classified derived base salary; 392-126-700 Salary—compensation lid compliance—Compliance of average classified salaries; 392-126-800 Salary—compensation lid compliance—Reporting cycle—Classified staff; and 392-126-815 Salary—compensation lid compliance—Reporting cycle—Review of additional information—Classified staff.

Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To implement salary and benefit compliance lid requirements.

Summary of the New Rule(s) and/or Amendments: WAC 392-126-120 clarifies definition therein; 392-126-225 clarifies definition therein; 392-126-230 clarifies definition therein; 392-126-255 clarifies definition therein; 392-126-260 clarifies definition therein; 392-126-285 clarifies definition therein; 392-126-290 defines term therein; 392-126-291 defines term therein; 392-

126-325 clarifies definition therein; 392-126-330 clarifies definition therein; 392-126-355 clarifies definition therein; 392-126-360 clarifies definition therein; 392-126-385 clarifies definition therein; 392-126-390 defines definition therein; 392-126-391 defines definition therein; 392-126-392 defines definition therein; 392-126-700 establishes calculation for compliance base on imputed derived base salary; 392-126-800 technical amendment regarding reporting requirements; and 392-126-815 technical amendment regarding reporting requirements.

Reasons Which Support the Proposed Action(s): Action by 1986 legislature.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Perry Keithley, SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Also see proposed amendments to chapters 392-127 and 392-140 WAC as part of the compliance requirement.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-120 DEFINITION—LEAP DOCUMENT FOR BASIC EDUCATION STAFF SALARY ALLOCATIONS. As used in this chapter, "LEAP document for basic education staff salary allocations" ((~~staff~~)) means the computer tabulation of the derived base salaries for basic education certificated ((~~staff~~)) and ((~~the average salaries for basic education~~)) classified staff as established in the ((~~1983-85~~)) State Operating Appropriations Act ((~~in effect at the time~~)).

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-225 DEFINITION—CERTIFICATED STAFF SALARIES. As used in this chapter, "certificated staff salaries" ((~~staff~~)) means those moneys which a school district has agreed to pay all certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's additional days or duties including summer school ((~~or~~)) and extracurricular duties ((regardless of whether such duties are a part of the regular employment contract or ~~or~~)) on supplemental employment contracts, as reported to the superintendent of public instruction on Form S-275. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-230 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "current school year certificated staff highest annual salaries" ((~~staff~~)) means, after completion of all adjustments, the district's aggregate basic education certificated staff salaries reported on the current school year Form S-275 and calculated as follows:

(1) Determine the highest annualized salary, which ((~~staff~~)) means the highest monthly salary multiplied by twelve, that was paid or would have been paid during the current school year for the individual reported on Form S-275;

(2) Multiply the highest annualized salary by the full-time equivalency for the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the current school year certificated staff highest annual salaries ((for the current school year)).

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-255 DEFINITION—CURRENT SCHOOL YEAR DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "current school year certificated district derived base salary" (~~staff~~) means the salary amount calculated as follows:

(1) Divide a district's current school year certificated staff highest annual salaries (~~for the current school year~~) by the district's number of full-time equivalent basic education certificated staff for the current school year to obtain (am) a current school year average salary amount (~~for the current school year~~);

(2) The (average salary amount) result obtained in subsection (1) of this section is (then) divided by the district current school year certificated staff mix factor (~~for the current school year~~); and

(3) The (quotient) result obtained is the current school year district certificated derived base salary (~~for the current school year~~) for purpose of salary compliance.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-260 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "maximum allowed basic education certificated derived base salary" (~~staff~~) means one of the following:

(1) The (appropriate) district certificated derived base salary shown on LEAP document for basic education staff salary allocations as defined in WAC 392-126-120 improved by the salary increase authorized in the State Operating Appropriations Act in effect for the current school year; or

(2) The prior school year district certificated derived base salary as defined in WAC 392-126-291.

The district certificated derived base salary as shown on the LEAP document for basic education staff allocations improved by the authorized salary increase shall be used to calculate the district's certificated compliance status unless the district requests that the superintendent of public instruction use the reported prior school year district certificated derived base salary. In the event that maximum allowed basic education certificated derived base salary is less than the district's reported prior school year certificated derived base salary, the district may request on Form 1043 that the superintendent of public instruction use the reported prior school year certificated derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not necessarily the amount authorized for salary increases in the current school year.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-285 DEFINITION—FORM 1043. As used in this chapter, "Form 1043" (~~staff~~) means the form distributed by the superintendent of public instruction on which the school district may request the (district's) reported prior school year district certificated derived base salary (~~or prior school year insurance benefits~~) be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-260 and 392-126-265.

NEW SECTION

WAC 392-126-290 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "prior school year certificated staff highest annual salaries" means, after completion of all adjustments, the district's aggregate basic education certificated staff salaries reported on the prior school year Form S-275 and calculated as follows:

(1) Determine the highest annualized salary, which means the highest monthly salary multiplied by twelve, that was paid or would have been paid during the prior school year for the individual reported on Form S-275;

(2) Multiply the highest annualized salary by the full-time equivalency for the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the prior school year certificated staff highest annual salaries.

NEW SECTION

WAC 392-126-291 DEFINITION—PRIOR SCHOOL YEAR DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "prior school year certificated district derived base salary" means the salary amount calculated as follows:

(1) Divide a district's prior school year certificated staff highest annual salaries by the district's number of full-time equivalent basic education certificated staff for the current school year to obtain a prior school year average salary amount;

(2) The average salary amount is then divided by the district prior school year certificated staff mix factor; and

(3) The result obtained is the prior school year district certificated derived base salary for purpose of salary compliance.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-325 DEFINITION—CLASSIFIED STAFF SALARIES. As used in this chapter, "classified staff salaries" (~~staff~~) means moneys which a district has agreed to pay, exclusive of extracurricular duties (~~and~~), overtime pay, and additional days or duties on supplemental employment contracts to all classified staff who are employed as of November 1 of each school year as reported to the superintendent of public instruction on Form S-277.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-330 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "current school year classified staff highest annual salaries" (~~staff~~) means after completion of all adjustments, the district's aggregate basic education classified staff salaries reported on the current school year Form S-277 and calculated as follows:

(1) Determine the highest hourly rate(s) that was paid or would have been paid during the current school year for one or more district-assigned job classification(s) in which the individual was reported on Form S-277;

(2) Multiply the highest hourly rate(s) by two thousand eighty hours and further multiply the result by the full-time equivalency for one or more district-assigned job classification(s) occupied by the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the current school year classified staff highest annual salaries (~~for the current school year~~).

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-355 DEFINITION—CURRENT SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY. As used in this chapter, "current school year district classified derived base salary" (~~staff~~) means the salary amount calculated as follows:

(1) Divide the district's current school year classified staff highest average annual salaries (~~for the current school year~~) by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the current school year average classified salary (~~for the current school year~~);

(2) Divide the result obtained in subsection (1) of this section by the district current school year classified increment mix factor (~~for the current school year~~); and

(3) The result obtained is the current school year district classified derived base salary (~~for the current school year~~) for purpose of salary compliance.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-360 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CLASSIFIED DERIVED BASE SALARY. As used in this chapter, "maximum allowed basic education classified derived base salary" (~~staff~~) means one of the following:

(1) The (appropriate) district (average) classified derived base salary shown on the LEAP document for basic education staff salary allocations as defined in WAC 392-126-120 improved by the salary increase authorized in the State Operating Appropriations Act in effect for the current school year ((divided by the district classified increment mix factor for the prior school year));

(2) The prior school year district classified derived base salary as defined in WAC 392-126-392; or

(3) The basic education district classified imputed derived base salary as defined in WAC 392-140-139.

The district classified derived base salary as shown on the LEAP document for basic education staff allocations improved by the authorized salary increase shall be used to calculate the district's classified compliance status unless the district requests that the superintendent of public instruction use the reported prior school year district classified derived base salary or the basic education district classified imputed base salary. In the event that the maximum allowed basic education classified derived base salary is less than the ((district's)) reported prior school year district classified derived base salary, the district may request on Form 1048 that the superintendent of public instruction use the reported prior school year district classified derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. In the event the district elects the alternate measure of salary compliance for classified staff pursuant to WAC 392-140-115 through 392-140-145, the district may request on Form 1049 that the superintendent of public instruction use the basic education district classified imputed base salary for the prior school year improved by the salary increase authorized in the State Operating Appropriations Act in effect for the current school year instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not necessarily the amount authorized for salary increases in the current school year.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-385 DEFINITION—FORM 1048. As used in this chapter, "Form 1048" ((staff)) means the form distributed by the superintendent of public instruction on which the school district may request the ((district's)) reported prior school year district classified derived base salary ((or prior school year insurance benefits)) be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-360 and 392-126-365.

NEW SECTION

WAC 392-126-390 DEFINITION—FORM 1049. As used in this chapter, "Form 1049" means the same as the term defined in WAC 392-140-126.

NEW SECTION

WAC 392-126-391 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "prior school year classified staff highest annual salaries" means, after completion of all adjustments, the district's aggregate basic education classified staff salaries reported on the prior school year Form S-277 and calculated as follows:

(1) Determine the highest hourly rate(s) that was paid or would have been paid during the prior school year for one or more district-assigned job classification(s) in which the individual was reported on Form S-277;

(2) Multiply the result obtained in subsection (1) of this section by two thousand eighty hours and further multiply the result by the full-time equivalency for one or more district-assigned job classification(s) occupied by the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the prior school year classified staff highest annual salaries.

NEW SECTION

WAC 392-126-392 DEFINITION—PRIOR SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY. As used in this chapter, "prior school year district classified derived base salary" means the salary amount calculated as follows:

(1) Divide the district's prior school year classified staff highest average annual salaries by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the average classified salary for the prior school year;

(2) Divide the result obtained in subsection (1) of this section by the district prior school year classified increment mix factor; and

(3) The result obtained is the prior school year district classified derived base salary for the purpose of salary compliance.

AMENDATORY SECTION (Amending Order 85-18, filed 12/9/85)

WAC 392-126-700 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-126-710, compliance with the salary-compensation lid shall be calculated as follows:

For basic education classified staff, if the district's reported classified derived base salary exceeds the district's maximum allowed classified derived base salary the district shall be considered in violation of the salary-compensation lid for the current school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1045 pursuant to WAC 392-126-810 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1046 pursuant to WAC 392-126-810 may exclude new positions as defined in WAC 392-126-130: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1049 pursuant to WAC 392-126-810 shall use the basic education district classified imputed derived base salary pursuant to WAC 392-140-139 improved by 454.92.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-800 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—CLASSIFIED STAFF. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid for classified staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-370, 392-126-375, 392-126-380, ((and)) 392-126-385, and 392-126-390 for classified employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-815 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION—CLASSIFIED STAFF. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid for classified staff may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to the superintendent of public instruction on forms specified in WAC 392-126-370 through ((392-126-385)) 392-126-390. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-126-830 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-830 unless or until such time as the district demonstrates compliance for that year.

WSR 86-17-088**PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Administrative salary and insurance benefits compliance, chapter 392-127 WAC;

that the agency will at 10:00 a.m., Monday, September 29, 1986, in the State Board of Education Conference Room, 4th Floor, Office of the Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 30, 1986.

The authority under which these rules are proposed is RCW 28A.58.095.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 29, 1986.

Dated: August 15, 1986

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-127 WAC, Finance—Group total salary and insurance benefits compliance.

Rule Section(s): WAC 392-127-005 Authority; 392-127-010 Purpose; 392-127-115 Definition—Revised LEAP Document 7; 392-127-255 Definition—Certificated administrative group; 392-127-265 Definition—Current school year certificated professional experience and educational preparation; 392-127-270 Definition—Converted prior school year certificated highest monthly salary; 392-127-271 Definition—Current school year certificated highest monthly salary; 392-127-275 Definition—Converted prior school year certificated average annualized salary for the certificated administrative group; 392-127-280 Definition—Current school year certificated average annualized salary for the certificated administrative group; 392-127-286 Definition—Allowed salary increase percent for the certificated administrative group; 392-127-287 Definition—Actual salary increase percent for the certificated administrative group; 392-127-295 Definition—Prior school year certificated average annual insurance benefits for the certificated administrative group; 392-127-296 Definition—Current school year certificated average annual insurance benefits for the certificated administrative group; 392-127-297 Definition—Form 1079A; 392-127-355 Definition—Classified administrative group; 392-127-365 Definition—Current school year classified years of experience; 392-127-370 Definition—Converted prior school year classified highest hourly rate; 392-127-371 Definition—Current school year classified highest hourly rate; 392-127-375 Definition—Converted prior school year classified average annualized salary for the classified administrative group; 392-127-380 Definition—Current school

year classified average annualized salary for the classified administrative group; 392-127-386 Definition—Allowed salary increase percent; 392-127-387 Definition—Actual salary increase percent; 392-127-395 Definition—Prior school year classified average annual insurance benefits; 392-127-396 Definition—Current school year classified average annual insurance benefits; 392-127-397 Definition—Form 1079B; 392-127-545 Certificated administrative group compliance process—Compliance of average salary; 392-127-550 Certificated administrative group compliance process—Compliance for insurance benefits—Direct comparison; 392-127-551 Certificated administrative group compliance—No insurance benefit increases constitute compliance for the certificated administrative group; 392-127-555 Certificated administrative group compliance process—Compliance for insurance benefits; 392-127-565 Certificated administrative group compliance process—Calculation of penalty for noncompliance on salaries; 392-127-570 Certificated administrative group compliance process—Calculation of penalty for noncompliance on insurance benefits; 392-127-576 Certificated administrative group compliance process—Reporting cycle—Certificated administrative group; 392-127-577 Certificated administrative group compliance process—Reporting cycle—District initial edit of the certificated administrative group personnel data; 392-127-578 Certificated administrative group compliance process—Reporting cycle—Data analysis and determination of need for additional information; 392-127-579 Certificated administrative group compliance process—Reporting cycle—Review of additional information; 392-127-580 Certificated administrative group compliance process—Reporting cycle—District subsequent changes of data; 392-127-645 Classified administrative group compliance process—Compliance of average salary; 392-127-650 Classified administrative group compliance process—Compliance of insurance benefits—Direct comparison; 392-127-651 Classified administrative group compliance—No insurance benefit increases constitute compliance for the classified administrative group; 392-127-655 Classified administrative group compliance process—Compliance of insurance benefits—Salary trade; 392-127-665 Classified administrative group compliance process—Calculation of penalty for noncompliance on salaries; 392-127-670 Classified administrative group compliance process—Calculation of penalty for noncompliance on insurance benefits; 392-127-676 Classified administrative group compliance process—Reporting cycle—Certificated administrative group; 392-127-677 Classified administrative group compliance process—Reporting cycle—District initial edit of the classified administrative group personnel data; 392-127-678 Classified administrative group compliance process—Reporting cycle data analysis and determination of need for additional information; 392-127-679 Classified administrative group compliance process—Reporting cycle—Review of additional information; and 392-127-680 Classified administrative group compliance process—Reporting cycle—District subsequent changes of data.

Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To implement salary and benefit compliance lid requirements.

Summary of the New Rule(s) and/or Amendments: WAC 392-127-005 clarifies authority section; 392-127-010 clarifies purpose section; 392-127-115 defines term therein; 392-127-255 defines term therein; 392-127-265 clarifies definition therein; 392-127-270 clarifies definition therein; 392-127-271 defines term therein; 392-127-275 clarifies term therein; 392-127-280 clarifies term therein; 392-127-286 defines term therein; 392-127-287 defines term therein; 392-127-295 clarifies definition therein; 392-127-296 clarifies definition therein; 392-127-297 defines term therein; 392-127-355 clarifies term therein; 392-127-365 clarifies term therein; 392-127-370 clarifies term therein; 392-127-371 defines term therein; 392-127-375 clarifies definition therein; 392-127-380 clarifies definition therein; 392-127-386 defines term therein; 392-127-387 defines term therein; 392-127-395 clarifies definition therein; 392-127-396 clarifies definition therein; 392-127-397 defines term therein; 392-127-545 amends method for calculating salary compliance; 392-127-550 amends method for calculating benefit compliance; 392-127-551 permits certification of no increase in benefits; 392-127-555 clarifies salary trade for increased benefits; 392-127-565 amends process for calculating penalty for noncompliance on salaries; 392-127-570 amends process for calculating penalty for noncompliance on benefits; 392-127-576 establishes reporting requirements; 392-127-577 establishes process for editing data; 392-127-578 establishes process for requesting additional data; 392-127-579 establishes process for reviewing additional data; 392-127-580 establishes reporting cycle; 392-127-645 amends method for calculating salary compliance; 392-127-650 amends method for calculating benefit compliance; 392-127-651 establishes method for certifying no increase in benefits; 392-127-655 amends method for calculating trade of salary increase for additional benefits; 392-127-665 amends calculation of penalty for noncompliance on salaries; 392-127-670 amends calculation of penalty for noncompliance on benefits; 392-127-676 establishes reporting requirements; 392-127-677 establishes method for editing reports; 392-127-678 establishes reporting cycle; 392-127-679 establishes process for review of additional data; and 392-127-680 establishes process for changing data on reports.

Reasons Which Support the Proposed Action(s): Action by 1986 legislature.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Perry Keithley, SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Also see proposed amendments to chapters 392-126 and 392-140 WAC as part of the compliance requirement.

Chapter 392-127 WAC
FINANCE—(~~GROUP TOTAL~~) ADMINISTRATIVE SALARY
AND INSURANCE BENEFITS COMPLIANCE

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-005 AUTHORITY. The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with administrative group (~~(total)~~) salary and insurance benefit increases permitted by the state Operating Appropriations Act.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide administrative group (~~(total)~~) salary and insurance benefit increases that violate the provisions of RCW 28A.58.095(1) which implement the requirements of the state Operating Appropriations Act.

NEW SECTION

WAC 392-127-115 DEFINITION—REVISED LEAP DOCUMENT 7. As used in this chapter, "Revised LEAP Document 7" means the same as the term defined in WAC 392-140-088.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-255 DEFINITION—CERTIFICATED ADMINISTRATIVE GROUP ((†)). As used in this chapter, "certificated administrative group ((†))" means the group composed of all certificated exempt employees and those certificated supervisory employees who are not represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-265 DEFINITION—(~~PRIOR~~) CURRENT SCHOOL YEAR CERTIFICATED PROFESSIONAL EXPERIENCE AND EDUCATIONAL PREPARATION. As used in this chapter, "~~(prior)~~ current school year certificated professional experience and educational preparation" means those levels of professional experience and educational preparation (~~(determined according to the following criteria:~~

(1) For a certificated employee reported on Form S-275 for both the ~~current and prior school years, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation~~) recognized by the school district for the purpose of placement of the employee on the school district's (~~(prior)~~) current school year salary schedule in the position occupied by the certificated employee in the current school year(;

(2) For a certificated employee reported on Form S-275 for the ~~current school year but not reported on Form S-275 for the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year; and~~

(3) For a certificated employee reported on Form S-275 for the ~~current school year but not reported on Form S-275 for the prior school year, in which a certificated employee occupies a position not used by the district in the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year~~)).

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-270 DEFINITION—CONVERTED PRIOR SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY. As used in this chapter, "converted prior school year certificated highest monthly salary" means (~~(that)~~) the highest monthly salary

that was paid or would have been paid the employee during the prior school year commensurate with the employee's (~~(prior)~~) current school year certificated professional experience and educational preparation in the same position or positions held by the employee in the current school year as reported on Form S-275 adjusted by the September 1, 1986, certificated salary enhancements granted pursuant to WAC 392-140-085 through 392-140-114.

NEW SECTION

WAC 392-127-271 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY. As used in this chapter, "current school year certificated highest monthly salary" means the highest monthly salary that is or was paid the employee during the current school year commensurate with the employee's current school year certificated professional experience and educational preparation in the same position or positions held by the employee in the current school year as reported on Form S-275.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-275 DEFINITION—CONVERTED PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY(~~(=)~~)FOR THE CERTIFICATED ADMINISTRATIVE GROUP(S+AND+H). As used in this chapter, "converted prior school year certificated average annualized salary for the certificated administrative group" means the salary calculated in the following manner:

(1) (~~Assign each individual certificated employee to the appropriate certificated group;~~)

(~~2~~) Determine the highest annualized salary for each (~~individual~~) certificated administrative group employee, which (~~staff~~) means the converted prior school year certificated highest monthly salary multiplied by twelve;

(~~3~~) (2) Multiply the (~~highest annualized salary~~) result obtained in subsection (~~2~~) (1) of this section by the current school year full-time equivalency for the individual certificated employee;

(~~4~~) (~~Determine the total of the highest annualized salaries~~) (3) Sum the results obtained in subsection (~~3~~) (2) of this section for (~~each respective certificated group~~) all certificated administrative group employees;

(~~5~~) (4) Divide the result obtained in subsection (~~4~~) (3) of this section (~~for each respective certificated group~~) by the district's number of full-time equivalent certificated administrative group employees (~~assigned to each respective group~~); and

(~~6~~) (5) The result obtained in subsection (~~5~~) (4) of this section is the converted prior school year certificated average annualized salary for (~~each respective~~) the certificated administrative group.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-280 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY(~~(=)~~)FOR THE CERTIFICATED ADMINISTRATIVE GROUP(S+AND+H). As used in this chapter, "current school year certificated average annualized salary for the certificated administrative group" means the salary calculated in the following manner:

(1) (~~Assign each individual certificated employee to the appropriate certificated group;~~)

(~~2~~) Determine the highest annualized salary for each (~~individual~~) certificated administrative group employee, which means the current school year certificated highest monthly salary multiplied by twelve, for the current school year for the individual employee reported on Form S-275;

(~~3~~) (2) Multiply (~~the highest annualized salary~~) the result obtained in subsection (~~2~~) (1) of this section by the full-time equivalency for the individual certificated administrative group employee;

(~~4~~) (~~Determine the total of the highest annualized salaries~~) (3) Sum the results obtained in subsection (~~3~~) (2) of this section for (~~each respective certificated group~~) all certificated administrative group employees;

(~~5~~) (4) Divide the result obtained in subsection (~~4~~) (3) of this section (~~for each respective certificated group~~) by the district's number of full-time equivalent certificated administrative group employees (~~assigned to each respective certificated group~~); and

(~~6~~) (5) The result obtained in subsection (~~5~~) (4) of this section is the current school year certificated average annualized salary for (~~each respective~~) the certificated administrative group.

NEW SECTION

WAC 392-127-286 DEFINITION—ALLOWED SALARY INCREASE PERCENT FOR THE CERTIFICATED ADMINISTRATIVE GROUP. As used in this chapter, "allowed salary increase percent for the certificated administrative group" means that percent calculated to two decimal points in the following manner:

(1) Divide \$500.43 by the district's certificated Revised LEAP Document 7 derived base salary for certificated basic education staff as modified by any September 1, 1986, salary enhancements pursuant to WAC 392-140-085 through 392-140-114;

(2) Multiply the result in subsection (1) of this section by 100; and

(3) The result obtained in subsection (2) of this section is the allowed salary increase percent for the certificated administrative group.

NEW SECTION

WAC 392-127-287 DEFINITION—ACTUAL SALARY INCREASE PERCENT FOR THE CERTIFICATED ADMINISTRATIVE GROUP. As used in this chapter, "actual salary increase percent for the certificated administrative group" means that percent calculated to two decimal points in the following manner:

(1) Divide the current school year certificated average annualized salary by the converted prior school year average annualized salary for the certificated administrative group;

(2) Subtract 1 from the result in subsection (1) of this section and multiply by 100; and

(3) The result obtained in subsection (2) of this section is the actual salary increase percent for the certificated administrative group.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-295 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS(~~(=)~~)FOR THE CERTIFICATED ADMINISTRATIVE GROUP (+). As used in this chapter, "prior school year certificated average annual insurance benefits for the certificated administrative group" means the greater of:

(1) The insurance benefit amount authorized in the state Operating Appropriations Act for compensation purposes multiplied by twelve months per full-time equivalent staff unit; or

(2) The insurance benefits calculated in the following manner:

(a) Determine the annual insurance benefits for each (~~individual~~) certificated administrative group employee (~~assigned to certificated Group +~~) in the same position(s) held by the employee in the current school year;

(b) Determine the total of the annual insurance benefits obtained in (a) of this subsection;

(c) Divide the result obtained in (b) of this subsection by the district's number of full-time equivalent certificated administrative group employees (~~assigned to certificated Group +~~).

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-296 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS(~~(=)~~)FOR THE CERTIFICATED ADMINISTRATIVE GROUP (+). As used in this chapter, "current school year certificated average annual insurance benefits for the certificated administrative group" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each (~~individual~~) certificated administrative group employee (~~assigned to certificated Group +~~) in the same position(s) held by the employee in the current school year;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated administrative group employees (~~assigned to certificated Group +~~); and

(4) The result obtained in subsection (3) of this section is the current school year certificated average annual insurance benefits for the certificated administrative group (+).

NEW SECTION

WAC 392-127-297 DEFINITION—FORM 1079A. As used in this chapter, "Form 1079A" means the form distributed by the superintendent of public instruction on which the school district may state

no certificated administrative group employee in the school district received an increase in insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-127-551.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-355 **DEFINITION—CLASSIFIED ADMINISTRATIVE GROUP ((†)).** As used in this chapter, "classified administrative group ((†))" means the group composed of all classified exempt employees and those classified supervisory employees who are not represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-365 **DEFINITION—((PRIOR)) CURRENT SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE.** As used in this chapter, "((prior)) current school year classified years of experience" means the level of experience ((determined according to the following criteria:

(1) For a classified employee reported on Form S-277 for both the current and prior school years, the prior school year classified years of experience means the years of experience) recognized by the school district for the purpose of placement of the employee on the school district's ((prior)) current school year salary schedule in the various district-assigned job classification occupied by the classified employee in the current school year(;

(2) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year; and

(3) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, in which a classified employee occupies a position not used by the district in the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year)).

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-370 **DEFINITION—CONVERTED PRIOR SCHOOL YEAR CLASSIFIED HIGHEST HOURLY RATE.** As used in this chapter, "converted prior school year classified highest hourly rate" means ((that)) the highest hourly rate that was paid or would have been paid the employee during the prior school year commensurate with the employee's ((prior)) current school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

NEW SECTION

WAC 392-127-371 **DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED HIGHEST HOURLY RATE.** As used in this chapter, "current school year classified highest hourly rate" means that highest hourly rate that is or was paid the employee during the current school year commensurate with the employee's current school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-375 **DEFINITION—CONVERTED PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY((=))FOR THE CLASSIFIED ADMINISTRATIVE GROUP((S-I AND H)).** As used in this chapter, "converted prior

school year classified average annualized salary for the classified administrative group" means the salary calculated in the following manner:

(1) ((Assign each individual classified employee to the appropriate classified group;

(2)) Determine the highest annualized salary for each ((individual)) classified administrative group employee, which means the converted prior school year classified highest hourly rate multiplied by 2,080;

((3)) (2) Multiply the ((highest annualized salary)) result obtained in subsection ((2)) (1) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

((4) Determine the total of the highest annualized salaries) (3) Sum the results obtained in subsection ((3)) (2) of this section ((for each respective classified group));

((5)) (4) Divide the result obtained in subsection ((4)) (3) of this section ((for each respective classified group)) by the district's number of full-time equivalent classified administrative group employees ((assigned to each respective group)); and

((6)) (5) The result obtained in subsection ((5)) (4) of this section is the converted prior school year classified average annualized salary for ((each respective)) the classified administrative group.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-380 **DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY((=))FOR THE CLASSIFIED ADMINISTRATIVE GROUP((S-I AND H)).** As used in this chapter, "current school year classified average annualized salary for the classified administrative group" means the salary calculated in the following manner:

(1) ((Assign each individual classified employee to the appropriate classified group;

(2)) Determine the highest annualized salary for each individual classified employee, which means the current school year classified highest hourly rate multiplied by 2,080, for the current school year for the various district-assigned job classifications in which the individual was employed as reported on Form S-277;

((3)) (2) Multiply the ((highest annualized salary)) result obtained in subsection ((2)) (1) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

((4) Determine the total of the annualized salaries) (3) Sum the results obtained in subsection ((3)) (2) of this section ((for each respective classified group));

((5)) (4) Divide the result obtained in subsection ((4)) (3) of this section ((for each respective classified group)) by the district's number of full-time equivalent classified administrative group employees ((assigned to each respective classified group)); and

((6)) (5) The result obtained in subsection ((5)) (4) of this section is the current school year classified average annualized salary for ((each respective)) the classified administrative group.

NEW SECTION

WAC 392-127-386 **DEFINITION—ALLOWED SALARY INCREASE PERCENT FOR THE CLASSIFIED ADMINISTRATIVE GROUP.** As used in this chapter, "allowed salary increase percent for the classified administrative group" means that percent calculated to two decimal points in the following manner:

(1) Divide \$454.92 by the district's classified Revised LEAP Document 7;

(2) Multiply the result obtained in subsection (1) of this section by 100; and

(3) The result obtained in subsection (2) of this section is the allowed salary increase percent for the classified administrative group.

NEW SECTION

WAC 392-127-387 **DEFINITION—ACTUAL SALARY INCREASE PERCENT FOR THE CLASSIFIED ADMINISTRATIVE GROUP.** As used in this chapter, "actual salary increase percent for the classified administrative group" means that percent calculated to two decimal points in the following manner:

(1) Divide the current school year classified average annualized salary by the converted prior school year average annualized salary for the classified administrative group;

- (2) Subtract 1 from the result obtained in subsection (1) of this section and multiply by 100; and
- (3) The result obtained in subsection (2) of this section is the actual salary increase percent for the classified administrative group.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-395 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS(=)FOR THE CLASSIFIED ADMINISTRATIVE GROUP ((†)). As used in this chapter, "prior school year classified average annual insurance benefits for the classified administrative group" means the greater of:

- (1) The insurance benefit amount authorized in the state Operating Appropriations Act for compensation purposes multiplied by twelve months per full-time equivalent staff unit; or
- (2) The insurance benefits calculated in the following manner:
 - (a) Determine the annual insurance benefits for each ((individual)) classified administrative group employee ((assigned to classified Group †)) in the various district-assigned job classifications occupied by the employee in the current school year;
 - (b) ((Determine the total of the annual insurance benefits)) Sum the results obtained in (a) of this subsection;
 - (c) Divide the result obtained in (b) of this subsection by the district's number of full-time equivalent classified administrative group employees ((assigned to classified Group †)).

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-396 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS(=)FOR THE CLASSIFIED ADMINISTRATIVE GROUP ((†)). As used in this chapter, "current school year classified average annual insurance benefits for the classified administrative group" means the insurance benefits calculated in the following manner:

- (1) Determine the annual insurance benefits for each ((individual)) classified administrative group employee ((assigned to classified Group †)) in the various district-assigned job classifications occupied by the employee in the current school year;
- (2) ((Determine the total of the annual insurance benefits)) Sum the results obtained in subsection (1) of this section;
- (3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified administrative group employees ((assigned to classified Group †)); and
- (4) The result obtained in subsection (3) of this section is the current school year classified average annual insurance benefits for the classified administrative group ((†)).

NEW SECTION

WAC 127-397 DEFINITION—FORM 1079B. As used in this chapter, "Form 1079B" shall mean the form distributed by the superintendent of public instruction on which the school district may state no classified administrative group employees in the school district received an increase in insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-127-651.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-545 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance shall be calculated by subtracting the ((current school year certificated group)) actual salary ((factor)) increase percent from the ((prior school year certificated group)) allowed salary ((factor)) increase percent for the certificated administrative group. If the result obtained in this calculation is negative, the district shall be found to have violated the certificated administrative group ((total)) salary and insurance benefits salary compliance.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-550 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE ((OF)) FOR INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for the certificated administrative group ((†-employees)) to the insurance benefits

authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. The district shall be in compliance with the certificated insurance benefits provided if the current school year certificated average annual insurance benefits for the certificated administrative group ((†-employees)) is equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

In the event the school district's current school year certificated administrative group average annual insurance benefits exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the district shall be in compliance with this section if:

- (1) For those certificated administrative group ((†)) employees whose prior school year insurance benefits exceeds the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of those employees' current school year insurance benefits does not exceed the average of ((these)) those employees' prior school year insurance benefits; and
- (2) For those certificated administrative group ((†)) employees whose prior school year insurance benefits were equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of ((these)) those employees' current school year insurance benefits does not exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

NEW SECTION

WAC 392-127-551 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE—NO INSURANCE BENEFIT INCREASES CONSTITUTE COMPLIANCE FOR THE CERTIFICATED ADMINISTRATIVE GROUP. If the superintendent of public instruction has determined that a district's payment for insurance benefits for the certificated administrative group exceeds the amount specified for the current school year in the Operating Appropriations Act, the district may certify to the superintendent of public instruction on Form 1079A that it gave no insurance benefit increase pursuant to WAC 392-127-550, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-555 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE ((OF)) FOR INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-550, compliance for insurance benefits shall be calculated as follows:

- (1) Subtract the prior school year certificated average annual insurance benefits from the current school year certificated average annual insurance benefits for certificated administrative group ((†));
- (2) Subtract the current school year certificated average annualized salary for the certificated administrative group ((salary factor)) from the converted prior school year certificated ((group salary factor)) average annualized salary for the certificated administrative group, or if the result is negative or zero, enter zero;
- (3) ((Multiply the result obtained in subsection (2) of this section by the average salary calculated for the certificated Group II employees for the prior school year;
- ((†)) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection ((†)) (2) of this section; and
- ((5)) (4) If the result obtained in subsection ((†)) (3) of this section is negative, the district shall be found to have violated the certificated administrative group ((total)) salary and insurance benefits compliance.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-565 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the certificated administrative group ((total)) salary and insurance benefits compliance relative to certificated administrative group salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by ((multiplying)) dividing the result obtained in WAC 392-127-545 by 100. The result is multiplied

by the converted prior school year average annualized salary for the certificated administrative group and by the ~~((current school year certificated average annualized salary for certificated Group H. The result obtained is then multiplied by the district's))~~ number of full-time equivalent ~~((staff calculated for certificated Group I))~~ certificated administrative group employees. The result is further multiplied by the number of months the salary increase is provided in the Operating Appropriations Act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-570 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the certificated administrative group ~~((total))~~ salary and insurance benefits compliance relative to certificated administrative group insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-555 ~~((+))~~(4) by the number of full-time equivalent ~~((staff in certificated Group I))~~ certificated administrative group employees.

NEW SECTION

WAC 392-127-576 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—CERTIFICATED ADMINISTRATIVE GROUP. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance as to salary and insurance benefits for the certificated administrative group. The superintendent of public instruction shall provide each district with the form specified in WAC 392-127-296 and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed form.

NEW SECTION

WAC 392-127-577 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT INITIAL EDIT OF THE CERTIFICATED ADMINISTRATIVE GROUP PERSONNEL DATA. The superintendent of public instruction shall return to each school district Report S-727 as specified in WAC 392-127-215. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-127-578 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION. The superintendent of public instruction shall review the edited data and make a determination as to whether additional information is necessary in order to determine whether a district is in violation of average salary and/or insurance benefits pursuant to WAC 392-127-545 and 392-127-555. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether the district is in violation of certificated administrative group compliance. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units for certificated administrative group employees of the receipt of the notification.

NEW SECTION

WAC 392-127-579 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether the district is in

violation of salary and insurance benefits compliance for the certificated administrative group may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The district shall submit such additional data to the superintendent of public instruction on the form specified in WAC 392-127-296. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-127-565 and/or 392-127-570 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyse additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. The superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-127-296 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-127-580 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT SUBSEQUENT CHANGES OF DATA. In the event a school district changes certificated administrative group personnel data reported on Form S-275 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent of the district or assistant superintendent pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-127-578 and 392-127-579 to determine whether the district is in compliance and promptly notify the district of such determination.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-645 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance shall be calculated by subtracting the ~~((current school year classified group))~~ actual salary ~~((factor))~~ increase percent from the ~~((prior school year classified group))~~ allowed salary ~~((factor))~~ increase percent for the classified administrative group. If the result obtained of this calculation is negative, the district shall be found to have violated the classified administrative group ~~((total))~~ salary and insurance benefits compliance.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-650 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for the classified administrative group ~~((employees))~~ to the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. The district shall be in compliance with the classified insurance benefits provided if the average current school year classified annual insurance benefits for the classified administrative group ~~((employees))~~ is equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

In the event the school district's current school year classified administrative group insurance benefits exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the district shall be in compliance with this section if:

(1) For those classified administrative group ((†)) employees whose prior school year insurance benefits exceeds the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of those employees' current school year insurance benefits does not exceed the average of ((these)) those employees' prior school year insurance benefits; and

(2) For those classified administrative group ((†)) employees whose prior school year insurance benefits were equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of ((these)) those employees' current school year insurance benefits does not exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

NEW SECTION

WAC 392-127-651 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE—NO INSURANCE BENEFIT INCREASES CONSTITUTE COMPLIANCE FOR THE CLASSIFIED ADMINISTRATIVE GROUP. If the superintendent of public instruction has determined that a district's payment for insurance benefits for the classified administrative group exceeds the amounts specified for the current school year in the Operating Appropriations Act, the district may certify to the superintendent of public instruction on Form 1079B that it gave no insurance benefit increase pursuant to WAC 392-127-650, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-655 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-650, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the classified prior school year average annual insurance benefits from the classified current school year average annual insurance benefits for classified administrative group ((†));

(2) Subtract the current school year classified ((factor)) average annualized salary for the classified administrative group from the converted prior school year classified ((factor)) average annualized salary for the classified administrative group, or if the result is negative or zero, enter zero;

(3) ((Multiply the result obtained in subsection (2) of this section by the average salary calculated for the classified Group II employees for the prior school year;

((†)) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection ((†)) (2) of this section; and

((†)) (4) If the result obtained in subsection ((†)) (3) of this section is negative the district shall be found to have violated the classified administrative group ((total)) salary and insurance benefits compliance.

AMENDATORY SECTION (Amending Order 85-8, filed 9/6/85)

WAC 392-127-665 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the classified administrative group ((total)) salary and insurance benefits compliance relative to classified administrative group salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by ((multiplying)) dividing the result obtained in WAC 392-127-645 by 100. The result is multiplied by the converted prior school year average annualized salary for the classified administrative group and by the ((current school year classified average annualized salary for classified Group II. The result obtained is then multiplied by the district's)) number of full-time equivalent ((staff calculated for classified Group I)) classified administrative group employees. The result is further multiplied by the number of months the salary increase is provided in the Operating Appropriations Act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

AMENDATORY SECTION (Amending Order 84-31, filed 8/13/84)

WAC 392-127-670 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the classified administrative group ((total)) salary and insurance benefits compliance relative to classified administrative group insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-655 ((†)) (4) by the number of full-time equivalent ((staff in classified Group I)) classified administrative group employees.

NEW SECTION

WAC 392-127-676 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—CERTIFICATED ADMINISTRATIVE GROUP. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance as to salary and insurance for the classified administrative group. The superintendent of public instruction shall provide each district with the form specified in WAC 392-127-397 and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed form.

NEW SECTION

WAC 392-127-677 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT INITIAL EDIT OF THE CLASSIFIED ADMINISTRATIVE GROUP PERSONNEL DATA. The superintendent of public instruction shall return to each district Report S-730 as specified in WAC 392-127-315. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-127-678 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION. The superintendent of public instruction shall review the edited data and make a determination as to whether additional information is necessary in order to determine whether a district is in violation of average salary and/or insurance benefits pursuant to WAC 392-127-645 and 392-127-655. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether the district is in violation of classified administrative group compliance. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units for classified administrative group employees of the receipt of notification.

NEW SECTION

WAC 392-127-679 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether the district is in violation of salary and insurance benefit compliance for the classified administrative group may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The district shall submit such additional data to the superintendent of public instruction on the form specified in WAC 392-127-397. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC

392-127-665 and/or 392-127-670 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information submitted by the district and determine whether the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. The superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-127-296 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-127-680 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT SUBSEQUENT CHANGES OF DATA. In the event a school district changes classified administrative group personnel data reported on Form S-275 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent of the district or assistant superintendent pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-127-678 and 392-127-679 to determine whether the district is in compliance and promptly notify the district of such determination.

REPEALER

The following sections of the Washington Administrative Code are repealed:

392-127-225 DEFINITION—CERTIFICATED STAFF SALARIES.
 392-127-260 DEFINITION—CERTIFICATED GROUP II.
 392-127-285 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR.
 392-127-290 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR.
 392-127-325 DEFINITION—CLASSIFIED STAFF SALARIES.
 392-127-360 DEFINITION—CLASSIFIED GROUP II.
 392-127-385 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED SALARY FACTOR.
 392-127-390 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED GROUP SALARY FACTOR.
 392-127-500 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED STAFF.
 392-127-505 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED SALARIES.
 392-127-510 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED INSURANCE BENEFITS.
 392-127-515 CERTIFICATED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE.
 392-127-520 CERTIFICATED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE.
 392-127-525 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT.
 392-127-530 CERTIFICATED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT.
 392-127-535 CERTIFICATED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

392-127-540 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT.

392-127-560 CERTIFICATED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT.

392-127-575 CERTIFICATED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE.

392-127-600 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED STAFF.

392-127-605 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED SALARIES.

392-127-610 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING INSURANCE BENEFITS.

392-127-615 CLASSIFIED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE.

392-127-620 CLASSIFIED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE.

392-127-625 CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT.

392-127-630 CLASSIFIED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT.

392-127-635 CLASSIFIED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

392-127-640 CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT.

392-127-660 CLASSIFIED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT.

392-127-675 CLASSIFIED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE.

WSR 86-17-089

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Special allocations, instructions, and requirements, chapter 392-140 WAC;

that the agency will at 10:00 a.m., Monday, September 29, 1986, in the State Board of Education Conference Room, 4th Floor, Office of the Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 30, 1986.

The authority under which these rules are proposed is RCW 28A.58.095.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 29, 1986.

Dated: August 15, 1986

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-140 WAC, Finance—Special allocations, instructions, and requirements.

Rule Section(s): WAC 392-140-085 1986-87 certificated staff salary enhancement allocations and salary compliance—Applicable provisions; 392-140-086 1986-87 certificated staff salary enhancement allocations and salary compliance—Purpose; 392-140-087 1986-87 certificated staff salary enhancement allocations and salary compliance—Definition—Eligible district and category; 392-140-088 1986-87 certificated staff salary enhancement allocations and salary compliance—Definition—Revised LEAP Document 7; 392-140-089 1986-87 certificated staff salary enhancement allocations and salary compliance—Definition—Certificated salary enhancement allocation; 392-140-090 1986-87 certificated staff salary enhancement allocations and salary compliance—Definition—Additional certificated salary enhancement allocation; 392-140-091 1986-87 certificated staff salary enhancement allocations and salary compliance—Definition—State-supported programs and purpose of allocations; 392-140-092 1986-87 certificated staff salary enhancement allocations and salary compliance—Definition—Certificated staff actual full-time equivalent salary; 392-140-093 1986-87 certificated staff salary enhancement allocation and salary compliance—Definition—District certificated derived base salary; 392-140-094 1986-87 certificated staff salary enhancement allocations and salary compliance—Definition—Prior school year certificated staff adjusted salary; 392-140-095 Definition—Form SS-279; 392-140-096 1986-87 certificated staff salary enhancement allocations and salary compliance for Category A district—Reporting requirements; 392-140-097 1986-87 certificated staff salary enhancement allocations and salary compliance for Category A district—Modification of revised LEAP Document 7; 392-140-098 1986-87 certificated staff salary enhancement allocations and salary compliance for Category A district—Certificated salary enhancement allocation; 392-140-099 1986-87 certificated staff salary enhancement allocations and salary compliance for Category A district—Maximum allowed certificated derived base salary; 392-140-100 1986-87 certificated staff salary enhancement allocation and salary compliance for Category B district—Reporting requirements; 392-140-101 1986-87 certificated staff salary enhancement allocations and salary compliance for Category B district—Modification of revised LEAP Document 7; 392-140-102 For Category B district—Certificated salary enhancement allocation; 392-140-103 For Category B district—Maximum allowed certificated derived base salary; 392-140-104 For Category C district—Reporting requirements; 392-140-105 For Category C district—Modification of revised LEAP Document 7; 392-140-106 For Category C district—Certificated salary enhancement allocation by modifying revised LEAP Document 7 to \$16,500; 392-140-107 For Category C district—Additional certificated salary enhancement allocation; 392-140-108 For Category C district—Maximum allowed certificated derived base salary; 392-140-109 For Category D district—Reporting requirements;

392-140-110 Modification of revised LEAP Document 7; 392-140-111 For Category D district—Additional certificated salary enhancement allocation; 392-140-112 For Category D district—Maximum allowed certificated derived base salary; 392-140-113 For all eligible districts—Fringe benefit allocation for salary enhancement allocations; 392-140-114 Other state-supported program allocations; 392-140-115 1986-87 alternate measure for classified staff salary compliance—Applicable provisions; 392-140-116 1986-87 alternate measure for classified staff salary compliance—Purpose; 392-140-117 1986-87 alternate measure for classified staff salary compliance—Application of these provisions; 392-140-118 1986-87 alternate measure for classified staff salary compliance—Definition—District personnel policies; 392-140-119 1986-87 alternate measure for classified staff salary compliance—Definition—District salary schedule placement; 392-140-120 1986-87 alternate measure for classified staff salary compliance—Definition—Salary classification; 392-140-121 1986-87 alternate measure for classified staff salary compliance—Definition—New position; 392-140-122 1986-87 alternate measure for classified staff salary compliance—Definition—Reclassification; 392-140-123 1986-87 alternate measure for classified staff salary compliance—Definition—Employees with additional prior years of experience in other school districts; 392-140-124 Definition—Employees with other additional prior years of experience; 392-140-125 Definition—District obligation; 392-140-126 Definition—Form 1049; 392-140-127 Definition—Revised LEAP Document 7; 392-140-128 Definition—District allowed classified staff salary increase factor; 392-140-129 Definition—Form S-277; 392-140-130 Definition—Prior school year classified years of experience; 392-140-131 Definition—Prior school year classified staff highest hourly rate; 392-140-132 Definition—Classified increment mix factor; 392-140-133 Definition—District classified increment mix factor; 392-140-134 Definition—Current school year district classified derived base salary; 392-140-135 Definition—Derived base excess salaries for new positions; 392-140-136 Definition—Derived base excess salaries for reclassifications; 392-140-137 Definition—Derived base excess salaries for employees with additional prior years of experience in other school districts; 392-140-138 Definition—Derived base excess salaries for employees with additional other prior years of experience; 392-140-139 Definition—Basic education district classified imputed derived base salary; 392-140-140 1986-87 alternate measure for classified staff salary compliance—District personnel policies and salary schedules; 392-140-141 Certification of by board resolution; 392-140-142 District request; 392-140-143 Reporting requirements; 392-140-144 Data analysis and review; and 392-140-145 Reporting cycle and process.

Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To implement salary and benefit compliance lid requirements.

Summary of the New Rule(s) and/or Amendments: WAC 392-140-085 sets forth applicable provisions to salary compliance for certificated salary enhancements; 392-140-086 sets forth purpose of applicable provisions;

392-140-087 defines term therein; 392-140-088 defines term therein; 392-140-089 defines term therein; 392-140-090 defines term therein; 392-140-091 defines term therein; 392-140-092 defines term therein; 392-140-093 defines term therein; 392-140-094 defines term therein; 392-140-095 defines term therein; 392-140-096 sets forth reporting requirements; 392-140-097, 392-140-098 and 392-140-099 set forth salary enhancement compliance for Category A districts; 392-140-100, 392-140-101, 392-140-102 and 392-140-103 set forth salary enhancement compliance for Category B districts; 392-140-104, 392-140-105, 392-140-106, 392-140-107 and 392-140-108 set forth salary enhancement compliance for Category C districts; 392-140-109, 392-140-110, 392-140-111 and 392-140-112 set forth salary enhancement compliance for Category D districts; 392-140-113 establishes additional benefit allocations for affected districts; 392-140-114 sets forth salary enhancement allocations for other state-supported programs; 392-140-115 sets forth applicable provisions to alternative measure of calculating classified staff compliance; 392-140-116 sets forth purpose of applicable provisions; 392-140-117 sets forth conditions for application of alternative measure of compliance; 392-140-118 defines term therein; 392-140-119 defines term therein; 392-140-120 defines term therein; 392-140-121 defines term therein; 392-140-122 defines term therein; 392-140-123 defines term therein; 392-140-124 defines term therein; 392-140-125 defines term therein; 392-140-126 defines term therein; 392-140-127 defines term therein; 392-140-128 defines term therein; 392-140-129 defines term therein; 392-140-130 defines term therein; 392-140-131 defines term therein; 392-140-132 defines term therein; 392-140-133 defines term therein; 392-140-134 defines term therein; 392-140-135 defines term therein; 392-140-136 defines term therein; 392-140-137 defines term therein; 392-140-138 defines term therein; 392-140-139 defines term therein; 392-140-140 sets forth requirement that personnel policies be adopted as condition precedent to employing alternative measure for calculation of compliance; 392-140-141 requires board resolutions as a condition precedent to employing alternative measure for calculation of compliance; 392-140-142 sets forth alternative measure of compliance as local option; 392-140-143 sets forth reporting requirements; 392-140-144 sets forth process data analysis and review; and 392-140-145 sets forth reporting process.

Reasons Which Support the Proposed Action(s): Action by 1986 legislature.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Perry Keithley, SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Also see proposed amendments to chapters 392-126 and 392-127 WAC as part of the compliance requirement.

NEW SECTION

WAC 392-140-085 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—APPLICABLE PROVISIONS. The provisions of WAC 392-140-085 through 392-140-114 shall be applicable for the 1986-87 certificated staff salary enhancement allocations and related salary compliance for basic education certificated staff for districts pursuant to section 504(3)(f), chapter 312, Laws of 1986.

NEW SECTION

WAC 392-140-086 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—PURPOSE. The purpose of these provisions is to set forth the policies and procedures for certificated staff salary enhancement allocations and related salary compliance for basic education certificated staff for the eligible districts in categories A, B, C, and D as defined in WAC 392-140-087 which increase and maintain the certificated staff actual full-time equivalent salary of each individual of the district to a minimum of \$16,500 for the 1986-87 school year and increase the actual basic education district certificated derived base salary up to \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-087 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—ELIGIBLE DISTRICT AND CATEGORY. As used in this chapter, "eligible district and category" means a district which granted salary enhancements effective September 1, 1986, to certificated employees of the district under one of the following conditions:

(1) Category A district with a basic education certificated derived base salary less than \$16,500 on Revised LEAP Document 7 which increased the certificated staff actual full-time equivalent salary for each individual of the district as defined in WAC 392-140-092 to a minimum of \$16,500 for the 1986-87 school year and increased the actual basic education district certificated derived base salary as defined in WAC 392-140-093 up to \$16,500 for the 1986-87 school year (Category A districts shall comply with WAC 392-140-096 through 392-140-099);

(2) Category B district with a basic education certificated derived base salary less than \$16,500 on Revised LEAP Document 7 and with no individuals having a prior school year certificated staff adjusted salary as defined in WAC 392-140-094 of less than \$16,500, which increased the basic education district certificated derived base salary as defined in WAC 392-140-093 up to \$16,500 for the 1986-87 school year (Category B districts shall comply with WAC 392-140-100 through 392-140-103);

(3) Category C district with a basic education certificated derived base salary of less than \$16,500 on Revised LEAP Document 7 whose actual cost of increasing the certificated staff actual full-time equivalent salary for all individuals of the district as defined in WAC 392-140-092 to a minimum of \$16,500 exceeded the increase of the district's total salary allocation obtained by modifying Revised LEAP Document 7 to \$16,500 for the 1986-87 school year (Category C districts shall comply with WAC 392-140-104 through 392-140-108); or

(4) Category D district with a basic education certificated derived base salary of \$16,500 or greater on Revised LEAP Document 7 which increased the certificated staff full-time equivalent actual salary for each individual of the district as defined in WAC 392-140-092 to a minimum of \$16,500 for the 1986-87 school year (Category D districts shall comply with WAC 392-140-109 through 392-140-112).

NEW SECTION

WAC 392-140-088 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—REVISED LEAP DOCUMENT 7. As used in this chapter, "Revised LEAP Document 7" means the computer tabulation of the derived base salaries for basic education certificated and classified staff as established by the legislative evaluation and accountability program committee on February 27, 1986, at 9:41 hours in the 1985-87 state operating appropriations act.

NEW SECTION

WAC 392-140-089 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—CERTIFICATED SALARY ENHANCEMENT ALLOCATION. As used in this chapter, "certificated salary enhancement allocation" means that amount allocated to eligible districts which effective September 1, 1986, increase the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year and increase the actual basic education district certificated derived base salary up to \$16,500 for the 1986-87 school year, excluding the general salary increase pursuant to section 504(2)(a), chapter 312, Laws of 1986. Districts shall receive certificated salary enhancement allocations for certificated staff in the state-supported programs as defined in WAC 392-140-091. Certificated salary enhancement allocations for the basic education program shall be as provided in WAC 392-140-096 through 392-140-113. Certificated salary enhancement allocations for the other state-supported programs shall be as provided in WAC 392-140-114.

NEW SECTION

WAC 392-140-090 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION. As used in this chapter, "additional certificated salary enhancement allocation" means that amount allocated as follows:

- (1) For Category C districts, the cost to increase the certificated staff actual full-time equivalent salary for all individuals of the district to a minimum of \$16,500 for the 1986-87 school year which exceeds the total salary allocation of modifying Revised LEAP Document 7 to \$16,500; and
- (2) For Category D districts, the cost to increase the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-091 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—STATE-SUPPORTED PROGRAMS FOR PURPOSE OF ALLOCATIONS. As used in this chapter, "state-supported programs for purpose of allocations" means the programs, as specified in the Accounting Manual for Public School Districts in the State of Washington, used for the purpose of allocations pursuant to WAC 392-140-085 through 392-140-114 as follows:

- (1) Basic education, programs 01, 31, 45, 94 and 97;
- (2) Handicapped, program 21;
- (3) State institutions, program 26 and 56;
- (4) Vocational-technical institutes, program 47;
- (5) Remediation, program 55;
- (6) Transitional bilingual, program 65;
- (7) Gifted and talented, program 74;
- (8) Adult education, program 83; and
- (9) Pupil transportation, program 99.

NEW SECTION

WAC 392-140-092 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—CERTIFICATED STAFF ACTUAL FULL-TIME EQUIVALENT SALARY. As used in this chapter, "certificated staff actual full-time equivalent salary" means those moneys which a district has agreed to pay an individual certificated employee who is employed as of October 1 for the 1986-87 school year under terms of the basic or regular contract between the district and the certificated employee, exclusive of those moneys which are paid for a certificated employee's additional days or duties including summer school and extracurricular duties on a supplemental employment contract, as reported to the superintendent of public instruction on Form S-275. Moneys paid a certificated employee hired on an hourly basis are not included in this definition. The "certificated staff actual full-time equivalent salary" means the salary calculated for an individual certificated employee:

- (1) Determine the actual salary that will be paid during the 1986-87 school year for the individual certificated employee reported on Form S-275;

(2) Divide the actual salary by the full-time equivalency for the individual; and

(3) The result obtained is the certificated staff actual full-time equivalent salary for an individual for the 1986-87 school year.

NEW SECTION

WAC 392-140-093 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE—DEFINITION—DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "district certificated derived base salary" means the same as the term defined in WAC 392-126-255.

NEW SECTION

WAC 392-140-094 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED STAFF ADJUSTED SALARY. As used in this chapter, "prior school year certificated staff adjusted salary" means the salary as defined in WAC 392-126-225 that would have been paid, after all salary adjustments, during the 1985-86 school year using the employee's 1986-87 school year certificated professional experience and education preparation in the same position or positions held by the employee in the 1986-87 school year for each individual certificated employee reported as of October 1 on Form S-275 for the 1986-87 school year.

NEW SECTION

WAC 392-140-095 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—FORM SS-279. As used in this chapter, "Form SS-279" means the form distributed by the superintendent of public instruction on which the superintendent of a district shall certify that the district board of directors has effective September 1, 1986, increased the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year and/or increased the actual basic education district certificated derived base salary up to \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-096 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—REPORTING REQUIREMENTS. Each Category A district in order to receive a certificated salary enhancement allocation shall certify on Form SS-279 to the superintendent of public instruction that salary enhancements were granted effective September 1, 1986, which both:

- (1) Increased the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year; and
- (2) Increased the actual basic education district certificated derived base salary to no more than \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-097 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7. For each Category A district which certified on Form SS-279 that salary enhancements were granted effective September 1, 1986, for the 1986-87 school year as stated in WAC 392-140-096, the superintendent of public instruction shall notify the legislative evaluation and accountability program committee that the Revised LEAP Document 7 shall be modified to reflect a basic education certificated derived base salary of \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-098 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION. For the purpose of allocating basic education moneys for the 1986-87 school year, the

Category A district's certificated salary enhancement allocation means the amount calculated as follows:

(1) Subtract the district's basic education certificated derived base salary as shown on Revised LEAP Document 7 from \$16,500;

(2) Multiply the result obtained in subsection (1) of this section by the district certificated staff mix factor for basic education staff for the 1985-86 school year;

(3) Multiply the result obtained in subsection (2) of this section by the district's basic education certificated staff formula units as shown on Report 1191 for the 1986-87 school year; and

(4) The result obtained is the district's certificated salary enhancement allocation for the basic education program in the 1986-87 school year.

NEW SECTION

WAC 392-140-099 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY. For the purpose of certificated staff salary compliance pursuant to chapter 392-126 WAC, the Category A district's maximum allowed certificated derived base salary shall be \$16,500 improved by \$500.43 for the 1986-87 school year.

NEW SECTION

WAC 392-140-100 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—REPORTING REQUIREMENTS. Each Category B district in order to receive a certificated salary enhancement allocation shall certify on Form SS-279 to the superintendent of public instruction that salary enhancements were granted effective September 1, 1986, which increased the actual basic education district certificated derived base salary to no more than \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-101 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7. For each Category B district which certified on Form SS-279 that salary increases were granted effective September 1, 1986, for the 1986-87 school year as stated in WAC 392-140-100, the superintendent of public instruction shall notify the legislative evaluation and accountability program committee that the Revised LEAP Document 7 shall be modified to reflect a basic education certificated derived base salary of \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-102 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION. For the purpose of allocating basic education moneys for the 1986-87 school year, the Category B district's certificated salary enhancement allocation means the amount calculated as follows:

(1) Subtract the district's basic education certificated derived base salary as shown on Revised LEAP Document 7 from \$16,500;

(2) Multiply the result obtained in subsection (1) of this section by the district certificated staff mix factor for basic education staff for the 1985-86 school year;

(3) Multiply the result obtained in subsection (2) of this section by the district's basic education certificated staff formula units as shown on Report 1191 for the 1986-87 school year; and

(4) The result obtained is the district's certificated salary enhancement allocation for the basic education program in the 1986-87 school year.

NEW SECTION

WAC 392-140-103 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY. For the purpose of certificated staff salary compliance pursuant to chapter

392-126 WAC, the Category B district's maximum allowed certificated derived base salary shall be \$16,500 improved by \$500.43 for the 1986-87 school year.

NEW SECTION

WAC 392-140-104 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—REPORTING REQUIREMENTS. Each Category C district in order to receive a certificated salary enhancement allocation and an additional certificated salary enhancement allocation shall certify on Form SS-279 to the superintendent of public instruction that salary enhancements were granted effective September 1, 1986, which both:

(1) Increased the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 for the 1986-87 school year; and

(2) Increased the actual basic education district certificated derived base salary, excluding the salary increase of three percent of the Revised LEAP Document 7 state-wide average certificated derived base salary, to greater than \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-105 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7. For each Category C district which certified on Form SS-279 that salary increases were granted effective September 1, 1986, for the 1986-87 school year as stated in WAC 392-140-104, the superintendent of public instruction shall notify the legislative evaluation and accountability program committee that section 504(3)(f), chapter 312, Laws of 1986 requires the Revised LEAP Document 7 shall be modified to reflect a basic education certificated derived base salary of \$16,500 for the 1986-87 school year. The superintendent of public instruction shall notify the legislative evaluation and accountability program committee that section 504(3)(f), chapter 312, Laws of 1986 will require the modification of the Revised LEAP Document 7 to reflect a basic education certificated derived base salary calculated by adding the amount in WAC 392-140-108(3) to \$16,500.

NEW SECTION

WAC 392-140-106 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION BY MODIFYING REVISED LEAP DOCUMENT 7 TO \$16,500. For the purpose of allocating basic education moneys for the 1986-87 school year, the Category C district's certificated salary enhancement allocation for the basic education program by modifying Revised LEAP Document 7 basic education certificated derived base salary to \$16,500 means the amount calculated as follows:

(1) Subtract the district's basic education certificated derived base salary as shown on Revised LEAP Document 7 from \$16,500;

(2) Multiply the result obtained in subsection (1) of this section by the district certification staff mix factor for basic education staff for the 1985-86 school year;

(3) Multiply the result obtained in subsection (2) of this section by basic education certificated staff formula units as shown on Report 1191 for the 1986-87 school year; and

(4) The result obtained is the district's total certificated staff salary enhancement allocation for the basic education program by modifying the district's Revised LEAP Document 7 salary to \$16,500 for the 1986-87 school year.

NEW SECTION

WAC 392-140-107 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION. Each Category C district shall receive an additional certificated salary enhancement allocation for the excess cost to increase basic education certificated staff actual full-time equivalent salary for all individuals of the district to a minimum of \$16,500 for the 1986-87 school year. The Category C district's additional certificated salary enhancement means the amount calculated as follows:

(1) Determine the prior school year certificated staff adjusted salary as defined in WAC 392-140-094 for each certificated employee reported for the 1986-87 school year on Form S-275 as defined in WAC 392-126-210;

(2) Divide the prior school year certificated staff adjusted salary by the total full-time equivalency for each individual in all programs for the 1986-87 school year;

(3) Subtract the result obtained in subsection (2) of this section from \$16,500;

(4) Multiply the result obtained in subsection (3) of this section by the total full-time equivalency for each individual in all program assignments for the 1986-87 school year;

(5) Multiply the result obtained in subsection (4) of this section by the percent of full-time equivalency for each individual in the basic education program for the 1986-87 school year;

(6) Add the result obtained in subsection (5) of this section for all individuals assigned to the basic education program;

(7) Subtract the district's total certificated staff salary allocation for the basic education program by modifying the district's Revised LEAP Document 7 salary to \$16,500 as calculated in WAC 392-140-107 from the result obtained in subsection (6) of this section; and

(8) The result obtained is the district's additional certificated salary enhancement allocation for the basic education program for the 1986-87 school year.

NEW SECTION

WAC 392-140-108 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY. For the purpose of certificated staff salary compliance, the Category C district's additional certificated salary enhancement allocation for the basic education program as provided in WAC 392-140-107 means this amount converted to certificated derived base dollars as follows:

(1) Divide the district's additional certificated salary enhancement allocation calculated pursuant to WAC 392-140-108 for the basic education program for the 1986-87 school year by the district's number of full-time equivalent basic education certificated staff for the 1986-87 school year;

(2) Divide the result obtained in subsection (1) of this section by the district certificated staff mix factor for basic education staff for the 1986-87 school year; and

(3) The result obtained is the district's allowed additional certificated salary enhancement for the basic education staff for the purpose of salary compliance for the 1986-87 school year.

For the purpose of certificated staff salary compliance pursuant to chapter 392-126 WAC, the Category C district's maximum allowed certificated derived base salary shall be \$16,500 improved by \$500.43 further improved by the district's allowed additional certificated salary enhancement as calculated above for the purpose of salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-109 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—REPORTING REQUIREMENTS. Each Category D district in order to receive a certificated salary enhancement allocation shall certify on Form SS-279 to the superintendent of public instruction that the district increased the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 effective September 1, 1986, for the 1986-87 school year.

NEW SECTION

WAC 392-140-110 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE—MODIFICATION OF REVISED LEAP DOCUMENT 7. The superintendent of public instruction shall notify the legislative evaluation and accountability program committee that section 504(3)(f), chapter 312, Laws of 1986 will require the modification of the Revised LEAP Document 7 to reflect a basic education certificated derived base salary calculated by adding the amount in WAC 392-140-112(3) to district's basic education certificated derived base salary as shown on Revised LEAP Document 7.

NEW SECTION

WAC 392-140-111 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION. For the purpose of allocating basic education moneys for the 1986-87 school year, the Category D district's additional certificated salary enhancement allocation means the amount calculated for the district's basic education certificated employees as follows:

(1) Determine the prior school year certificated staff adjusted salary as defined in WAC 392-140-094 for each certificated employee reported for the 1986-87 school year on Form S-275 as defined in WAC 392-126-210;

(2) Divide the prior school year certificated staff adjusted salary by the total full-time equivalency for each individual in all programs for the 1986-87 school year;

(3) Subtract the result obtained in subsection (2) of this section from \$16,500;

(4) Multiply the result obtained in subsection (3) of this section by the total full-time equivalency for each individual in all program assignments for the 1986-87 school year;

(5) Multiply the result obtained in subsection (4) of this section by the percent of full-time equivalency for each individual in the basic education program for the 1986-87 school year;

(6) Add the result obtained in subsection (5) of this section for all individuals assigned to the basic education program; and

(7) The result obtained is the district's additional certificated salary enhancement allocation for the basic education program for the 1986-87 school year.

NEW SECTION

WAC 392-140-112 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY. For the purpose of certificated staff salary compliance, the Category D district's additional certificated salary enhancement allocation for the basic education program as provided in WAC 392-140-111 means this amount converted to certificated derived base dollars as follows:

(1) Divide the district's additional certificated salary enhancement allocation for the basic education program calculated pursuant to WAC 392-140-111 for the 1986-87 school year by the district's number of full-time equivalent basic education certificated staff for the 1986-87 school year;

(2) Divide the result obtained in subsection (1) of this section by the district certificated staff mix factor for the basic education staff for the 1986-87 school year; and

(3) The result obtained is the district's allowed additional certificated salary enhancement for basic education certificated staff for the purpose of salary compliance for the 1986-87 school year.

For the purpose of certificated staff salary compliance pursuant to chapter 392-126 WAC, the Category D district's maximum allowed certificated derived base salary shall be the district's basic education certificated derived base salary shown on Revised LEAP Document 7 improved by \$500.43 further improved by the district's allowed additional certificated salary enhancement as calculated above for the purpose of salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-113 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR ALL ELIGIBLE DISTRICTS—FRINGE BENEFIT ALLOCATION FOR SALARY ENHANCEMENT ALLOCATIONS. Eligible districts shall receive an additional fringe benefit allocation for the district's certificated salary enhancement allocation and the district's additional certificated salary enhancement allocation in the basic education program calculated by multiplying the district's certificated salary enhancement allocation and the district's additional certificated salary enhancement allocation by the fringe benefit rate of 19.44 percent for the 1986-87 school year.

NEW SECTION

WAC 392-140-114 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—OTHER STATE-SUPPORTED PROGRAM

ALLOCATIONS. Eligible districts shall receive certificated salary enhancement allocations in the other state-funded programs as described as follows:

(1) Eligible districts with a basic education certificated derived base salary of less than \$16,500 on Revised LEAP Document 7 and certified on Form SS-279 pursuant to WAC 392-140-095, the same percentage increase required to increase the district's Revised LEAP Document 7 certificated derived base salary for the basic education program to no more than \$16,500 shall be applied to the district's Revised LEAP Document 7 equivalent certificated derived base salaries for both the handicapped and state institutions programs for the purpose of making allocations to these two programs for the 1986-87 school year.

(2) Eligible districts shall receive an additional certificated salary enhancement allocation if the district's actual cost to increase certificated staff actual full-time equivalent salary for all individuals to a minimum of \$16,500 in the handicapped and state institution programs exceeds the district's total salary allocation by applying the percentage increase described above.

(3) Eligible districts with a basic education certificated derived base salary of \$16,500 or greater on Revised LEAP Document 7 and which certify on Form SS-279 pursuant to WAC 392-140-095 shall receive additional certificated salary enhancement allocations for increasing the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 in both the handicapped and state institutions programs for the 1986-87 school year. The eligible district's additional certificated salary enhancement allocations for the handicapped and state institutions programs shall be calculated in the same manner as described for the basic education program in WAC 392-140-111.

(4) Eligible districts which certify on Form SS-279 pursuant to WAC 392-140-095 shall receive additional certificated salary enhancement allocations for increasing the certificated staff actual full-time equivalent salary for each individual of the district to a minimum of \$16,500 in the other state-supported programs in addition to the handicapped and state institutions programs for the 1986-87 school year. The eligible district's additional certificated salary enhancement allocation for these other state-supported programs shall be calculated in the same manner as described for the basic education program in WAC 392-140-111.

All eligible districts shall also receive an additional fringe benefit allocation as described in WAC 392-140-113 for the certificated salary enhancement allocations and the additional certificated salary enhancement allocations for all of the other state-supported programs.

NEW SECTION

WAC 392-140-115 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—APPLICABLE PROVISIONS. The provisions of WAC 392-140-115 through 392-140-147 sets forth the alternate measure for classified staff salary compliance for districts pursuant to section 504(2)(g), chapter 312, Laws of 1986 and which if elected shall be applicable for the 1986-87 school year.

NEW SECTION

WAC 392-140-116 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—PURPOSE. The purpose of these provisions is to set forth the policies and procedures under which any district board of directors may elect the alternate measure for salary compliance for classified employees, as provided herein, for the 1986-87 school year.

NEW SECTION

WAC 392-140-117 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—APPLICATION OF THESE PROVISIONS. The application of this alternate measure for classified staff salary compliance shall be limited to amounts in excess of state-funded salary levels resulting from district personnel policies and salary schedule placements for classified staff that will result in a district obligation for one or more of the following:

- (1) New positions pursuant to WAC 392-140-121;
- (2) Reclassifications pursuant to WAC 392-140-122;
- (3) Employees with additional prior years of experience in other school districts, pursuant to WAC 392-140-123 (see RCW 28A.58-.099 (2)(i)); and

- (4) Employees with additional other prior years of experience pursuant to WAC 392-140-124.

NEW SECTION

WAC 392-140-118 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT PERSONNEL POLICIES. As used in this chapter, "district personnel policies" means written statements adopted by the district board of directors prior to or on November 1, 1985, which establish the specific policies and procedures to be administered by the district relative to district employees, that shall at least include the following:

- (1) Job classifications including but not limited to position responsibilities and qualifications;
- (2) Job assignments;
- (3) Salary classifications;
- (4) Procedures for determination of salary classifications and salary schedule placement; and
- (5) Criteria by which current classified employee(s) may be assigned to a different salary classification subject to a review by the district of the employee's responsibilities or qualifications.

NEW SECTION

WAC 392-140-119 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT SALARY SCHEDULE PLACEMENT. As used in this chapter, "district salary schedule placement" means the assigning of individual employees to the appropriate steps within the appropriate salary classification on the district salary schedules as adopted by the district board of directors for classified employees.

NEW SECTION

WAC 392-140-120 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—SALARY CLASSIFICATION. As used in this chapter, "salary classification" means the designated salary range for an established job classification within the district commensurate with the position responsibilities and qualifications.

NEW SECTION

WAC 392-140-121 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—NEW POSITION. As used in this chapter, "new position" means the same as the term defined in WAC 392-126-130, but shall be limited under the alternate measure for classified staff salary compliance to a new position that the superintendent of public instruction has determined to meet the criterion in WAC 392-126-130 for the 1985-86 school year.

NEW SECTION

WAC 392-140-122 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—RECLASSIFICATION. As used in this chapter, "reclassification" means the reassignment, effective after November 1, 1985, but prior to or on November 1, 1986, of an individual classified employee to a different salary classification commensurate with the individual's assigned responsibilities pursuant to district personnel policy which existed on November 1, 1985.

NEW SECTION

WAC 392-140-123 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—EMPLOYEES WITH ADDITIONAL PRIOR YEARS OF EXPERIENCE IN OTHER SCHOOL DISTRICTS. As used in this section, "employees with additional prior years of experience in other school districts" means the number of years of experience transferred pursuant to RCW 28A.58.099 (2)(i) for classified employees. Such experience shall only be allowed for classified employees placed in positions after November 1, 1985, but prior to or on November 1, 1986.

NEW SECTION

WAC 392-140-124 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—EMPLOYEES WITH OTHER ADDITIONAL PRIOR YEARS OF EXPERIENCE. As used in this section, "employees with other additional prior years of experience" means the number of years of experience recognized through district personnel policies other than that transferred pursuant to RCW 28A.58.099 (2)(i) for classified employees. Such experience shall only be allowed for classified employees placed in positions after November 1, 1985, but prior to or on November 1, 1986.

NEW SECTION

WAC 392-140-125 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT OBLIGATION. As used in this chapter, "district obligation" means that amount incurred by the district that is in excess of state-funded salary level. The sum of that amount shall be the sum of the results obtained pursuant to the calculations in WAC 392-140-135(8), 392-140-136(7), 392-140-137(6) and 392-140-138(6).

NEW SECTION

WAC 392-140-126 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—FORM 1049. As used in this chapter, "Form 1049" means the form on which the district shall submit data to the superintendent of public instruction pursuant to WAC 392-140-142 to calculate the 1985-86 basic education district classified imputed base salary for classified staff salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-127 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—REVISED LEAP DOCUMENT 7. As used in this chapter, "Revised LEAP Document 7" means the same as the term defined in WAC 392-140-088.

NEW SECTION

WAC 392-140-128 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT ALLOWED CLASSIFIED STAFF SALARY INCREASE FACTOR. As used in this chapter, the "district allowed classified staff salary increase factor" means the allowed salary increase factor for the district basic education classified staff for the 1986-87 school year calculated rounded to four decimal points as follows:

(1) Determine the district's allowed basic education classified derived base salary as shown on Revised LEAP Document 7 as defined in WAC 392-140-127 for the 1986-87 school year;

(2) Divide the amount of \$454.92 by the district's allowed basic education classified derived base salary obtained in subsection (1) of this section;

(3) Add 1 to the result obtained in subsection (2) of this section; and

(4) The result obtained is the district allowed classified staff salary increase factor for the district's basic education program for the 1986-87 school year.

NEW SECTION

WAC 392-140-129 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—FORM S-277. As used in this chapter, "Form S-277" means the same as the term defined in WAC 392-126-310.

NEW SECTION

WAC 392-140-130 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE. As used in this chapter, "prior school year classified years of experience" means the level of experience determined according to the following criteria:

(1) For a classified employee reported on Form S-277 for both the current and prior school years, the prior school year classified years of experience means the years of experience recognized by the district for

the purpose of placement of the employee on the district's prior school year salary schedule in the various district-assigned job classifications occupied by the classified employee in the current school year;

(2) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the district for the purpose of placement of the individual on the district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year; and

(3) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, in which a classified employee occupies a position not used by the district in the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the district for the purpose of placement of the individual on the district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year.

NEW SECTION

WAC 392-140-131 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED STAFF HIGHEST HOURLY RATE. As used in this chapter, "prior school year classified staff highest hourly rate" means that highest hourly rate that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

NEW SECTION

WAC 392-140-132 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "classified increment mix factor" means the same as the term defined in WAC 392-121-128.

NEW SECTION

WAC 392-140-133 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "district classified increment mix factor" means the same as the term defined in WAC 392-121-129.

NEW SECTION

WAC 392-140-134 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—CURRENT SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY. As used in this chapter, "current school year district classified derived base salary" means the same as the term defined in WAC 392-126-355.

NEW SECTION

WAC 392-140-135 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DERIVED BASE EXCESS SALARIES FOR NEW POSITIONS. As used in this chapter, "derived base excess salaries for new positions" for the district's basic education classified staff means the result obtained from the following calculation rounded to two decimal points:

(1) Identify each basic education classified employee whose position met the criterion as a new position as defined in WAC 392-140-121 for the 1985-86 school year;

(2) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate with the individual's prior school year classified increment mix factor multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(3) Determine the prior school year derived base salary for each classified employee identified in subsection (1) of this section by dividing the prior school year highest salary calculated in subsection (2) of this section by the prior school year classified increment mix factor for the individual in the basic education program;

(4) Determine the district's allowed basic education classified derived base salary as shown on Revised LEAP Document 7 as defined in WAC 392-140-127 for the 1986-87 school year;

(5) Subtract the result obtained in subsection (4) of this section from the result in subsection (3) of this section for each classified employee identified in subsection (1) of this section;

(6) Multiply the result obtained in subsection (5) of this section for each classified employee identified in subsection (1) of this section by the individual's classified increment mix factor in the basic education program for the 1986-87 school year;

(7) Multiply the result obtained in subsection (6) of this section for each classified employee identified in subsection (1) of this section by the district allowed classified staff salary increase factor as defined in WAC 392-140-128 for the 1986-87 school year;

(8) Add all such calculations for classified employees identified in subsection (1) of this section;

(9) Divide the result obtained in subsection (8) of this section by the district's number of full-time equivalency in the basic education program for the 1986-87 school year and further divide the result by the district classified increment mix factor for the basic education program for the 1986-87 school year; and

(10) The result obtained is the derived base excess salaries for new positions for the district's basic education classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-136 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DERIVED BASE EXCESS SALARIES FOR RECLASSIFICATIONS. As used in this chapter, "derived base excess salaries for reclassifications" for the district's basic education classified staff means the result obtained from the following calculation rounded to two decimal points:

(1) Identify each basic education classified employee whose position meets the criterion of a reclassification as defined in WAC 392-140-122;

(2) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate for the position after reclassification and the individual's classified increment mix factor before reclassification multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(3) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate for the position before reclassification and the individual's classified increment mix factor before reclassification multiplied by full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(4) Subtract the result obtained in subsection (3) of this section from the result obtained in subsection (2) of this section for each classified employee identified in subsection (1) of this section;

(5) Divide the result obtained in subsection (4) of this section for each classified employee identified in subsection (1) of this section by the individual's classified increment mix factor in the basic education program before reclassification;

(6) Multiply the result obtained in subsection (5) of this section for each classified employee identified in subsection (1) of this section by the district allowed classified staff salary increase factor as defined in WAC 392-140-128 for the 1986-87 school year;

(7) Add all such calculations for classified employees identified in subsection (1) of this section;

(8) Divide the result obtained in subsection (6) of this section by the district's number of full-time equivalency in the basic education program for the 1986-87 school year and further divide the result by the district classified increment mix factor for the basic education program for the 1986-87 school year; and

(9) The result obtained is the derived base for excess salaries for reclassifications for the district's basic education classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-137 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DERIVED BASE EXCESS SALARIES FOR EMPLOYEES WITH ADDITIONAL PRIOR YEARS OF EXPERIENCE IN OTHER SCHOOL DISTRICTS. As used in this chapter, "derived base excess salaries for employees with additional prior years of experience in other school districts" for the district's basic education classified staff means the result obtained from the following calculation rounded to two decimal points:

(1) Identify each basic education classified employee whose position meets the criterion of employees with additional prior years of experience in other school districts as defined in WAC 392-140-123;

(2) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate for the position including the additional prior school years of experience in other school districts multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(3) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year classified staff highest hourly rate for the position excluding the additional prior school years of experience in school districts multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(4) Subtract the result obtained in subsection (3) of this section from the result obtained in subsection (2) of this section for each classified employee identified in subsection (1) of this section;

(5) Multiply the result obtained in subsection (4) of this section by the district allowed classified staff salary increase factor as defined in WAC 392-140-128 for the 1986-87 school year;

(6) Add all such calculations for classified employees identified in subsection (1) of this section;

(7) Divide the result obtained in subsection (6) of this section by the district's number of full-time equivalency in the basic education program for the 1986-87 school year and further divide the result by the district classified increment mix factor for the basic education program for the 1985-86 school year; and

(8) The result obtained is the derived base for excess salaries for employees with additional prior years of experience in other school districts for the district's basic education classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-138 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DERIVED BASE EXCESS SALARIES FOR EMPLOYEES WITH ADDITIONAL OTHER PRIOR YEARS OF EXPERIENCE. As used in this chapter, "derived base excess salaries for employees with additional other prior years of experience" for the district's basic education classified staff means the result obtained from the following calculation rounded to two decimal points as follows:

(1) Identify each basic education classified employee whose position meets the criterion of employees with additional other prior years of experience as defined in WAC 392-140-124;

(2) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year highest hourly rate for the position including the additional other prior school years of experience multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(3) Determine the prior school year highest salary for each classified employee identified in subsection (1) of this section using the prior school year highest hourly rate for the position excluding the additional other prior school years of experience multiplied by the full-time equivalency for the individual in the basic education program reported on Form S-277 for the 1986-87 school year;

(4) Subtract the result obtained in subsection (3) of this section from the result obtained in subsection (2) of this section for each classified employee identified in subsection (1) of this section;

(5) Multiply the result obtained in subsection (4) of this section by the district allowed classified staff salary increase factor as defined in WAC 392-140-128 for the 1986-87 school year;

(6) Add all such calculations for classified employees identified in subsection (1) of this section;

(7) Divide the result obtained in subsection (6) of this section by the district's number of full-time equivalency in the basic education program for the 1986-87 school year and further divide the result by the district classified increment mix factor for the basic education program for the 1985-86 school year; and

(8) The result obtained is the derived base for excess salaries for employees with additional other prior years of experience for the district's basic education classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-139 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—BASIC EDUCATION DISTRICT CLASSIFIED IMPUTED DERIVED BASE SALARY. As used in this chapter, "basic education district classified imputed derived base salary" for the district requesting the alternate measure of classified staff salary compliance means the derived base salary calculated as follows:

(1) Determine the district's allowed basic education classified staff derived base salary as shown on Revised LEAP Document 7 as defined in WAC 392-140-127;

(2) Add all of the derived base excess salaries for new positions as calculated in WAC 392-140-135, derived base excess salaries for re-classifications as calculated in WAC 392-140-136, derived base excess salaries for employees with additional prior years of experience in other school districts as calculated in WAC 392-140-137, and derived base excess salaries for employees with additional other prior years of experience as calculated in WAC 392-140-138 to the result obtained in subsection (1) of this section;

(3) The result obtained in subsection (2) of this section is the 1985-86 basic education district classified staff imputed derived base salary for the purpose of the alternate measure for classified salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-140 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DISTRICT PERSONNEL POLICIES AND SALARY SCHEDULES. The district board of directors shall adopt personnel policies and salary schedules prior to the district granting to one or more classified employees salary increases which create a district obligation as defined in WAC 392-140-125 for the 1986-87 school year.

NEW SECTION

WAC 392-140-141 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—CERTIFICATION OF BY BOARD RESOLUTION. The district shall certify by board resolution that any amount in excess of state funded salary levels in each year henceforward is solely a district obligation as defined in WAC 392-140-125 created through district personnel policies and salary schedule placements and that the effect shall neither incur nor imply any current or future funding obligation by the state. Such board resolution shall state the estimated amount of the district's obligation incurred pursuant to the personnel actions enumerated in WAC 392-140-125. Districts availing themselves of the alternate measure for salary compliance for the 1986-87 school year shall comply with the following:

(1) For personnel actions subsequent to November 1, 1985, but prior to September 1, 1986, the district shall certify such board resolution by September 30, 1986;

(2) For personnel actions subsequent to September 1, 1986, but prior to October 1, 1986, the district shall certify such board resolution by October 31, 1986;

(3) For personnel actions subsequent to October 1, 1986, but prior to November 1, 1986, the district shall certify such board resolution by November 30, 1986; and

(4) For personnel actions on or after November 1, 1986, the district shall adopt such board resolution not later than the last day of the month following the month in which the placements occurred.

All such board resolutions shall be filed with the superintendent of public instruction not later than fourteen calendar days following certification by the district board of directors. Included in such resolutions shall be the same data that are required on Form 1049 pursuant to WAC 392-140-143.

NEW SECTION

WAC 392-140-142 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DISTRICT REQUEST. Each district that exceeds the salary-compensation lid for classified staff as calculated in WAC 392-126-700 may elect the alternate measure of classified staff salary compliance for the 1986-87 school year by submitting data on Form 1049 to the superintendent of public instruction.

NEW SECTION

WAC 392-140-143 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—REPORTING REQUIREMENTS. Each district requesting the alternate measure for classified staff salary compliance for the 1986-87 school year shall adopt a district board resolution requesting the alternate measure of classified staff compliance. The district shall submit the district board resolution with such data on Form 1049 as the superintendent of public instruction deems appropriate to serve as the basis for determination whether the district is in compliance under WAC 392-126-700 for classified staff salary compliance for the 1986-87 school year.

NEW SECTION

WAC 392-140-144 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DATA ANALYSIS AND REVIEW. The superintendent of public instruction shall review the data submitted on Form 1049 to determine if the classified employees listed on such form are only classified employees previously submitted pursuant to WAC 392-140-141. If it is the superintendent of public instruction's determination that the appropriate classified employees have been submitted on Form 1049A, the basic education district classified imputed derived base salary as calculated in WAC 392-140-149 improved by \$454.92 shall be used instead of the district's allowed basic education classified derived base salary as shown on Revised LEAP Document 7 improved by \$454.92 pursuant to WAC 392-126-360 for the purpose of determining classified staff salary compliance for the 1986-87 school year. The basic education district classified imputed derived base salary improved by \$454.92 shall be compared to the reported current school year district classified derived base salary as defined in WAC 392-140-134 for the 1986-87 school year to determine if the district is in compliance for classified staff for the 1986-87 school year.

NEW SECTION

WAC 392-140-145 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—REPORTING CYCLE AND PROCESS. The reporting cycle and process established for classified staff salary-compensation lid compliance as specified in WAC 392-126-700 and 392-126-800 through 392-126-830 shall also apply for the alternate measure of classified staff salary compliance for districts for the 1986-87 school year.

WSR 86-17-090
PROPOSED RULES
ADVISORY COUNCIL ON
HISTORIC PRESERVATION
 [Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Advisory Council on Historic Preservation intends to adopt, amend, or repeal rules concerning special tax valuation for rehabilitation of historic properties;

that the agency will at 2:00 p.m., Wednesday, September 24, 1986, in the Conference Room, 111 West 21st Avenue, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 84.26.120.

The specific statute these rules are intended to implement is chapter 84.26 RCW and chapter 221, Laws of 1986.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1986.

Dated: August 19, 1986
By: James R. Warren
Chairman

STATEMENT OF PURPOSE

Title: Chapter 254-20 WAC, Special valuation for historic properties.

Description of Purpose: To implement special tax valuation for rehabilitation of historic properties under which the assessed value of eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of rehabilitation.

Statutory Authority: RCW 84.26.120.

Specific Statute Rule is Intended to Implement: Chapter 84.26 RCW and chapter 221, Laws of 1986.

Summary of Rule: The rule contains an explanation of purpose to implement special tax valuation for rehabilitation of historic properties and the Advisory Council's authority to promulgate rules and defines specific terms used in the rule. Responsibilities of the local legislative authority, local review boards, the state historic preservation officer, and the property owner applying for special tax valuation are explained. The class of eligible historic properties is defined and the requirements for local review boards are listed. The Washington State Advisory Council's standards for rehabilitation and maintenance of historic properties, the standards to be used by local review boards as minimum requirements for property rehabilitation and eligibility for special tax valuation classification, are included in the rule as well as an explanation on eligibility and disqualification of properties for special tax valuation classification. The rule also includes a standard historic preservation valuation agreement to be used by local review boards as a minimum agreement necessary to comply with the requirements of the RCW.

Reasons Supporting Proposed Action: To implement the law for special tax valuation of historic properties for 1987 and for all subsequent years until this law terminates.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jacob E. Thomas, State Historic Preservation Officer, Department of Community Development, Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington.

Person or Organization Proposing Rule: Washington State Advisory Council on Historic Preservation.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

Chapter 254-20 WAC
SPECIAL VALUATION FOR HISTORIC PROPERTIES

WAC

- 254-20-010 Purpose.
- 254-20-020 Authority.
- 254-20-030 Definitions.
- 254-20-040 Responsibilities of the local legislative authority.
- 254-20-050 Defining the class of eligible historic property.
- 254-20-060 Requirements for local review boards.
- 254-20-070 Responsibilities of local review boards.
- 254-20-080 Responsibilities of the state historic preservation officer.
- 254-20-090 Responsibilities of the owner—Application requirements.
- 254-20-100 Washington state advisory council's standards for the rehabilitation and maintenance of historic properties.
- 254-20-110 Eligibility and disqualification.
- 254-20-120 Historic preservation special valuation agreement.

NEW SECTION

WAC 254-20-010 PURPOSE. The purpose of these rules is to implement special tax valuation for rehabilitation of historic properties under which the assessed value of eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

NEW SECTION

WAC 254-20-020 AUTHORITY. These rules are promulgated by the advisory council on historic preservation under the authority granted in RCW 84.26.120.

NEW SECTION

WAC 254-20-030 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout these rules:

- (1) "Actual cost of rehabilitation" means costs incurred prior to the date of application and directly resulting from one or more of the following:
 - (a) Improvements to an existing building located on or within the perimeters of the original structure; or
 - (b) Improvements outside of but directly attached to the original structure which are necessary to make the building fully useable; or
 - (c) Architectural and engineering services attributable to the design of the improvements; or
 - (d) All costs defined in 26 CFR 1.48-12(c) as "qualified rehabilitation expenditures" for purposes of the federal twenty-five percent historic preservation investment tax credit.
- (2) "Certified historic structure" means property located within an historic district which has been:
 - (a) Certified by the secretary of the interior as contributing to the significance of an historic district pursuant to 36 CFR 67.4; or
 - (b) Certified by the state historic preservation officer as contributing to the significance of an historic district pursuant to WAC 254-20-080(3); or
 - (c) Certified, under a process specified in local administrative rules, as contributing to the significance of an historic district in a local register of historic places which has been created by a local government historic preservation program certified by the secretary of the interior as provided in P.L. 96-515.
- (3) "Class of historic property" means all historic property meeting any neutral, objective criteria for determining which types of historic property are eligible for special valuation that have been adopted by the local legislative authority under an ordinance or administrative rule, consistent with the purposes of chapter 84.26 RCW.
- (4) "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

(5) "Historic district" means historic property consisting of multiple buildings, sites, structures, or objects located in proximity to one another and related in historic period or theme.

(6) "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is:

(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

(b) Listed in the national register of historic places.

(7) "Local legislative authority" means the municipal government within incorporated cities and the county government in unincorporated areas.

(8) "Local review board" means any appointed committee designated by local ordinance to make determinations concerning the eligibility of historic properties for special valuation and to approve or deny applications therefor.

(9) "Owner" means the owner of record.

(10) "Rehabilitation" is the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values.

(11) "State review board" means the advisory council on historic preservation established under chapter 27.34 RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(12) "Special valuation" means the determination of the assessed value of the historic property subtracting, for up to ten years, such cost as is approved by the local review board.

NEW SECTION

WAC 254-20-040 RESPONSIBILITIES OF THE LOCAL LEGISLATIVE AUTHORITY. (1) Each local jurisdiction, at the option of the local legislative authority, shall designate a local review board and establish one or more classes of historic property that are eligible for special valuation under these rules.

(2) Multiple jurisdictions within the same county may elect to jointly designate, under an interlocal agreement, a single local review board to carry out the purposes of chapter 84.26 RCW.

NEW SECTION

WAC 254-20-050 DEFINING THE CLASS OF ELIGIBLE HISTORIC PROPERTY. (1) Each "class of eligible historic property" shall be defined by the local legislative authority using objective criteria which lead to consistent decisions on determinations of eligibility.

(2) The criteria for the class of eligible historic property may take into account such factors as geographic location, date of construction, type of use, local landmarks designation, and other verifiable criteria consistent with the purposes of chapter 84.26 RCW, and these rules.

(3) Within historic districts, only certified historic structures may be included in the class of eligible historic property.

(4) Once a local jurisdiction has established a class of eligible historic property, it may amend the criteria defining the class at any time. However, if the new criteria are more restrictive than the previous criteria, the new criteria may not take effect for a period of two years following October 1 of the year in which the change is made. Amendments to the criteria shall not have the effect of disqualifying property already subject to special valuation.

NEW SECTION

WAC 254-20-060 REQUIREMENTS FOR LOCAL REVIEW BOARDS. (1) The local review board may be an existing board or commission of local government or a special purpose authority, but shall not be the same as the local legislative authority.

(2) The local review board shall be identified by local ordinance as having responsibility to:

(a) Make determinations concerning the eligibility of individual properties;

(b) Verify that the improvements are consistent with the advisory council's standards for rehabilitation and maintenance;

(c) Enter into agreements as required under WAC 254-20-070(2);

(d) Approve or deny applications for special valuation; and

(e) Monitor property for continued compliance with the agreement and statutory eligibility requirements.

(3) The local review board shall adopt bylaws and/or administrative rules governing:

(a) Compliance with the Open Public Meetings Act (chapter 42.30 RCW);

(b) Rules of parliamentary procedure;

(c) Order and conduct of business; and

(d) Frequency of meetings.

NEW SECTION

WAC 254-20-070 RESPONSIBILITIES OF LOCAL REVIEW BOARDS. (1) Following receipt of an application for special valuation from the county assessor, the local review board shall, consistent with locally adopted rules of procedure, determine if the property meets the following criteria:

(a) The property is historic property;

(b) The property is included within a class of historic property determined eligible for special valuation by the local legislative authority under an ordinance or administrative rule;

(c) The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the date of application; and

(d) The property has not been altered in any way which adversely affects those elements which qualify it as historically significant.

(2) If the local review board finds that the property satisfies all four of the above requirements, then it shall, on behalf of the local jurisdiction, enter into an agreement with the owner which, at a minimum, includes the provisions set forth in WAC 254-20-120. Upon execution of said agreement between the owner and the local review board, the local review board shall approve the application.

(3) If the local review board determines that the property does not meet all of the requirements for special valuation, then it shall deny the application.

(4) An application for special valuation shall be approved or denied by the local review board before December 31 of the calendar year in which the application is made. The local review board shall certify its decision in writing and state the facts upon which the approval or denial is based. The local review board shall file a copy of the certification with the county assessor within ten days of issuing a decision.

(5) If the application is approved, the local review board shall forward a copy of the agreement to the county assessor for recording and shall notify the state review board that the property has been approved for special valuation.

(6) Once an application for special valuation has been approved, the local review board shall determine, according to its bylaws and rules of procedure, whether or not the property has become disqualified, either because of the owner's failure to comply with the terms of the agreement, or because of a loss of historic value resulting from physical changes to the building or site. In the event that a local review board concludes that a property is no longer qualified for special valuation, it shall notify the owner, the county assessor, and the state review board in writing and state the facts supporting its findings.

NEW SECTION

WAC 254-20-080 RESPONSIBILITIES OF THE STATE HISTORIC PRESERVATION OFFICER. (1) The state historic preservation officer will, upon request, provide technical assistance to the local legislative authority and the local review board in conducting special valuation activities.

(2) The state historic preservation officer shall inform the local review board if the state review board is notified by the owner of property subject to special valuation that the property no longer qualifies for special valuation under chapter 84.26 RCW.

(3) The state historic preservation officer shall, at the request of the applicant, review current photographs and any historic photographs or other documentation provided by the applicant to determine if a building located within an historic district contributes to the historic significance of the district. If the building was constructed during the period of significance attributed to the district by the state review board, and if the building has not been modified to such an extent that it has lost the majority of its original historic or architectural characteristics, then the state historic preservation officer shall issue a written statement that the property is a certified historic structure.

NEW SECTION

WAC 254-20-090 RESPONSIBILITIES OF THE OWNER—APPLICATION REQUIREMENTS. (1) The owner of an historic property desiring special valuation shall apply to the assessor of the county in which the historic property is located upon forms prescribed by the department of revenue and supplied by the county assessor.

(2) In order to be eligible for special valuation, applications must be made not later than October 1 of the calendar year preceding the assessment year for which special valuation is sought.

(3) The owner shall be required to pay only such fees as are necessary to process and record documents pursuant to chapter 84.26 RCW.

(4) Applications shall include a legal description of the historic property, comprehensive exterior and interior photographs of the historic property before and after rehabilitation, architectural plans or other legible drawings depicting the completed rehabilitation work, and a notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed.

(5) For properties located within historic districts, the application shall also include, in addition to the information specified in subsection (4) of this section, a statement from the secretary of the interior, the state historic preservation officer, or the appropriate local official indicating that the property is a certified historic structure.

(6) Upon request of the local review board, property owners applying for special valuation under these rules shall make available to the local review board documentation as to the actual cost of the rehabilitation project and the period of time during which the rehabilitation took place.

NEW SECTION

WAC 254-20-100 WASHINGTON STATE ADVISORY COUNCIL'S STANDARDS FOR THE REHABILITATION AND MAINTENANCE OF HISTORIC PROPERTIES. The following rehabilitation and maintenance standards shall be used by local review boards as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified:

(1) Rehabilitation.

(a) Every reasonable effort shall be made to provide a compatible use for an historic property which requires minimal alteration of the building, structure, or site and its environment, or to use an historic property for its originally intended purpose.

(b) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(f) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

(j) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(2) Maintenance.

(a) Buildings and structures shall not be allowed to deteriorate beyond the point where routine maintenance and repair will return them to good condition.

(b) Buildings shall be kept in a safe and habitable condition at all times. Structural defects and hazards shall be corrected. Any condition which constitutes a fire hazard shall be eliminated.

(c) Buildings shall be protected against ongoing water damage due to defective roofing, flashing, glazing, caulking, or other causes. Moisture condensation resulting from inadequate heat or ventilation shall be eliminated if present at levels sufficient to promote rot or decay of building materials.

(d) Deteriorated exterior architectural features and any broken or missing doors and windows shall be repaired or replaced.

(e) Painted exterior surfaces shall be maintained and repainted as necessary to prevent a deteriorated appearance or damage to the substrate. Exterior masonry surfaces shall be tuck pointed where required to maintain the mortar in sound condition. Finished tuck pointing shall match the original mortar joint in hardness and appearance.

NEW SECTION

WAC 254-20-110 ELIGIBILITY AND DISQUALIFICATION. (1) The actual cost of the rehabilitation work shall be calculated on the basis of expenses incurred for improvements or work elements completed prior to the date of application. Properties subject to ongoing or phased rehabilitation work shall be eligible for special valuation so long as the property meets the criteria of WAC 254-20-070(1).

(2) No application for special valuation under these rules shall be made after December 31, 1991.

(3) When property has once been classified and valued as eligible historic property, the expiration of the ten-year period allowed for special valuation shall not have the effect of disqualifying the property and thereby invoking the additional tax, interest, and penalty otherwise due when a property is disqualified or determined ineligible.

NEW SECTION

WAC 254-20-120 HISTORIC PRESERVATION SPECIAL VALUATION AGREEMENT. The following historic preservation special valuation agreement shall be used by local review boards as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2):

This Historic Preservation Agreement is entered into on this day of, 19. . ., by and between (hereinafter referred to as APPLICANT) and (hereinafter referred to as LOCAL REVIEW BOARD).

WHEREAS APPLICANT is the owner of record of the historic property commonly known as, located at, State of Washington, as more fully described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as PROPERTY); and

WHEREAS APPLICANT has requested special valuation of the PROPERTY pursuant to chapter 84.26 RCW; and

WHEREAS the LOCAL REVIEW BOARD has determined that the PROPERTY has been substantially rehabilitated within the two year period preceding the date of application and the actual cost of said rehabilitation equals or exceeds twenty-five percent of the assessed valuation of the PROPERTY prior to the improvements; and

WHEREAS the LOCAL REVIEW BOARD has verified that the PROPERTY is historic property that falls within a class of properties determined eligible for special valuation by local ordinance or administrative rule; and

WHEREAS the LOCAL REVIEW BOARD finds that the rehabilitation work has not altered the PROPERTY in any way which adversely affects those elements which qualify it as historically significant;

NOW THEREFORE, in recognition of the foregoing, the APPLICANT enters into this Agreement with the LOCAL REVIEW BOARD and agrees to adhere to the following terms and conditions for the ten-year period of the special valuation classification:

- 1. APPLICANT agrees to comply with the Washington State Advisory Council's Standards for the Maintenance and Rehabilitation of

Historic Properties as set forth in Exhibit B, which is attached hereto and by this reference incorporated herein.

2. APPLICANT agrees the property shall not be altered without the prior written consent of the LOCAL REVIEW BOARD signed by a duly authorized representative thereof. No construction, alteration or remodeling or any other action shall be undertaken or permitted to be undertaken which would affect the historic character of the PROPERTY which classifies it as eligible for special valuation, or which would affect the appearance of the PROPERTY as depicted in the photographs attached hereto and incorporated herein by this reference as Exhibits . . . through . . . , or which would adversely affect the structural soundness of the PROPERTY; provided, however, that the reconstruction, repair, repainting, or refinishing of presently existing parts or elements of the PROPERTY subject to this Agreement, damage to which has resulted from casualty loss, deterioration or wear and tear, shall be permitted without the prior approval of the LOCAL REVIEW BOARD, provided that such reconstruction, repair, repainting, or refinishing is performed in a manner which will not alter the appearance of those elements of the PROPERTY subject to this Agreement as they are as of this date. Exterior changes which shall require the consent of the LOCAL REVIEW BOARD shall include, but not be limited to, any substantial structural change or any change in design, color or materials.
3. APPLICANT agrees the PROPERTY shall not be demolished without the prior written consent of the LOCAL REVIEW BOARD.
4. APPLICANT agrees to make historic aspects of the PROPERTY accessible to the public one day each year if the PROPERTY is not visible from a public right of way.
5. APPLICANT agrees to monitor the PROPERTY for its continued qualification for special valuation and notify the appropriate County Assessor within 30 days if the PROPERTY becomes disqualified because of
 - a. a loss of historic integrity,
 - b. sale or transfer to new ownership exempt from taxation, or
 - c. sale or transfer to new ownership which does not intend to agree to the terms of this Agreement nor file a notice of compliance form with the County Assessor.
6. The APPLICANT and LOCAL REVIEW BOARD both agree that there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of this Agreement, during the period of the classification without the approval of all parties to this Agreement.

Term of the Agreement. This Agreement shall take effect immediately upon signature and remain in effect until the property is no longer eligible for special valuation either through disqualification under RCW 84.26.080 or upon expiration of the ten-year period of special valuation commencing January 1, 19 . . . , and ending December 31, 19 . . .

Hold Harmless. The APPLICANT or its successors or assigns shall hold the State and the LOCAL REVIEW BOARD harmless from any and all liability and claims which may be asserted against the State and the LOCAL REVIEW BOARD as a result of this Historic Preservation Special Valuation Agreement or the participation by the APPLICANT in the Special Valuation Program.

Governing Law. The terms of this Agreement shall be construed in accordance with the laws of the State of Washington.

WSR 86-17-091
EMERGENCY RULES
ADVISORY COUNCIL ON
HISTORIC PRESERVATION
 [Order 86-11—Filed August 20, 1986]

Be it resolved by the Washington State Advisory Council on Historic Preservation, acting at 111 West 21st Avenue, Olympia, WA, that it does adopt the annexed rules relating to special tax valuation for rehabilitation of historic properties.

We, the Washington State Advisory Council on Historic Preservation, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the law governing special valuation of historic properties was amended in 1986. To be eligible for special valuation participation in 1987, property owners must apply for the program prior to October 1, 1986.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 84.26.120 which directs that the Washington State Advisory Council on Historic Preservation has authority to implement the provisions of chapter 84.26 RCW and chapter 221, Laws of 1986.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 19, 1986.

By James R. Warren
 Chairman

Chapter 254-20 WAC
SPECIAL VALUATION FOR HISTORIC PROPERTIES

WAC	
254-20-010	<i>Purpose.</i>
254-20-020	<i>Authority.</i>
254-20-030	<i>Definitions.</i>
254-20-040	<i>Responsibilities of the local legislative authority.</i>
254-20-050	<i>Defining the class of eligible historic property.</i>
254-20-060	<i>Requirements for local review boards.</i>
254-20-070	<i>Responsibilities of local review boards.</i>
254-20-080	<i>Responsibilities of the state historic preservation officer.</i>
254-20-090	<i>Responsibilities of the owner—Application requirements.</i>
254-20-100	<i>Washington state advisory council's standards for the rehabilitation and maintenance of historic properties.</i>
254-20-110	<i>Eligibility and disqualification.</i>
254-20-120	<i>Historic preservation special valuation agreement.</i>

NEW SECTION

WAC 254-20-010 PURPOSE. *The purpose of these rules is to implement special tax valuation for rehabilitation of historic properties under which the assessed value of eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.*

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(1) "Actual cost of rehabilitation" means costs incurred prior to the date of application and directly resulting from one or more of the following:

(a) Improvements to an existing building located on or within the perimeters of the original structure; or

(b) Improvements outside of but directly attached to the original structure which are necessary to make the building fully useable; or

(c) Architectural and engineering services attributable to the design of the improvements; or

(d) All costs defined in 26 CFR 1.48-12(c) as "qualified rehabilitation expenditures" for purposes of the federal twenty-five percent historic preservation investment tax credit.

(2) "Certified historic structure" means property located within an historic district which has been:

(a) Certified by the secretary of the interior as contributing to the significance of an historic district pursuant to 36 CFR 67.4; or

(b) Certified by the state historic preservation officer as contributing to the significance of an historic district pursuant to WAC 254-20-080(3); or

(c) Certified, under a process specified in local administrative rules, as contributing to the significance of an historic district in a local register of historic places which has been created by a local government historic preservation program certified by the secretary of the interior as provided in P.L. 96-515.

(3) "Class of historic property" means all historic property meeting any neutral, objective criteria for determining which types of historic property are eligible for special valuation that have been adopted by the local legislative authority under an ordinance or administrative rule, consistent with the purposes of chapter 84.26 RCW.

(4) "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

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(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

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(8) "Local review board" means any appointed committee designated by local ordinance to make determinations concerning the eligibility of historic properties for special valuation and to approve or deny applications therefor.

(9) "Owner" means the owner of record.

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(11) "State review board" means the advisory council on historic preservation established under chapter 27.34 RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(12) "Special valuation" means the determination of the assessed value of the historic property subtracting, for up to ten years, such cost as is approved by the local review board.

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WAC 254-20-040 RESPONSIBILITIES OF THE LOCAL LEGISLATIVE AUTHORITY. (1) Each local jurisdiction, at the option of the local legislative authority, shall designate a local review board and establish one or more classes of historic property that are eligible for special valuation under these rules.

(2) Multiple jurisdictions within the same county may elect to jointly designate, under an interlocal agreement, a single local review board to carry out the purposes of chapter 84.26 RCW.

NEW SECTION

WAC 254-20-050 DEFINING THE CLASS OF ELIGIBLE HISTORIC PROPERTY. (1) Each "class of eligible historic property" shall be defined by the local legislative authority using objective criteria which lead to consistent decisions on determinations of eligibility.

(2) The criteria for the class of eligible historic property may take into account such factors as geographic location, date of construction, type of use, local landmarks designation, and other verifiable criteria consistent with the purposes of chapter 84.26 RCW, and these rules.

(3) Within historic districts, only certified historic structures may be included in the class of eligible historic property.

(4) Once a local jurisdiction has established a class of eligible historic property, it may amend the criteria defining the class at any time. However, if the new criteria are more restrictive than the previous criteria, the new criteria may not take effect for a period of two years following October 1 of the year in which the change is made. Amendments to the criteria shall not have the effect of disqualifying property already subject to special valuation.

NEW SECTION

WAC 254-20-060 REQUIREMENTS FOR LOCAL REVIEW BOARDS. (1) The local review board may be an existing board or commission of local government or a special purpose authority, but shall not be the same as the local legislative authority.

(2) The local review board shall be identified by local ordinance as having responsibility to:

(a) Make determinations concerning the eligibility of individual properties;

(b) Verify that the improvements are consistent with the advisory council's standards for rehabilitation and maintenance;

(c) Enter into agreements as required under WAC 254-20-070(2);

(d) Approve or deny applications for special valuation; and

(e) Monitor property for continued compliance with the agreement and statutory eligibility requirements.

(3) The local review board shall adopt bylaws and/or administrative rules governing:

(a) Compliance with the Open Public Meetings Act (chapter 42.30 RCW);

(b) Rules of parliamentary procedure;

(c) Order and conduct of business; and

(d) Frequency of meetings.

NEW SECTION

WAC 254-20-070 RESPONSIBILITIES OF LOCAL REVIEW BOARDS. (1) Following receipt of an application for special valuation from the county assessor, the local review board shall, consistent with locally adopted rules of procedure, determine if the property meets the following criteria:

(a) The property is historic property;

(b) The property is included within a class of historic property determined eligible for special valuation by the local legislative authority under an ordinance or administrative rule;

(c) The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the date of application; and

(d) The property has not been altered in any way which adversely affects those elements which qualify it as historically significant.

(2) If the local review board finds that the property satisfies all four of the above requirements, then it shall, on behalf of the local jurisdiction, enter into an agreement with the owner which, at a minimum, includes the provisions set forth in WAC 254-20-120. Upon execution of said agreement between the owner and the local review board, the local review board shall approve the application.

(3) If the local review board determines that the property does not meet all of the requirements for special valuation, then it shall deny the application.

(4) An application for special valuation shall be approved or denied by the local review board before

December 31 of the calendar year in which the application is made. The local review board shall certify its decision in writing and state the facts upon which the approval or denial is based. The local review board shall file a copy of the certification with the county assessor within ten days of issuing a decision.

(5) If the application is approved, the local review board shall forward a copy of the agreement to the county assessor for recording and shall notify the state review board that the property has been approved for special valuation.

(6) Once an application for special valuation has been approved, the local review board shall determine, according to its bylaws and rules of procedure, whether or not the property has become disqualified, either because of the owner's failure to comply with the terms of the agreement, or because of a loss of historic value resulting from physical changes to the building or site. In the event that a local review board concludes that a property is no longer qualified for special valuation, it shall notify the owner, the county assessor, and the state review board in writing and state the facts supporting its findings.

NEW SECTION

WAC 254-20-080 RESPONSIBILITIES OF THE STATE HISTORIC PRESERVATION OFFICER. (1) The state historic preservation officer will, upon request, provide technical assistance to the local legislative authority and the local review board in conducting special valuation activities.

(2) The state historic preservation officer shall inform the local review board if the state review board is notified by the owner of property subject to special valuation that the property no longer qualifies for special valuation under chapter 84.26 RCW.

(3) The state historic preservation officer shall, at the request of the applicant, review current photographs and any historic photographs or other documentation provided by the applicant to determine if a building located within an historic district contributes to the historic significance of the district. If the building was constructed during the period of significance attributed to the district by the state review board, and if the building has not been modified to such an extent that it has lost the majority of its original historic or architectural characteristics, then the state historic preservation officer shall issue a written statement that the property is a certified historic structure.

NEW SECTION

WAC 254-20-090 RESPONSIBILITIES OF THE OWNER—APPLICATION REQUIREMENTS. (1) The owner of an historic property desiring special valuation shall apply to the assessor of the county in which the historic property is located upon forms prescribed by the department of revenue and supplied by the county assessor.

(2) In order to be eligible for special valuation, applications must be made not later than October 1 of the

calendar year preceding the assessment year for which special valuation is sought.

(3) The owner shall be required to pay only such fees as are necessary to process and record documents pursuant to chapter 84.26 RCW.

(4) Applications shall include a legal description of the historic property, comprehensive exterior and interior photographs of the historic property before and after rehabilitation, architectural plans or other legible drawings depicting the completed rehabilitation work, and a notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed.

(5) For properties located within historic districts, the application shall also include, in addition to the information specified in subsection (4) of this section, a statement from the secretary of the interior, the state historic preservation officer, or the appropriate local official indicating that the property is a certified historic structure.

(6) Upon request of the local review board, property owners applying for special valuation under these rules shall make available to the local review board documentation as to the actual cost of the rehabilitation project and the period of time during which the rehabilitation took place.

NEW SECTION

WAC 254-20-100 WASHINGTON STATE ADVISORY COUNCIL'S STANDARDS FOR THE REHABILITATION AND MAINTENANCE OF HISTORIC PROPERTIES. The following rehabilitation and maintenance standards shall be used by local review boards as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified:

(1) Rehabilitation.

(a) Every reasonable effort shall be made to provide a compatible use for an historic property which requires minimal alteration of the building, structure, or site and its environment, or to use an historic property for its originally intended purpose.

(b) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(f) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

(j) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(2) Maintenance.

(a) Buildings and structures shall not be allowed to deteriorate beyond the point where routine maintenance and repair will return them to good condition.

(b) Buildings shall be kept in a safe and habitable condition at all times. Structural defects and hazards shall be corrected. Any condition which constitutes a fire hazard shall be eliminated.

(c) Buildings shall be protected against ongoing water damage due to defective roofing, flashing, glazing, caulking, or other causes. Moisture condensation resulting from inadequate heat or ventilation shall be eliminated if present at levels sufficient to promote rot or decay of building materials.

(d) Deteriorated exterior architectural features and any broken or missing doors and windows shall be repaired or replaced.

(e) Painted exterior surfaces shall be maintained and repainted as necessary to prevent a deteriorated appearance or damage to the substrate. Exterior masonry surfaces shall be tuck pointed where required to maintain the mortar in sound condition. Finished tuck pointing shall match the original mortar joint in hardness and appearance.

NEW SECTION

WAC 254-20-110 ELIGIBILITY AND DISQUALIFICATION. (1) The actual cost of the rehabilitation work shall be calculated on the basis of expenses incurred for improvements or work elements completed

prior to the date of application. Properties subject to ongoing or phased rehabilitation work shall be eligible for special valuation so long as the property meets the criteria of WAC 254-20-070(1).

(2) No application for special valuation under these rules shall be made after December 31, 1991.

(3) When property has once been classified and valued as eligible historic property, the expiration of the ten-year period allowed for special valuation shall not have the effect of disqualifying the property and thereby invoking the additional tax, interest, and penalty otherwise due when a property is disqualified or determined ineligible.

NEW SECTION

WAC 254-20-120 HISTORIC PRESERVATION SPECIAL VALUATION AGREEMENT. The following historic preservation special valuation agreement shall be used by local review boards as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2):

This Historic Preservation Agreement is entered into on this day of, 19. . ., by and between (hereinafter referred to as APPLICANT) and (hereinafter referred to as LOCAL REVIEW BOARD).

WHEREAS APPLICANT is the owner of record of the historic property commonly known as, located at, State of Washington, as more fully described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as PROPERTY); and

WHEREAS APPLICANT has requested special valuation of the PROPERTY pursuant to chapter 84.26 RCW; and

WHEREAS the LOCAL REVIEW BOARD has determined that the PROPERTY has been substantially rehabilitated within the two year period preceding the date of application and the actual cost of said rehabilitation equals or exceeds twenty-five percent of the assessed valuation of the PROPERTY prior to the improvements; and

WHEREAS the LOCAL REVIEW BOARD has verified that the PROPERTY is historic property that falls within a class of properties determined eligible for special valuation by local ordinance or administrative rule; and

WHEREAS the LOCAL REVIEW BOARD finds that the rehabilitation work has not altered the PROPERTY in any way which adversely affects those elements which qualify it as historically significant;

NOW THEREFORE, in recognition of the foregoing, the APPLICANT enters into this Agreement with the LOCAL REVIEW BOARD and agrees to adhere to the following terms and conditions for the ten-year period of the special valuation classification:

1. APPLICANT agrees to comply with the Washington State Advisory Council's Standards for the Maintenance and Rehabilitation of Historic Properties as set forth in Exhibit B, which is attached hereto and by this reference incorporated herein.

2. APPLICANT agrees the property shall not be altered without the prior written consent of the LOCAL REVIEW BOARD signed by a duly authorized representative thereof. No construction, alteration or remodeling or any other action shall be undertaken or permitted to be undertaken which would affect the historic character of the PROPERTY which classifies it as eligible for special valuation, or which would affect the appearance of the PROPERTY as depicted in the photographs attached hereto and incorporated herein by this reference as Exhibits . . . through . . .; or which would adversely affect the structural soundness of the PROPERTY; provided, however, that the reconstruction, repair, repainting, or refinishing of presently existing parts or elements of the PROPERTY subject to this Agreement, damage to which has resulted from casualty loss, deterioration or wear and tear, shall be permitted without the prior approval of the LOCAL REVIEW BOARD, provided that such reconstruction, repair, repainting, or refinishing is performed in a manner which will not alter the appearance of those elements of the PROPERTY subject to this Agreement as they are as of this date. Exterior changes which shall require the consent of the LOCAL REVIEW BOARD shall include, but not be limited to, any substantial structural change or any change in design, color or materials.

3. APPLICANT agrees the PROPERTY shall not be demolished without the prior written consent of the LOCAL REVIEW BOARD.

4. APPLICANT agrees to make historic aspects of the PROPERTY accessible to the public one day each year if the PROPERTY is not visible from a public right of way.

5. APPLICANT agrees to monitor the PROPERTY for its continued qualification for special valuation and notify the appropriate County Assessor within 30 days if the PROPERTY becomes disqualified because of

- a. a loss of historic integrity,
- b. sale or transfer to new ownership exempt from taxation, or
- c. sale or transfer to new ownership which does not intend to agree to the terms of this Agreement nor file a notice of compliance form with the County Assessor.

6. The APPLICANT and LOCAL REVIEW BOARD both agree that there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of this Agreement, during the period of the classification without the approval of all parties to this Agreement.

Term of the Agreement. This Agreement shall take effect immediately upon signature and remain in effect until the property is no longer eligible for special valuation either through disqualification under RCW 84.26-.080 or upon expiration of the ten-year period of special valuation commencing January 1, 19. ., and ending December 31, 19. .

Hold Harmless. The APPLICANT or its successors or assigns shall hold the State and the LOCAL REVIEW BOARD harmless from any and all liability and claims which may be asserted against the State and the LOCAL REVIEW BOARD as a result of this Historic Preservation Special Valuation Agreement or the participation by the APPLICANT in the Special Valuation Program.

Governing Law. The terms of this Agreement shall be construed in accordance with the laws of the State of Washington.

WSR 86-17-092

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 489—Filed August 20, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to an emergency order restricting activities, industrial operations and burning on lands protected by the Department of Natural Resources.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is prolonged periods of dry weather have made certain portions of Eastern Washington extremely threatened by fire. This condition necessitates restricting industrial operations, activities, and burning to prevent loss of life or property.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.315 and 76.04.325 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 20, 1986.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-085 GENERAL LOGGING SHUTDOWN Effective midnight, Wednesday, August 20, 1986, through midnight, Tuesday, August 26, 1986, the following restrictions will be in effect in the identified areas on lands protected by the Department of Natural Resources.

Restrictions:

1. The operating of all power saws is prohibited.
2. The operating of tractors, mechanized yarding, mechanized loading, mechanized hauling of any product or material, mechanized treatment of slash, blasting, welding and operating of acetylene or other torches with open flame is prohibited.

3. The operating of any other spark-emitting equipment not specifically mentioned is prohibited.

4. All persons are excluded from logging operating areas and areas of logging slash.

5. All burning, by permit or rule burn, and the use of burning barrels is prohibited.

Affected areas for these restrictions:

Southeast Area:

Shutdown zone 677 in Chelan County.

WSR 86-17-093

PROPOSED RULES

LOTTERY COMMISSION

[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 315-06-120	Payment of prizes—General provisions.
Amd	WAC 315-12-030	Description of central and field organization of the commission and the director.
Amd	WAC 315-20-090	Form and content of decisions in contested cases and proposed orders.
New	WAC 315-04-230	Licensing of enterprises operated by or subject to jurisdiction of Indian tribes.
New	WAC 315-06-125	Debts owed the state.
New	WAC 315-11-220	Definitions for Instant Game Number 22 ("Silver Lining"/"Silver Bells").
New	WAC 315-11-221	Criteria for Instant Game Number 22.
New	WAC 315-11-222	Ticket validation requirements for Instant Game Number 22;

that the agency will at 10:00 a.m., Friday, October 3, 1986, in the Tyee Motor Inn, 500 Tyee Drive, Tumwater, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 3, 1986.

Dated: August 20, 1986

By: Duane Kovacevich
Acting Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-04-230 Licensing of enterprises operated by or subject to jurisdiction of Indian tribes; 315-06-120 Payment of prizes—General provisions; 315-06-125 Debts owed the state; 315-11-220 Definitions for Instant Game Number 22 ("Silver Lining"/"Silver Bells"); 315-11-221 Criteria for Instant Game Number 22; 315-11-222 Ticket validation requirements for Instant Game Number 22; 315-12-030 Description of

central and field organization of the commission and director; and 315-20-090 Form and content of decisions in contested cases and proposed orders.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-04-230 authorizes the director to license as lottery retailers, businesses operated by federally operated Indian tribes or operated upon lands subject to the jurisdiction of federally recognized Indian tribes, if the tribal council adopts an ordinance agreeing that matters pertaining to the lottery shall be subject to the jurisdiction of the state of Washington; 315-06-120 adds the requirement that a claimant must provide a Social Security number or federal employee identification number on the lottery claim form; 315-06-125 establishes procedures authorizing the lottery to delay payment of prizes exceeding \$600 and offset the amount of debts owed to the state from the prize owing to the winner; 315-11-220 provides definitions of the terms used in Instant Game Number 22 rules; 315-11-221 sets forth criteria for Instant Game Number 22; 315-11-222 states the ticket validation requirements for Instant Game Number 22; 315-12-030 changes the addresses of two lottery regional offices; and 315-20-090 reduces the time for filing exceptions to proposed orders in contested cases.

Reasons Supporting the Proposed Rule(s): WAC 315-04-230, required to allow the lottery to enforce its rules and to protect lottery and state assets; 315-06-120, required for the implementation of HB 1433 and chapter 83, Laws of 1986; 315-06-125, required for the implementation of HB 1433 and chapter 83, Laws of 1986; 315-11-220, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-221 and 315-11-222; 315-11-221, licensed agents and players of Instant Game Number 22 need to know how the game will function. Specifying the criteria which apply to Instant Game 22 will provide this information; 315-11-222, tickets for Instant Game Number 22 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets; 315-12-030, two lottery regional offices have moved. This amendment provides current addresses; and 315-20-090, the twenty day period for filing exceptions to proposed orders in contested cases has proved to be unnecessarily long and has created unreasonable delays in the installation of on-line terminals. Ten days is deemed to be a reasonable time for filing such exceptions.

Agency Personnel Responsible for Drafting: Frank Edmondson, Contracts Specialist 3, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412, Duane Kovacevich, Acting Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334, Jerald F. Long, Assistant Director, Washington State

Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 586-1065, and Earl D. Sedlik, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding the Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement Requirement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the Office of the Director, Washington State Lottery or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the Office of the Director, Washington State Lottery.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be published from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. The claimant must show their social security number (SSN) or federal employer's identification number (FEIN) on the lottery winner claim form. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name for publicity purposes upon award of the prize.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than ~~(+80)~~ one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) The director may delay payment of any prize that exceeds six hundred dollars and debts are owed by the claimant to a state agency or political subdivision, or that the state is authorized to enforce or collect as provided in WAC 315-06-125.

(7) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

(b) For the purposes of paying federal, state or local tax.
 ((77)) (8) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

((88)) (9) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

((99)) (10) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

((101)) (11) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

((111)) (12) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

((121)) (13) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

((131)) (14) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

((141)) (15) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-12-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE COMMISSION AND THE DIRECTOR. The administrative office of the commission and director is located at 600 Park Village Plaza, 1200 Cooper Point Road SW, Olympia, WA 98502. Regional offices of the director located in other cities are as follows:

CITY

EVERETT REGION
 ((Diagonal Way Business Center
 909 Southeast Everett Mall Way))
 205 E. Casino Road
 Everett, WA 98204

OLYMPIA REGION
 ((108)) 600 Park Village Plaza
 1200 Cooper Point Road SW
 Olympia, WA 98502

TUKWILA REGION
 814 Industry Drive
 Tukwila, WA 98188

SPOKANE REGION
 Montgomery Commerce Center
 Suite #1
 East 10807 Montgomery Avenue
 Spokane, WA 99207

VANCOUVER REGION
 Yearout Industrial Park
 12004 Northeast 95th Street
 Suite 800
 Vancouver, WA 98662

YAKIMA REGION
 421 East Chestnut Avenue
 Yakima, WA 98901

SERVICES

(a) Sales Representative
 (b) Ticket Warehousing

(a) Sales Representative
 (b) Ticket Warehousing

(a) Sales Representative
 (b) Ticket Warehousing

(a) Sales Representative
 (b) Ticket Warehousing

(a) Sales Representative
 (b) Ticket Warehousing

(a) Sales Representative
 (b) Ticket Warehousing

All records of the commission and director are maintained in the administrative office in Olympia.

AMENDATORY SECTION (Amending Resolution No. 24, filed 6/17/83)

WAC 315-20-090 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES AND PROPOSED ORDERS. Whenever the director considers that any matter of proceeding will be best handled by the issuance of a proposed order by the director or a proposed or initial decision is issued by an administrative law judge, such an order shall be issued and the parties so notified. Upon receipt of such notice and proposed order, any party may file exceptions to the same within ((twenty)) ten days after the date of the service of the proposed or initial order, unless a greater or lesser time for response is stated in the proposed or initial order or an extension of time is granted by the director for good cause shown. A copy of the exceptions shall be served upon all other parties who have appeared in the cause, or their attorneys of record, together with proof of such service in accordance with the rules governing service of process. Any party may answer the exceptions so filed and served within ten days after service of said exceptions upon him or her. Briefs may accompany the exceptions or answers thereto and shall be filed and served in the same manner. After a full consideration of the proposed order, the exceptions and the answers to exceptions so filed and briefs, the director may affirm the proposed or initial order by service of an order of affirmance upon the parties, or, if it deems the exception well taken, may revise the proposed order and issue a final order differing from the proposed order. The director, in his or her discretion, may allow the parties to present oral arguments. If no party files exceptions in a timely manner to a proposed or initial order, that order shall be final.

NEW SECTION

WAC 315-04-230 LICENSING OF ENTERPRISES OPERATED BY OR SUBJECT TO JURISDICTION OF INDIAN TRIBES. (1) The director is authorized to license as lottery retailers businesses which are operated by federally recognized Indian tribes, or operated upon lands subject to the jurisdiction of such Indian tribes, if the tribal council of the tribe having jurisdiction has passed an ordinance agreeing to the following provisions:

(a) All matters relating to the issuance and revocation of such license, as well as the manner in which the sale of lottery tickets is conducted by the licensee, shall be governed exclusively by the laws of the state of Washington, and no inconsistent tribal laws, ordinances, or rules exist or will be enacted.

(b) In the event of litigation involving the issuance or revocation of any such license, the conduct of the business as a lottery retailer, the financial relationship between any licensee and the lottery or any other matter connected with the lottery or its operation, the courts of the

state of Washington shall have jurisdiction, and venue shall be proper only in Thurston county.

(c) Administrative disputes shall be submitted to the jurisdiction of the director, Washington state lottery, or any lawfully appointed designee thereof, and shall be conducted in accordance with Washington state law.

(d) Lottery employees and vendors, including investigators and enforcement officers, may enter upon trust lands and property including lands owned by the tribe or its members, solely for the purposes of conducting investigations and enforcing the provisions of chapter 67.70 RCW.

(2) A certified copy of such ordinance shall be filed along with the application for licensure of any business located on Indian lands, or operated by an Indian tribe.

NEW SECTION

WAC 315-06-125 DEBTS OWED THE STATE. (1) The terms used in RCW 67.70.255 and these regulations are defined as follows:

(a) Creditor - Any state agency or political subdivision of this state that maintains records of debts owed to the state or political subdivision, or that the state is authorized to enforce or collect.

(b) Debt - A judgment rendered by a court of competent jurisdiction or obligations established pursuant to RCW 74.20A.055 or administrative orders as defined in RCW 74.20A.020(8).

(c) State - The state of Washington.

(d) Two working days - Two days not to include Saturdays, Sundays, and holidays as defined in RCW 1.16.050 commencing the day following the date the claim was validated by the lottery.

(e) Verification - A facsimile or photo copy of a judgment or final order received by the lottery during the requisite two working day period.

(2) Any creditor may submit, to the lottery, in a format specified by the director, data processing tapes containing debt information specified by the director. Tapes which do not contain the required information or are not in the proper format will be returned to the creditor. The creditor submitting debt information tapes shall provide replacement tapes on a regular basis at intervals not to exceed one month or less than one week. The creditor shall be solely responsible for the accuracy of the information contained therein.

(3) Creditors submitting data processing tapes to the lottery shall also submit the name or names of designated contact persons.

(4) The lottery shall include the debt information submitted by the creditor in its validation and prize payment process. The lottery shall delay payment of a prize, exceeding six hundred dollars, for a period not to exceed two working days, to any person owing a debt to a creditor pursuant to the information submitted in subsection (2) of this section. The lottery shall make a reasonable attempt to contact the creditor's designated contact person(s) by phone, followed by written correspondence, to verify the debt. Three phone calls, excluding busy signals, shall constitute a reasonable attempt. The prize shall be paid to the claimant if the debt is not verified by the submitting creditor within two working days. If the debt is verified, the prize shall be disbursed pursuant to subsection (6) of this section.

(5) A creditor shall verify the debt by submitting to the lottery at lottery headquarters in Olympia, Washington within the requisite two working day period, a facsimile or photocopy of a judgment or final order which is the basis for the debt.

(6) Prior to disbursement, any verified debts owed to a creditor by the winner of any lottery prize exceeding six hundred dollars shall be set off against the prize owing to the winner. In the event a prize winner owes debts to more than one creditor, and the total prize is insufficient to pay all debts, the set off shall be paid to the creditors on a pro rata basis based on the amount of debt owed to each creditor unless priority is established by statute.

NEW SECTION

WAC 315-11-220 DEFINITIONS FOR INSTANT GAME NUMBER 22 ("SILVER LINING"/"SILVER BELLS"). (1) Play symbols: The following are the "play symbols": "FREE"; "\$2.00"; "\$5.00"; "10.00"; "20.00"; "50.00"; "\$100\$"; "10000". One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The ten-digit number of the form 2000001-000 printed on the front of the ticket. The first seven digits of

the pack-ticket number for Instant Game Number 22 constitute the "pack number" which starts at 2000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds 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 22, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
FREE	TICKET
\$2.00	TWO\$
\$5.00	FIVE
10.00	TEN\$
20.00	TWENTY
50.00	FIFTY
\$100\$	HUNDRED
10000	TEN-THOU

(5) 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 below \$25. For Instant Game Number 22, 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:

VERIFICATION CODE	PRIZE
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the lower front of the stub (right) portion of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

NEW SECTION

WAC 315-11-221 CRITERIA FOR INSTANT GAME NUMBER 22. (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 symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

- Three FREE play symbols - Win Free Ticket
- Three \$2.00 play symbols - Win \$2.00
- Three \$5.00 play symbols - Win \$5.00
- Three 10.00 play symbols - Win \$10.00
- Three 20.00 play symbols - Win \$20.00
- Three 50.00 play symbols - Win \$50.00
- Three \$100\$ play symbols - Win \$100.00
- Three 10000 play symbols - Win \$10,000

(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 22 set forth in WAC 315-11-222, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life with a minimum of

\$1,000,000 guaranteed to the prize winner or the prize winner's estate. Qualifying entries from Instant Game Number 22 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols. The stubs may be from Instant Game Number 19, "Three Cards Up," and/or Instant Game Number 20, "Cash Code," and/or Instant Game 21, "Sun Dollars," and/or Instant Game 22, "Silver Lining"/"Silver Bells."

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," WASHINGTON LOTTERY, TACOMA, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) An entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within five days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package, including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the

winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 22, shall provide additional compensation for lottery retailers pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall provide additional compensation of \$2,100 to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The compensation shall be paid to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing. Provided, the lottery may require such retailers to display point-of-sale material as a condition of receiving the additional compensation.

(c) The lottery retailers will be selected as follows:

(i) The \$2,100 will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The compensation awarded to the lottery retailer(s) will be paid as follows:

(i) The amount received will be credited to any overdue balance owed the lottery.

(ii) The balance, if any, will be paid to the lottery retailer(s).

(e) Washington state liquor control board stores and agencies are not eligible to participate in this program.

(f) Any moneys not paid as additional compensation under this program shall be retained by the lottery.

(8) The lottery shall conduct in conjunction with Instant Game Number 22 an incentive program and provide additional compensation pursuant to WAC 315-04-190(3). The purpose of the program is to increase sales of lottery tickets through increased and more effective use of point-of-sale material.

(a) The program shall be conducted as follows:

(i) Four drawings, using licensed agent numbers, will be held during Instant Game Number 22 at times and places and pursuant to procedures established by the director. At each drawing, twenty-five primary and five alternate licensed agent numbers will be drawn.

(ii) Licensed agents whose number is drawn and whose license is active and accounts receivable are current within thirty days at the time of the drawing will be qualified for further participation in the program. Agents whose license is inactive or accounts receivable are not current within thirty days at the time of the drawing will be disqualified and replaced by a licensed agent whose number was drawn as an alternate number.

(iii) Licensed agents selected for further participation at any drawing will not be eligible for participation in future drawings.

(iv) Lottery personnel shall visit each licensed agent qualified for further participation to determine whether point-of-sale material is displayed at each checkout area where lottery tickets are sold. Those agents with point-of-sale material displayed at each such checkout area will be eligible for the finalist drawing.

(v) The finalist drawing will be held at a time and place and pursuant to procedures established by the director.

(vi) The number of winners and prizes to be awarded will be established and announced by the director.

(vii) Each winner shall be liable for the federal income tax due, if any, as a result of being awarded a prize.

(b) Washington state liquor control board stores and agencies are not eligible to participate in this incentive program.

(9) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 22; and/or

(b) Vary the number of tickets sold in Instant Game Number 22 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-222 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 22. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 22 all of the following validation requirements apply:

(a) Exactly one play symbol must appear under each of the six rub-off spots 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) 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	15 point Archer font
Captions	5 x 12 Matrix font
Pack-Ticket Number	9 x 12 Matrix font
Validation Number	5 x 11 Matrix font
Retailer Verification Code	7 x 12 Matrix font
Stub Play Symbols	9 x 12 Matrix font
Stub Number	5 x 9 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number, retailer verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-220(1) and each of the captions must be exactly one of those described in WAC 315-11-220(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-220(7) and the stub number as described in WAC 315-11-220(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) 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 86-17-094
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning:

Amd	WAC 308-11-030	Fees (amendments concerning auction company fees).
New	WAC 308-11-035	Renewal of registration (new section concerning license expiration dates).
Amd	WAC 308-11-050	Surety bond or trust account required (amendments concerning surety bond or other securities in lieu of bonds).
Amd	WAC 308-11-060	Advance notice of cancellation or termination required (amendments to extend the advance notice of cancellation or termination of a bond or other security from ten to thirty days).
Rep	WAC 308-11-040	and 308-11-080;

that the agency will at 10:00 a.m., Wednesday, September 24, 1986, in the Licensing Examination Center, 1st Floor, 1300 Quince Street Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.11.060, 18.11.200 and new section 6, chapter 324, Laws of 1986 (SSB 4779).

The specific statute these rules are intended to implement is RCW 18.11.060, 18.11.200 and new section 6, chapter 324, Laws of 1986 (SSB 4779).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Wednesday, September 17, 1986.

Dated: August 15, 1986

By: Cynthia J. Jones

Program Manager, Auctioneers

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Statutory Authority: RCW 18.11.060, 18.11.200 and new section 6, chapter 324, Laws of 1986 (SSB 4779).

Summary of the Rules: WAC 308-11-030 is designed to implement the statute concerning auction company fees; 308-11-035 is designed to implement license expiration dates pursuant to the statute; 308-11-050 is designed to implement the statute concerning surety bond requirements or other securities in lieu of bonds; 308-11-060 is designed to extend the advance notice of cancellation or termination of a bond or other security from 10 to 30 days; and 308-11-040 and 308-11-080 are repealed to conform with chapter 324, Laws of 1986.

Purpose and Reason Proposed: To implement RCW 18.11.060, 18.11.200 and new section 6, chapter 324, Laws of 1986 (SSB 4779).

Responsible Department Personnel: Cynthia Jones, Program Management, Auctioneers Section, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, (206) 753-1966 comm, 234-1966 scan.

Proponents: Department of Licensing.

Small Business Economic Impact Statement: None required since these proposed rules have no economic impact beyond the statutes.

AMENDATORY SECTION (Amending Order PL 442, filed 8/10/83)

WAC 308-11-030 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Auctioneer:	
Initial application	\$ 50.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	5.00
Certification	10.00
((Framec)) Auction company:	
Initial application	((25.00)) 150.00
Renewal	((+5.00)) 100.00
Late renewal penalty	((+5.00)) 100.00
Duplicate license	5.00

NEW SECTION

WAC 308-11-035 RENEWAL OF REGISTRATION. (1) An auctioneer license will be issued to an applicant, provided the requirements for licensure are met, with an expiration date to be the licensee's next birth anniversary date.

(2) An auction company license will be issued, provided all requirements are met for licensure, which will expire on June 30 of each year.

(3) An application for a license renewal received after the date of expiration will require the payment of the penalty fee in addition to the renewal fee. To reinstate an expired license, a payment of the penalty fee and renewal fee is required for each year that the license was not renewed.

AMENDATORY SECTION (Amending Order PL 506, filed 1/11/85)

WAC 308-11-050 SURETY BOND OR TRUST ACCOUNT REQUIRED. (1) ~~((An auctioneer's license shall not be issued by the department unless the applicant has first filed with the department an approved surety bond, or has established an approved trust account in lieu of bond[,] in an amount not less than five thousand dollars and not more than twenty-five thousand dollars.))~~ As required by chapter 18.11 RCW, the amount of the surety bond or other security in lieu of the bond to be filed and maintained for an auctioneer license shall be five thousand dollars.

(2)(a) The amount of the surety bond or ~~((trust account required))~~ other security in lieu of the bond to be filed and maintained for an auction company license shall be based upon the value of the ~~((goods and real estate sold at auctions conducted by the auctioneer in))~~ gross sales during the previous calendar year ~~((or, for a new auctioneer, the estimated value of the goods and real estate to be sold at auctions conducted by the auctioneer during the next calendar year. The value of sales and the corresponding bond or trust account amount required shall be based on))~~ according to the following scale:

SALES		(BOND/TRUST AMOUNT)
\$ 0.00 to	\$ 24,999.00	\$ 5,000.00
\$ 25,000.00 to	\$ 49,999.00	\$10,000.00
\$ 50,000.00 to	\$ 99,000.00	\$15,000.00
\$100,000.00 to	\$499,999.00	\$20,000.00
\$500,000.00 &	Above	\$25,000.00

GROSS SALES		BOND/SECURITY AMOUNT
\$ 0.00 to	\$ 24,999.99	\$ 5,000.00
\$ 25,000.00 to	\$ 49,999.99	\$10,000.00
\$ 50,000.00 to	\$ 99,000.99	\$15,000.00
\$100,000.00 to	\$499,999.99	\$20,000.00
\$500,000.00 &	Above	\$25,000.00

(b) The department shall provide a financial certification affidavit form to all licensed ~~((auctioneers))~~ auction companies by December 31 of each year. ~~((Auctioneers with))~~ Auction companies shall complete and return that form by April 15 of the following year ~~((and it)).~~ The information reported will ~~((be))~~ form the basis for the department's approval of the ~~((licensee's))~~ auction company's bond or other security amount ~~((for the following))~~ each year. ~~((Licensees))~~ A company whose sales ~~((category))~~ increases have placed it in a higher category in the above scale will be required to ~~((procure the associated increase))~~ increase its surety bond ~~((trust))~~ or security amount accordingly, and file ~~((that))~~ the increased bond or proof of ~~((the establishment of the required trust account))~~ security with the department ~~((by))~~ before April 15 ~~((along))~~ accompanied with the financial certification affidavit form ~~((indicating the need for the increase in bonding amount)).~~ ~~((Licensees))~~ A company whose sales ~~((category decreases))~~ have decreased may ~~((decrease their))~~ adjust its bond or ~~((trust account))~~ security amount in ~~((a like manner))~~ accordance with the scale. ~~((The department will also provide))~~ New license applicants will be provided with financial certification affidavit forms ~~((and will provide instructions))~~ for estimating the ~~((value of goods or real estate to be sold the next))~~ sales for the calendar year.

~~((2))~~ (3) Each licensee must maintain such a surety bond, or ~~((trust account))~~ other security in lieu of a bond, in an active status at all times during the period of licensure.

~~((3))~~ (4)(a) No bond filed shall be approved unless it expressly provides that it will be effective for one year following the effective date of its cancellation or termination, whether because of expiration, suspension, or revocation of the license, or otherwise, as to any covered act or acts and omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.

(b) No ~~((trust account))~~ other security used in lieu of a bond shall satisfy the requirements of chapter 18.11 RCW, unless by the express terms of the ~~((trust))~~ security the ~~((trust account))~~ security shall remain open and active ~~((and shall remain on deposit therein.))~~ for not less than one year following the effective date of its cancellation or termination, whether because of the expiration, suspension or revocation, or otherwise, as to any covered act or acts or omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.

(c) Subject to the requirement of subsection (b) above, each surety bond or ~~((trust account))~~ other security used in lieu of a bond shall be deemed terminated upon the expiration or revocation of the license in connection with which the bond was issued, or the ~~((account))~~ other security in lieu of a bond was created: PROVIDED, That for the purposes only of this section a license shall not be deemed expired, suspended, or revoked so long as the licensee may continue to act as an auctioneer pursuant to the provisions of chapter 34.04 RCW or any court order issued pursuant thereto.

AMENDATORY SECTION (Amending Order PL 413, filed 11/9/82)

WAC 308-11-060 ADVANCE NOTICE OF CANCELLATION OR TERMINATION REQUIRED. No cancellation of any surety bond ~~((issued.))~~ or ~~((trust account created))~~ other security used in lieu of a surety bond, ~~((for the purpose of this chapter))~~ shall be effective unless the ~~((company issuing the bond, or the qualified public depository holding the account.))~~ department of licensing and the licensee shall have first been given ~~((ten))~~ thirty days advance written notice of the cancellation or termination ~~((to the department and to the licensee, together))~~ with the reason for the cancellation or termination: PROVIDED, That no such notice shall be required when the termination of the bond or ~~((trust account))~~ other security used in lieu of the bond is due to the expiration or revocation of the subject license.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-11-040 APPLICATION FOR LICENSE AS AUCTIONEER.

WAC 308-11-080 TRAINEE AUCTIONEER.

**WSR 86-17-095
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed August 20, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning amendment to 1986 hunting seasons and rules, adopting WAC 232-28-21201;

that the agency will at 9:00 a.m., Wednesday, October 1, 1986, in the Department of Game, 16018 Mill Creek Boulevard, Mill Creek, WA 98012, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1986.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 30, 1986.

Dated: August 20, 1986
By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-21201 Amendment to 1986 hunting seasons and rules.
Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Defines unit description boundaries and hunting season dates omitted or defined incorrectly in 1986 hunting seasons and rules (WAC 232-28-212).

Reasons Supporting the Proposed Rule: Public safety and resource management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dave Schultz, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-21201 AMENDMENT TO 1986 HUNTING SEASONS AND RULES. Notwithstanding the provisions of WAC 232-28-212, the 1986 Hunting Seasons and Rules are hereby amended to include the following:

Elk Area No. 053, Randle is hereby described as that part of Lewis County within the following described boundary: Beginning at State Highway 12 and the Cispus Road in the town of Randle; thence easterly along Highway 12 to the Bennett Road approximately one (1) mile east of Cora Bridge; thence westerly on Bennett and C line roads to the Cispus Road; thence northerly on said road to the town of Randle and the point of beginning.

Elk Area No. 066, Twin Valleys is hereby described as that part of Grays Harbor County within the following described boundary: Beginning in the City of Hoquiam at the junction of U.S. Highway No. 101 and the East Hoquiam Road; thence northerly on said road to its junction with the East Hoquiam Cutoff Road in Sec. 21, T19N, R9 W.W.M.; thence easterly on the East Hoquiam Cutoff Road to its junction with the Wishkah Road; thence southerly on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Sec. 35, T19N, R9 W.W.M.; thence easterly on said road to its junction with the Donovan Corkery A line; thence northerly on said road to its junction with the A 2200; thence easterly on said road to its junction with the A 2210; thence southerly on said road to a point crossed by the township line between Twp 20N and 19N; thence easterly on said line to its junction with the Wynoochee River Road; thence southerly along the Wynoochee River Road to U.S. Highway No. 12; thence westerly along said highway to its junction with U.S. Highway No. 101 in the City of Aberdeen; thence westerly on U.S. Highway No. 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning.

The Muzzleloader Elk Special Hunting Season for Unit No. 905, Bald Mountain as shown on page 13 of the 1986 Hunting Seasons and Rules, will be effective November 23-30, 1986.

WSR 86-17-096
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning bald eagle protection rules, adopting WAC 232-12-292; that the agency will at 9:00 a.m., Wednesday, October 1, 1986, in the Department of Game, 16018 Mill Creek Boulevard, Mill Creek, WA 98012, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1986.

The authority under which these rules are proposed is RCW 77.12.655.

The specific statute these rules are intended to implement is RCW 77.12.655.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 30, 1986.

Dated: August 20, 1986

By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-292
Bald eagle protection rules.

Statutory Authority: RCW 77.12.655.

Specific Statute that Rule is Intended to Implement: RCW 77.12.655.

Summary of the Rule: Establishes bald eagle protection rules for critical bald eagle habitat, including nests and communal roosts.

Reasons Supporting the Proposed Rule: To protect the habitat and thereby increase and maintain the population of the bald eagle so that the species no longer is classified as threatened or endangered in Washington state. The "delisting" of the bald eagle for Washington state is a realistic goal which can best be accomplished by promoting cooperative efforts to manage for site-specific eagle habitat needs through a process which is sensitive to the site-specific landowner goals as well. The rules are designed to promote such cooperative management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Division Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dave Schultz, Division Chief, Wildlife Enforcement, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is necessary to comply with RCW 77.12.655. Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-292 BALD EAGLE PROTECTION RULES

PURPOSE

- 1.1 The purpose of these rules is to protect the habitat and thereby increase and maintain the population of the Bald Eagle so that the species no longer is classified as threatened or endangered in Washington State. The "delisting" of the Bald Eagle for Washington State is a realistic goal which can best be accomplished by promoting cooperative efforts to manage for site-specific eagle habitat needs through a process which is sensitive to the site-specific landowner goals as well. The following rules are designed to promote such cooperative management.

AUTHORITY

- 2.1 These rules are promulgated pursuant to RCW 77.12.655.

DEFINITIONS

- 3.1 "Communal Roost Site" means all of the physical features surrounding trees used for night roosting that are important to the suitability of the roost for eagle use. These features include flight corridors, sources of disturbance, trees in which eagles spend the night, trees used for perching during arrival or departure and other trees or physical features, such as hills, ridges, or cliffs that provide wind protection.
- 3.2 "Cultural Activities" means activities conducted to foster the growth of agricultural plants and animals.
- 3.3 "Delist" means to remove a species from the state special species list by action of the Game Commission or from the federal endangered species list by action of the Secretary of the Interior.
- 3.4 "Department" means Department of Game.
- 3.5 "Endangered" means a species which is seriously threatened with extirpation throughout all or a significant portion of its range within Washington.
- 3.6 "Government Entities" means all agencies of federal, state and local governments.
- 3.7 "Landowner" means any individual, private, partnership, non-profit, municipal, corporate, city, county, or state agency or entity which exercises control over a bald eagle habitat whether such control is based on legal or equitable title, or which manages or holds in trust land in Washington State.
- 3.8 "Nest Tree" means any tree that contains a bald eagle nest or has contained a nest.
- 3.9 "Nest Site" means all of the physical features surrounding bald eagle nests that are important to normal breeding behavior. These features include alternate and potential nest trees, perch trees, vegetative screening, foraging area, frequently used flight paths, and sources of disturbance.
- 3.10 "Perch Tree" means a tree that is consistently used by eagles. It is often close to a nest or feeding site and is used for resting, hunting, consumption of prey, mating display and as a sentry post to defend the nest.
- 3.11 "Predicides" means chemicals used to kill or control problem wildlife.
- 3.12 "Region" means an ecological/geographic area that forms a unit with respect to eagles, e.g., Hood Canal, lower Columbia River, outer coast and south Puget Sound.
- 3.13 "Site Management Plan" means a legal agreement between the Department and the Landowner for management of a bald eagle nest or roost site.

- 3.14 "Threatened" means a species that could become endangered within Washington without active management or removal of threats.

APPLICABILITY AND OPERATION

- 4.1 The Department of Game shall make available to other governmental entities, interest groups, landowners and individuals information regarding the location and use pattern of eagle nests and communal roosts.
- 4.2 The Department of Game shall itself and through cooperative efforts (such as memoranda of understandings) work with other government agencies and organizations to improve the data base for nest and roost site activity and productivity. The Department regularly shall confer with other governmental entities to improve the preliminary nest site management information and its accessibility and useability.
- 4.3 The Department's goal shall be to identify, catalog and prioritize eagle nesting or roost sites. The Department shall facilitate landowner notification that nesting or roost sites exist on their property and work with landowners to develop a nesting or roost site description.
- 4.4 When a proposed land-use activity involves land containing or adjacent to an eagle nest or communal roost, the permitting agency shall immediately notify the Department of Game of the permit application.
- 4.5 When the Department determines that a proposed activity would adversely impact eagle habitat, a Department representative shall meet on-site with the landowner and, where applicable, a representative of the permitting agency to discuss management options for the protection of eagle habitat. The purpose of these discussions shall be to reach agreement on a Site Management Plan for Bald Eagle Habitat Protection.
- 4.6 It is recognized that normal on-going agricultural activities of land preparation, cultivating, planting, harvesting, other cultural activities, grazing and animal-rearing activities in existing facilities do not have significant adverse consequences for eagles and therefore do not require a Site Management Plan. New building construction, conversion of lands from agriculture to other uses, application of predicides and aerial pesticide spraying, may, following a conference with the Department of Game, be subject to the Site Management Planning process described in these rules.
- 4.7 Emergency situations, such as insect infestation of crops, requires immediate action on the Site Management Plan or special permission to address the impending crisis by the Department of Game.

SITE MANAGEMENT PLAN FOR BALD EAGLE HABITAT PROTECTION

- 5.1 The purpose of the Site Management Plan is to provide for the protection of specific Bald Eagle habitat in such a way as to recognize the special characteristics of the site and the landowner's property rights, goals and pertinent options. To this end, every land owner shall have fair access to the process including available incentives and benefits. Any relevant factor shall be considered, including, but not limited to, the following:
 - 5.1.1 The status of the eagle population in the region.
 - 5.1.2 The useful life of the nest or roost trees and condition of the surrounding forest; the topography; accessibility and visibility; and existing and alternative flight paths, perch trees, snags and potential alternative nest and roost trees.
 - 5.1.3 Eagle behavior and historical use patterns, available food sources, and vulnerability to disturbance.
 - 5.1.4 The surrounding land-use conditions, including degree of development and human use.
 - 5.1.5 Land ownership, landowner ability to manage, and flexibility of available landowner options.

- 5.1.6 Appropriate and acceptable incentive mechanisms such as conservation easements, transfer or purchase of development rights, leases, mutual covenants, or land trade or purchase.
- 5.1.7 Published recommendations for eagle habitat protection of other government entities such as the U.S. Fish and Wildlife Service.
- 5.2 The Site Management Plan shall provide for
- 5.2.1 tailoring the timing, duration or physical extent of activities to minimize disturbance to the existing eagle habitat and, where appropriate, identifying and taking steps to encourage and create alternative eagle habitat; and
- 5.2.2 establishing a periodic review of the Plan to monitor whether:
- the Plan requires amendment in response to changing eagle and landowner circumstances
 - the terms of the Plan comply with applicable laws and regulations,
 - the parties to the Plan are complying with its terms.
- 5.3 The Site Management Plan may also provide for implementing landowner incentive and compensation mechanisms through which the existing eagle habitat can be maintained or enhanced.

GUIDELINES FOR ACQUISITION OF BALD EAGLE HABITAT

- 6.1 Real property interests may be acquired and agreements entered into which could enhance protection of bald eagle habitat. These include fee simple acquisition, land trades, conservation easements, transfer or purchase of development rights, leases, and mutual covenants. Acquisition shall be dependent upon having a willing seller and a willing buyer. Whatever interest or method of protection is preferable will depend on the particular use and ownership characteristics of a site. In discussing conservation objectives with private or public landowners, the Department shall explore with the landowner the variety of protection methods which may be appropriate and available.
- 6.2 The following criteria and priorities shall be considered by the Department when it is contemplating acquiring an interest in a Bald Eagle habitat.
- 6.2.1 Site considerations:
- Relative ecological quality, as compared to similar habitats
 - Ecological viability—the ability of the habitat and eagle use to persist over time
 - Defensibility—the existence of site conditions adequate to protect the eagle habitat from unnatural encroachments
 - Manageability—the ability to manage the site to maintain suitable eagle habitat
 - Proximity to food source
 - Proximity to other protected eagle habitat
 - Proximity to Department land or other public land
 - Eagle population density and history of eagle use in the area
 - The natural diversity of native species, plant communities, aquatic types, and geologic features on the site.
- 6.2.2 Other considerations
- Ownership
 - Degree of threat

- Availability of funding
- Existence of willing donor or seller and prior agency interest
- Cost

In general, priority shall be given to the most threatened high quality eagle habitats with associated natural values which require the least management.

RESOLUTION OF SITE MANAGEMENT PLAN DISPUTES

- 7.1 The Department, the landowner and the permitting agency shall work to develop a mutually agreeable Site Management Plan within 30 days of the original notice to the Department of Game. This plan shall become a part of the application for a permit.
- 7.2 Should agreement not be reached, the landowner may refer the Site Management Plan to the Bald Eagle Oversight Committee (Paragraph 8). The Committee shall have 30 days from the date contacted to bring about agreement among the Department, the landowner, and the permitting agency. The Committee may use conciliation, mediation and factfinding, or any other method they deem appropriate to bring about a mutually acceptable resolution of the issues.
- 7.3 If the landowner chooses not to use the services of the Bald Eagle Oversight Committee or if resolution is not reached, the Department of Game shall within 15 days provide a Site Management Plan to the landowner and permitting agency.
- 7.4 The landowner may initiate a formal appeal of the Department of Game's decision. Formal appeal procedures appear in WAC 232-12-197.

BALD EAGLE OVERSIGHT COMMITTEE

- 8.1 The Director of the Department of Game shall appoint a five-member Bald Eagle Oversight Committee with two members representing landowner interests, two members representing wildlife interests and one nonvoting member from the Department of Game. Members are appointed for three year terms, with the initial terms for one, two or three years so that committee appointments will be staggered over time. The Committee shall meet at least quarterly, and as needed, to accomplish the following:
- Monitor the progress of cooperative Bald Eagle management processes under these regulations and make recommendations to the Department and other interested parties to improve the effectiveness of these processes.
 - Undertake resolution of Site Management Plan disputes under paragraph 7.2 above.
 - Coordinate joint efforts on Washington Bald Eagle protection.
- 8.2 The members of the Committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060 for travel expenses incurred while attending official meetings of the Committee.

AUTOMATIC REVIEW PROCESSES

- 9.1 The Bald Eagle Oversight Committee will report to the Department of Game annually regarding its activities under paragraph 8.1. The Department of Game will conduct an initial review of the Bald Eagle regulatory process after 3 years which will include a public hearing, and then every five years thereafter.

PENALTIES

- 10.1 Failure to comply with the processes set forth in these rules or with the provisions of a Site Management Plan constitutes a misdemeanor as set forth in RCW 77.21.010.

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

WSR 86-17-097

PROPOSED RULES

COUNTY ROAD ADMINISTRATION BOARD

[Filed August 20, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the County Road Administration Board intends to adopt, amend, or repeal rules concerning:

- Amd ch. 136-130 WAC Regarding regional prioritization of RAP projects, includes WAC 136-130-050, project prioritization in northeast region (NER).
- Amd ch. 136-160 WAC Regarding the allocation of RATA funds to approved RAP projects, includes WAC 136-160-060, limitation on use of RATA funds.
- Amd ch. 136-220 WAC Regarding matching requirements for rural arterial trust account funds, includes WAC 136-220-020, establishment of matching requirements and 136-220-030, use of RATA funds to match other funds.
- Amd ch. 136-180 WAC Regarding processing of RAP vouchers, includes WAC 136-180-025, voucher approval.
- Amd ch. 136-200 WAC Regarding functional classification, includes WAC 136-200-040, functional classification verification.
- New ch. 136-60 WAC Regarding maintenance of county road logs.
- New ch. 136-230 WAC Regarding providing for reimbursement for overruns;

that the agency will at 9:30 a.m., Thursday, October 2, 1986, in the Chautaugua Lodge, Long Beach, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 36.78 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1986.

Dated: August 20, 1986

By: Ernest Geissler
Director

STATEMENT OF PURPOSE

Title: Administration of the county fuel tax allocation formula.

Description of Purpose: To implement statutory requirements.

Statutory Authority: Chapters 46.68 and 36.79 RCW.
Specific Statute: RCW 46.68.124 and 36.79.090.

Summary of Rule: To clarify the manner in which the board intends to implement statutory language.

Reasons Supporting Proposed Action: To provide consistent implementation in all counties in accordance with legislative intent.

Agency Personnel Responsible: Reid Wheeler, Operations Engineer.

Organization Proposing Rule: County Road Administration Board.

Agency Recommendation: The CRA Board is recommending the proposed language in order to implement the statutory requirement.

The rules are not the product of federal law or federal or state court action.

AMENDATORY SECTION (Amending Resolution No. 50 [Order 61], filed 12/9/83 [2/20/86])

WAC 136-130-050 PROJECT PRIORITIZATION IN NORTHEAST REGION (NER). Each county in the NER may submit projects requesting RATA funds not to exceed 30% per county of the NER biennial apportionment. Each project shall be ~~rat~~(ing)ed in accordance with the NER RAP Rating Procedures. ~~((A RAP project may include a bridge when its costs does not exceed 20% of the total project cost. A stand-alone bridge project may be submitted provided that its priority rating has been computed by the same RAP rating procedures applied to all other projects, and provided further that RATA funds may be used only as a match for Federal funds.))~~ Bridge projects may be submitted requesting RATA funds under one of the following conditions:

1. 10% of the NER biennial apportionment shall be reserved for stand-alone bridge projects in each biennium. Bridges must be approved for Federal Bridge Replacement funding and RATA funds shall be used only as a match for such Federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list. Whatever part of the bridge reserve is not allocated to bridge projects in each biennium shall be available for allocation to other RAP projects.

2. A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the same procedure applied to all other projects, and provided further that RATA funds shall be used only as a match for Federal funds. Such projects shall not be considered for funding from the bridge reserve described above.

3. A RAP project may include a bridge when the cost of the bridge does not exceed 20% of the total project cost.

NER RAP rating points shall be assigned on the basis of 100 points for a condition rating and 50 points for a service rating. The priority rating equals two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing 100 by the condition rating. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the project worksheet and the prospectus form of the project application.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 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 44 [61], filed September 15, 1983 [2/20/86])

WAC 136-160-060 LIMITATION ON USE OF RATA FUNDS. The RATA funds requested in the project application are intended to reimburse a county for 80% of its RAP project construction costs up to the amount of the CRAB/county contract in the PSR, NWR, SER and SWR and 90% in the NER ~~((all regions))~~. RATA funds may be used to reimburse a county for 80% of its RAP project preliminary engineering costs in the ~~((NER;))~~ PSR(~~;~~) and SER and 90% in the NER. RATA funds may not be used for right-of-way acquisition in any region.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 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 55 [56], filed 12/9/83 [7/30/84])

WAC 136-220-020 ESTABLISHMENT OF MATCHING REQUIREMENTS. ~~((The CRA Board finds that most counties have sufficient financial resources to match available Federal funds for road~~

and bridge construction:)) Counties will(~~(-therefore,))~~ be required to match RATA funds with a minimum of 20% matching funds in the PSR, NWR, SER, and SWR and 10% matching funds in the NER.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 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 56, filed 7/30/84)]

WAC 136-220-030 USE OF RATA FUNDS TO MATCH OTHER FUNDS. A county with an approved RAP project may use RATA funds to match any applicable funds available for such project, provided that the county will be required to match any RATA funds (~~(carmarked for))~~ allocated to the project with a minimum of 20% (~~(matching))~~ county funds. Projects involving Federal Highway Program funds will be administered through the State Aid Division of WSDOT except that reimbursement of RATA funds will be through the CRABoard.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 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 56, filed 7/30/84)

WAC 136-180-025 VOUCHER APPROVAL. The county constructing each RAP project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each RAP project for the payment of the RATA share of the project cost. The Chairman of the CRABoard or his designated agent(s) shall approve such vouchers for payment to the county submitting the voucher. Vouchers requesting payment for projects in which RATA funds are being used for the matching portion of Federal Highway Program funds shall not be approved unless accompanied by a copy of the voucher submitted to WSDOT requesting reimbursement for work done during the same time period.

Reviser's note: The above section, filed by the agency as an amendment of WAC 136-180-025, appears to be an amendment of WAC 136-180-030, there being no WAC 136-180-025 in existence. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-200-040 FUNCTIONAL CLASSIFICATION VERIFICATION. Each RAP project application submitted in accordance with WAC 136-160-020 shall show the functional classification of the road or roads included in the project. Prior to project approval the CRABoard shall verify that the road on which the RAP project is requested is classified as a major or minor collector in the latest verified road log information stored on the CRABoard computer ((functional class printout available from State Aid Division, WSDOT:))

WAC 136-60

REGARDING MAINTENANCE OF COUNTY ROAD LOGS

NEW SECTION

WAC 136-60-010 PURPOSE. Chapter 120, Laws of 1985, Regular Session, Section 1 (2) provides that the County Road Administration Board (CRABoard) shall maintain the county road log for the purpose of computing estimated county road replacement costs and estimated annual maintenance costs for county fuel tax allocations. It further provides that each county shall submit changes, corrections and deletions (i.e., "updates") to the CRABoard which in turn are subject to validation prior to inclusion in the road log maintained by the CRABoard. This WAC Chapter describes the manner in which the CRABoard will administer this responsibility.

NEW SECTION

WAC 136-60-020 DEFINITIONS For purposes of implementing procedures for updating, validating and maintaining the county road log, the following definitions shall apply:

(1) County road log – the listing, by county, of all roads under county jurisdiction including their description, length, milepost identification, functional class, surface type, traffic volume, and other administrative and physical inventory items that may be included.

(2) Computer Data Base (CDB) – the computer data base software by which the county road log data is updated and maintained by all counties and the CRABoard.

(3) Updates – periodic changes to the county road log involving any or all of the included data elements

(4) Control fields – those fields within the county road log for which all updates need to be verified by the CRABoard prior to inclusion in the master county road log. Control fields are only those utilized for the computation of gas tax allocations in accordance with RCW 46.68.120.

(5) Master county road log – the combination of all county road logs as kept by the CRABoard containing all updates (including validation of control fields) as of July 1 of each year.

NEW SECTION

WAC 136-60-030 SUBMITTAL OF ANNUAL UPDATES Each county shall be responsible for maintaining current information regarding its road log and, no later than May 1 of each year, submit an updated road log for its complete road system. This annual update must be on the computer-readable medium written in the computer data base program format as prescribed by the CRABoard. All updates involving changes in control fields must include supporting documentation as required in Section 136-050-060.

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

NEW SECTION

WAC 136-60-040 VALIDATION OF ANNUAL UPDATES All control field updates requiring supporting documentation will be subject to review, approval and acceptance (i.e., "validation") by the CRABoard. This process will involve reviewing the supporting documentation and conducting spot-checks as may be necessary. All such updates which are reviewed, approved and accepted by July 1 of each year will be entered into the master county road log. Non-control field updates will be entered into the master county road log file without review. The master county road log as of July 1 of each year will be utilized by the CRABoard for general informational purposes and, on each odd-numbered year, for computation of motor vehicle fuel tax allocations to the counties.

NEW SECTION

WAC 136-60-050 VALIDATION REQUIREMENTS FOR CONTROL FIELDS Each update of a road log segment that involves a change in a control field (including additions or deletions of road segments) will be validated by the CRABoard. Documentation necessary to support the following control field changes is as follows:

Functional class – notice of FHWA approval from WSDOT.

Payment type – statement signed by County Engineer with brief explanation of circumstances of change (ex. CRP description). A suitable scale map showing the limits of the change(s) must also be included.

Travel Category – see requirements under "Addition of mileage" and "Deletion of mileage".

Addition of mileage – statement signed by County Engineer detailing the circumstances of the addition with supporting documents as appropriate. For example, additions can occur through Commissioner approval of new plat (copy of Board action), construction/reconstruction on new alignment (copy of CRP establishment resolution), or a change in jurisdiction (copy of agreement). Appropriate map(s) showing the changes must also be included.

Deletion of mileage – statement signed by County Engineer detailing the circumstances of the deletion with supporting documents as appropriate. For example, deletions can occur through vacations (copy of Board action) or a change in jurisdiction (copy of agreement). Appropriate map(s) showing the changes must also be included.

Traffic volume – statement signed by County Engineer stating the seasonally adjusted traffic count and the date(s) the count was taken. Documentation is required for this field only if it involves urban classification with an ACP or PCC surface type and it involves a volume change crossing the 5000 ADT value.

All maps furnished in support of control field changes will be forwarded by the CRABoard to WSDOT for future map base updates.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 136-60-060 UTILIZATION OF COMMON COMPUTER DATA BASE Each county shall utilize a common computer data base for the maintenance and updating of its county road log. This data base shall be prescribed by the CRABoard and each county shall be responsible for the purchase and installation of the requisite software on its own IBM or IBM-compatible microcomputer.

WAC 136-230

REGARDING PROVIDING FOR REIMBURSEMENT FOR OVERRUNS

NEW SECTION

WAC 136-230-010 PURPOSE. Chapter 49, Laws of 1983, Extraordinary Session, Section 15 provides that the CRABoard shall adopt reasonable rules pursuant to which Rural Arterial Trust Account (RATA) funds allocated to a project may be increased upon a subsequent application of the county constructing the project. This WAC chapter describes how this statutory requirement will be implemented by the CRABoard.

NEW SECTION

WAC 136-230-020 PROCEDURE FOR REQUESTING AN INCREASE IN AUTHORIZED AMOUNT OF RURAL ARTERIAL TRUST ACCOUNT (RATA) FUNDS. A county may request, in writing, an increased allocation of RATA funds to a project at the time of contract completion but prior to final settlement on the project between the county and the CRABoard. All such requests shall be evaluated by the CRABoard in accordance with these rules.

NEW SECTION

WAC 136-230-030 CONSIDERATION OF REQUESTS FOR AN INCREASE IN AUTHORIZED AMOUNT OF RURAL ARTERIAL TRUST ACCOUNT (RATA) FUNDS. Requests submitted to the CRABoard for an increased allocation of Rural Arterial Trust Account Funds over that amount originally allocated to a project will be considered:

1. if the granting of the request for increase will not in any way adversely affect the construction program previously approved by the CRABoard; and

2. the request is substantiated with reasons for the increase and the CRABoard determines that the increased funds are, in fact, needed to complete the project.

The reasons for the increase should address but should not be limited to the following considerations:

1. if the project could have been reduced in scope while retaining a useable and functional segment;

Proposed RAP WAC Changes (cont.)

2. if the original amount requested and approved by the CRABoard was based on reasonable engineering estimates;

3. if the additional funds are being requested because of an expansion in the scope of work originally proposed.

The CRABoard may allocate increases above the amount originally allocated not to exceed ten percent, or \$50,000, whichever is the lesser amount.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

AMD = Amendment of existing section
 NEW = New section not previously codified
 OBJEC = Notice of objection by Joint Administrative Rules Review Committee
 RE-AD = Readoption of existing section
 REP = Repeal of existing section
 REAFF = Order assuming and reaffirming rules
 REMOV = Removal of rule pursuant to RCW 34.04.050(5)
 RESCIND = Rescind previous emergency rule
 REVIEW = Review of previously adopted rule
 STMT = Statement regarding previously adopted rule

Suffixes:

-P = Proposed action
 -C = Continuance of previous proposal
 -E = Emergency action
 -W = Withdrawal of proposed action
 No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
4-25-140	AMD-E 86-16-056	16-316-800	AMD-P 86-09-090	16-403-141	NEW-P 86-10-057
16-59-030	AMD-E 86-09-001	16-316-800	AMD 86-13-014	16-403-141	NEW 86-14-026
16-86-092	AMD-E 86-04-050	16-316-810	AMD-P 86-09-090	16-403-160	AMD-P 86-10-057
16-86-092	AMD-P 86-04-051	16-316-810	AMD 86-13-014	16-403-225	AMD 86-14-026
16-86-092	AMD 86-08-055	16-316-820	AMD-P 86-09-090	16-403-225	AMD-P 86-08-080
16-108-010	AMD 86-04-027	16-316-820	AMD 86-13-014	16-403-225	AMD 86-10-045
16-125-200	NEW-P 86-13-051	16-316-830	AMD-P 86-09-090	16-425-001	REP-P 86-04-070
16-125-200	NEW 86-17-014	16-316-830	AMD 86-13-014	16-425-001	REP 86-08-078
16-125-210	NEW-P 86-13-051	16-316-832	NEW-P 86-09-090	16-425-010	REP-P 86-04-070
16-125-210	NEW 86-17-014	16-316-832	NEW 86-13-014	16-425-010	REP 86-08-078
16-129-050	NEW-P 86-17-078	16-316-832	NEW-P 86-09-090	16-425-010	REP-P 86-04-070
16-154-010	NEW-P 86-13-050	16-316-832	NEW 86-13-014	16-425-010	REP 86-08-078
16-154-010	NEW-C 86-16-033	16-316-832	NEW-P 86-09-090	16-425-010	REP-P 86-04-070
16-154-010	NEW-C 86-17-031	16-316-850	NEW 86-13-014	16-425-015	REP 86-08-078
16-154-020	NEW-P 86-13-050	16-316-860	NEW-P 86-09-090	16-462-001	REP-P 86-04-070
16-154-020	NEW-C 86-16-033	16-316-860	NEW 86-13-014	16-462-001	REP 86-08-078
16-154-020	NEW-C 86-17-031	16-316-860	NEW-P 86-09-090	16-462-010	AMD-P 86-04-070
16-154-030	NEW-P 86-13-050	16-316-870	NEW 86-13-014	16-462-010	AMD 86-08-078
16-154-030	NEW-C 86-16-033	16-316-870	NEW-P 86-09-090	16-462-010	AMD-P 86-04-070
16-154-030	NEW-C 86-17-031	16-316-870	NEW 86-13-014	16-462-015	AMD-P 86-04-070
16-212-030	AMD-E 86-14-083	16-316-880	NEW-P 86-09-090	16-462-015	AMD 86-08-078
16-212-060	AMD-E 86-14-083	16-316-880	NEW 86-13-014	16-462-020	AMD-P 86-04-070
16-212-070	AMD-E 86-14-083	16-324	AMD-C 86-14-096	16-462-020	AMD 86-08-078
16-212-082	AMD-E 86-14-083	16-324-375	AMD-P 86-11-063	16-462-020	AMD 86-08-078
16-213-210	AMD-P 86-16-066	16-324-375	AMD 86-15-045	16-462-025	AMD-P 86-04-070
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139-08-150	REP-P	86-15-072	173-14-055	NEW-P	86-05-052	173-22-0604	NEW-P	86-05-052
139-08-160	REP-P	86-15-072	173-14-055	NEW	86-12-011	173-22-0604	NEW	86-12-011
139-08-170	REP-P	86-15-072	173-14-060	AMD-P	86-05-052	173-22-0606	NEW-P	86-05-052
139-08-180	REP-P	86-15-072	173-14-064	AMD-P	86-05-052	173-22-0606	NEW	86-12-011
139-08-190	REP-P	86-15-072	173-14-064	AMD	86-12-011	173-22-0608	NEW-P	86-05-052
139-08-200	REP-P	86-15-072	173-14-090	AMD-P	86-05-052	173-22-0608	NEW	86-12-011
139-08-210	REP-P	86-15-072	173-14-090	AMD	86-12-011	173-22-0610	NEW-P	86-05-052
139-08-220	REP-P	86-15-072	173-14-130	AMD-P	86-05-052	173-22-0610	NEW	86-12-011
139-08-230	REP-P	86-15-072	173-14-130	AMD	86-12-011	173-22-0612	NEW-P	86-05-052
139-08-240	REP-P	86-15-072	173-14-140	AMD-P	86-05-052	173-22-0612	NEW	86-12-011
139-08-250	REP-P	86-15-072	173-14-140	AMD	86-12-011	173-22-0614	NEW-P	86-05-052
139-08-260	REP-P	86-15-072	173-14-150	AMD-P	86-05-052	173-22-0614	NEW	86-12-011
139-08-270	REP-P	86-15-072	173-14-150	AMD	86-12-011	173-22-0616	NEW-P	86-05-052
139-08-280	REP-P	86-15-072	173-14-180	AMD-P	86-05-052	173-22-0616	NEW	86-12-011
139-08-290	REP-P	86-15-072	173-14-180	AMD	86-12-011	173-22-0618	NEW-P	86-05-052
139-08-300	REP-P	86-15-072	173-19	AMD-C	86-08-098	173-22-0618	NEW	86-12-011
139-08-310	REP-P	86-15-072	173-19-020	AMD-P	86-05-052	173-22-0620	NEW-P	86-05-052

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173-303-180	AMD	86-12-057	173-325-010	NEW	86-15-008	173-555-080	NEW-W	86-12-048
173-303-200	AMD-P	86-07-069	173-325-020	NEW-E	86-09-017	173-555-080	NEW-P	86-13-066
173-303-200	AMD	86-12-057	173-325-020	NEW-P	86-10-043	173-591-010	NEW-P	86-10-071
173-303-201	NEW-P	86-07-069	173-325-020	NEW-C	86-11-069	173-591-010	NEW	86-15-029
173-303-201	NEW	86-12-057	173-325-020	NEW-E	86-15-007	173-591-020	NEW-P	86-10-071
173-303-210	AMD-P	86-07-069	173-325-020	NEW	86-15-008	173-591-020	NEW	86-15-029
173-303-210	AMD	86-12-057	173-325-030	NEW-E	86-09-017	173-591-030	NEW-P	86-10-071
173-303-220	AMD-P	86-07-069	173-325-030	NEW-P	86-10-043	173-591-030	NEW	86-15-029
173-303-220	AMD	86-12-057	173-325-030	NEW-C	86-11-069	173-591-040	NEW-P	86-10-071
173-303-230	AMD-P	86-07-069	173-325-030	NEW-E	86-15-007	173-591-040	NEW	86-15-029
173-303-230	AMD	86-12-057	173-325-030	NEW	86-15-008	173-591-050	NEW-P	86-10-071
173-303-240	AMD-P	86-07-069	173-325-040	NEW-E	86-09-017	173-591-050	NEW	86-15-029
173-303-240	AMD	86-12-057	173-325-040	NEW-P	86-10-043	173-591-060	NEW-P	86-10-071
173-303-280	AMD-P	86-07-069	173-325-040	NEW-C	86-11-069	173-591-060	NEW	86-15-029
173-303-280	AMD	86-12-057	173-325-040	NEW-E	86-15-007	173-591-070	NEW-P	86-10-071
173-303-360	AMD-P	86-07-069	173-325-040	NEW	86-15-008	173-591-070	NEW	86-15-029
173-303-360	AMD	86-12-057	173-325-050	NEW-E	86-09-017	173-591-080	NEW-P	86-10-071
173-303-380	AMD-P	86-07-069	173-325-050	NEW-P	86-10-043	173-591-080	NEW	86-15-029
173-303-380	AMD	86-12-057	173-325-050	NEW-C	86-11-069	173-591-090	NEW-P	86-10-071
173-303-390	AMD-P	86-07-069	173-325-050	NEW-E	86-15-007	173-591-090	NEW	86-15-029
173-303-390	AMD	86-12-057	173-325-050	NEW	86-15-008	173-591-100	NEW-P	86-10-071
173-303-395	AMD-P	86-07-069	173-480-010	NEW-P	86-04-092	173-591-100	NEW	86-15-029
173-303-395	AMD	86-12-057	173-480-010	NEW-C	86-07-067	173-591-110	NEW-P	86-10-071
173-303-400	AMD-P	86-07-069	173-480-010	NEW	86-10-053	173-591-110	NEW	86-15-029
173-303-400	AMD	86-12-057	173-480-020	NEW-P	86-04-092	173-591-120	NEW-P	86-10-071
173-303-500	AMD-P	86-07-069	173-480-020	NEW-C	86-07-067	173-591-120	NEW	86-15-029
173-303-500	AMD	86-12-057	173-480-020	NEW	86-10-053	173-591-130	NEW-P	86-10-071
173-303-505	AMD-P	86-07-069	173-480-030	NEW-P	86-04-092	173-591-130	NEW	86-15-029
173-303-505	AMD	86-12-057	173-480-030	NEW-C	86-07-067	173-591-010	NEW-P	86-10-072
173-303-510	AMD-P	86-07-069	173-480-030	NEW	86-10-053	173-592-010	NEW	86-15-030
173-303-510	AMD	86-12-057	173-480-040	NEW-P	86-04-092	173-592-010	NEW-P	86-10-072
173-303-515	AMD-P	86-07-069	173-480-040	NEW-C	86-07-067	173-592-020	NEW	86-15-030
173-303-515	AMD	86-12-057	173-480-040	NEW	86-10-053	173-592-030	NEW-P	86-10-072
173-303-520	AMD-P	86-07-069	173-480-050	NEW-P	86-04-092	173-592-030	NEW	86-15-030
173-303-520	AMD	86-12-057	173-480-050	NEW-C	86-07-067	173-592-040	NEW-P	86-10-072
173-303-525	NEW-P	86-07-069	173-480-050	NEW	86-10-053	173-592-040	NEW	86-15-030
173-303-525	NEW	86-12-057	173-480-060	NEW-P	86-04-092	173-592-050	NEW-P	86-10-072
173-303-600	AMD-P	86-07-069	173-480-060	NEW-C	86-07-067	173-592-050	NEW	86-15-030
173-303-600	AMD	86-12-057	173-480-060	NEW	86-10-053	173-592-060	NEW-P	86-10-072
173-303-630	AMD-P	86-07-069	173-480-070	NEW-P	86-04-092	173-592-060	NEW	86-15-030
173-303-630	AMD	86-12-057	173-480-070	NEW-C	86-07-067	173-592-070	NEW-P	86-10-072
173-303-640	AMD-P	86-07-069	173-480-070	NEW	86-10-053	173-592-070	NEW	86-15-030
173-303-640	AMD	86-12-057	173-480-080	NEW-P	86-04-092	173-592-080	NEW-P	86-10-072
173-303-650	AMD-P	86-07-069	173-480-080	NEW-C	86-07-067	173-592-080	NEW	86-15-030
173-303-650	AMD	86-12-057	173-480-080	NEW	86-10-053	173-592-090	NEW-P	86-10-072
173-303-655	AMD-P	86-07-069	173-516-010	NEW-W	86-05-019	173-592-090	NEW	86-15-030
173-303-655	AMD	86-12-057	173-516-020	NEW-W	86-05-019	173-592-100	NEW-P	86-10-072
173-303-660	AMD-P	86-07-069	173-516-030	NEW-W	86-05-019	173-592-100	NEW	86-15-030
173-303-660	AMD	86-12-057	173-516-040	NEW-W	86-05-019	173-592-110	NEW-P	86-10-072
173-303-665	AMD-P	86-07-069	173-516-050	NEW-W	86-05-019	173-592-110	NEW	86-15-030
173-303-665	AMD	86-12-057	173-516-060	NEW-W	86-05-019	173-592-120	NEW-P	86-10-072
173-303-670	AMD-P	86-07-069	173-516-070	NEW-W	86-05-019	173-592-120	NEW	86-15-030
173-303-670	AMD	86-12-057	173-516-080	NEW-W	86-05-019	180-16-200	AMD-P	86-17-085
173-303-802	AMD-P	86-07-069	173-516-090	NEW-W	86-05-019	180-16-205	AMD-P	86-17-085
173-303-802	AMD	86-12-057	173-516-100	NEW-W	86-05-019	180-16-220	AMD-P	86-09-095
173-303-804	AMD-P	86-07-069	173-555-015	NEW-P	86-10-062	180-16-220	AMD	86-13-015
173-303-804	AMD	86-12-057	173-555-015	NEW-W	86-12-048	180-16-220	AMD-P	86-17-084
173-303-805	AMD-P	86-07-069	173-555-015	NEW-P	86-13-066	180-16-221	NEW-P	86-09-095
173-303-805	AMD	86-12-057	173-555-020	AMD-P	86-10-062	180-16-221	NEW	86-13-015
173-303-806	AMD-P	86-07-069	173-555-020	AMD-W	86-12-048	180-16-222	NEW-P	86-09-095
173-303-806	AMD	86-12-057	173-555-020	AMD-P	86-13-066	180-16-222	NEW	86-13-015
173-303-910	AMD-P	86-07-069	173-555-030	AMD-P	86-10-062	180-16-223	NEW-P	86-09-095
173-303-910	AMD	86-12-057	173-555-030	AMD-W	86-12-048	180-16-223	NEW	86-13-015
173-303-960	NEW-P	86-07-069	173-555-030	AMD-P	86-13-066	180-16-224	NEW-P	86-09-095
173-303-960	NEW	86-12-057	173-555-040	AMD-P	86-10-062	180-16-224	NEW	86-13-015
173-303-9902	AMD-P	86-07-069	173-555-040	AMD-W	86-12-048	180-16-225	AMD-P	86-09-095
173-303-9902	AMD	86-12-057	173-555-040	AMD-P	86-13-066	180-16-225	AMD	86-13-015
173-303-9903	AMD-P	86-07-069	173-555-060	AMD-P	86-10-062	180-16-226	NEW	86-13-015
173-303-9903	AMD	86-12-057	173-555-060	AMD-W	86-12-048	180-16-231	NEW-P	86-09-095
173-303-9904	AMD-P	86-07-069	173-555-060	AMD-P	86-13-066	180-16-231	NEW	86-13-015
173-303-9904	AMD	86-12-057	173-555-065	NEW-P	86-10-062	180-16-236	NEW-P	86-09-095
173-303-9905	AMD-P	86-07-069	173-555-065	NEW-W	86-12-048	180-16-236	NEW	86-13-015
173-303-9905	AMD	86-12-057	173-555-065	NEW-P	86-13-066	180-25-043	NEW	86-04-065
173-325-010	NEW-E	86-09-017	173-555-070	AMD-P	86-10-062	180-25-050	AMD	86-04-066
173-325-010	NEW-P	86-10-043	173-555-070	AMD-W	86-12-048	180-26-057	NEW	86-04-065
173-325-010	NEW-C	86-11-069	173-555-070	AMD-P	86-13-066	180-27-105	AMD	86-04-067
173-325-010	NEW-E	86-15-007	173-555-080	NEW-P	86-10-062	180-29-1075	NEW	86-04-065

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180-40-300	AMD-E	86-15-058	180-85-105	NEW-P	86-09-098	192-40-060	NEW	86-08-073
180-40-300	AMD-P	86-17-083	180-85-105	NEW	86-13-018	192-40-070	NEW-P	86-05-022
180-51-005	AMD-P	86-17-081	180-85-110	NEW-P	86-09-098	192-40-070	NEW	86-08-073
180-53-005	AMD-P	86-17-082	180-85-110	NEW	86-13-018	192-40-080	NEW-P	86-05-022
180-75	AMD-P	86-09-096	180-85-115	NEW-P	86-09-098	192-40-080	NEW	86-08-073
180-75	AMD	86-13-016	180-85-115	NEW	86-13-018	192-40-090	NEW-P	86-05-022
180-75-003	NEW-P	86-09-096	180-85-120	NEW-P	86-09-098	192-40-090	NEW	86-08-073
180-75-003	NEW	86-13-016	180-85-120	NEW	86-13-018	192-40-100	NEW-P	86-05-022
180-75-017	NEW-P	86-09-096	180-85-130	NEW-P	86-09-098	192-40-100	NEW	86-08-073
180-75-017	NEW	86-13-016	180-85-130	NEW	86-13-018	192-40-110	NEW-P	86-05-022
180-75-020	AMD-P	86-09-096	180-85-135	NEW-P	86-09-098	192-40-110	NEW	86-08-073
180-75-020	AMD	86-13-016	180-85-135	NEW	86-13-018	192-40-120	NEW-P	86-05-022
180-75-025	AMD-P	86-09-096	180-85-200	NEW-P	86-09-098	204-41-010	NEW-P	86-17-072
180-75-025	AMD	86-13-016	180-85-200	NEW	86-13-018	204-41-020	NEW-P	86-17-072
180-75-027	NEW-P	86-09-096	180-85-205	NEW-P	86-09-098	204-41-030	NEW-P	86-17-072
180-75-027	NEW	86-13-016	180-85-205	NEW	86-13-018	204-41-040	NEW-P	86-17-072
180-75-030	AMD-P	86-09-096	180-85-210	NEW-P	86-09-098	204-41-050	NEW-P	86-17-072
180-75-030	AMD	86-13-016	180-85-210	NEW	86-13-018	204-41-060	NEW-P	86-17-072
180-75-033	NEW-P	86-09-096	180-85-215	NEW-P	86-09-098	204-41-070	NEW-P	86-17-072
180-75-033	NEW	86-13-016	180-85-215	NEW	86-13-018	210-01-010	NEW-P	86-10-056
180-75-035	AMD-P	86-09-096	180-85-220	NEW-P	86-09-098	210-01-010	NEW	86-14-002
180-75-035	AMD	86-13-016	180-85-220	NEW	86-13-018	210-01-020	NEW-P	86-10-056
180-75-040	AMD-P	86-09-096	180-85-225	NEW-P	86-09-098	210-01-020	NEW	86-14-002
180-75-040	AMD	86-13-016	180-85-225	NEW	86-13-018	210-01-030	NEW-P	86-10-056
180-75-045	AMD-P	86-09-096	182-08-120	AMD-P	86-13-044	210-01-030	NEW	86-14-002
180-75-045	AMD	86-13-016	182-08-120	AMD-E	86-13-045	210-01-040	NEW-P	86-10-056
180-75-055	AMD-P	86-09-096	182-08-120	AMD	86-16-061	210-01-040	NEW	86-14-002
180-75-055	AMD	86-13-016	182-08-160	AMD-P	86-13-044	210-01-050	NEW-P	86-10-056
180-75-087	NEW-P	86-09-096	182-08-160	AMD-E	86-13-045	210-01-050	NEW	86-14-002
180-75-087	NEW	86-13-016	182-08-160	AMD	86-16-061	210-01-060	NEW-P	86-10-056
180-75-090	AMD-P	86-09-096	182-08-170	AMD-P	86-13-044	210-01-060	NEW	86-14-002
180-75-090	AMD	86-13-016	182-08-170	AMD-E	86-13-045	210-01-070	NEW-P	86-10-056
180-79-013	AMD-P	86-05-046	182-08-170	AMD	86-16-061	210-01-070	NEW	86-14-002
180-79-013	AMD	86-09-011	182-08-220	NEW-P	86-13-044	210-01-080	NEW-P	86-10-056
180-79-013	AMD-P	86-09-097	182-08-220	NEW-E	86-13-045	210-01-080	NEW	86-14-002
180-79-013	AMD	86-13-017	182-08-220	NEW	86-16-061	210-01-090	NEW-P	86-10-056
180-79-065	AMD-P	86-09-097	182-12-115	AMD-P	86-13-043	210-01-090	NEW	86-14-002
180-79-065	AMD	86-13-017	182-12-115	AMD-E	86-16-062	210-01-100	NEW-P	86-10-056
180-79-075	AMD-P	86-09-097	182-12-115	AMD-P	86-17-025	210-01-100	NEW	86-14-002
180-79-075	AMD	86-13-017	182-12-122	AMD-P	86-13-044	210-01-110	NEW-P	86-10-056
180-79-080	NEW-P	86-09-097	182-12-122	AMD-E	86-13-045	210-01-110	NEW	86-14-002
180-79-080	NEW	86-13-017	182-12-122	AMD	86-16-061	210-01-120	NEW-P	86-10-056
180-79-086	NEW-P	86-09-097	182-12-126	NEW-P	86-13-044	210-01-120	NEW	86-14-002
180-79-086	NEW	86-13-017	182-12-126	NEW-E	86-13-045	210-01-130	NEW-P	86-10-056
180-79-100	AMD-P	86-09-097	182-12-126	NEW	86-16-061	210-01-130	NEW	86-14-002
180-79-100	AMD	86-13-017	212-32-160	AMD-C	86-05-020	212-32-005	AMD-P	86-08-063
180-79-115	AMD-P	86-09-097	182-12-160	AMD	86-06-003	212-32-005	AMD	86-12-062
180-79-115	AMD	86-13-017	182-12-210	NEW-P	86-13-044	212-32-015	AMD-P	86-08-063
180-79-125	AMD-P	86-09-097	182-12-210	NEW-E	86-13-045	212-32-015	AMD	86-12-062
180-79-125	AMD	86-13-017	182-12-210	NEW	86-16-061	212-32-035	AMD-P	86-08-063
180-79-230	AMD-P	86-09-097	182-12-220	NEW-P	86-13-044	212-32-035	AMD	86-12-062
180-79-231	NEW-P	86-09-097	182-12-220	NEW-E	86-13-045	212-32-040	AMD-P	86-08-063
180-79-233	NEW-P	86-09-097	182-12-220	NEW	86-16-061	212-32-040	AMD	86-12-062
180-85-005	NEW-P	86-09-098	192-12-025	AMD-P	86-11-044	212-32-045	AMD-P	86-08-063
180-85-005	NEW	86-13-018	192-12-025	AMD	86-14-031	212-32-045	AMD	86-12-062
180-85-010	NEW-P	86-09-098	192-12-134	REP-P	86-14-095	212-32-050	AMD-P	86-08-063
180-85-010	NEW	86-13-018	192-28-105	AMD-P	86-14-095	212-32-050	AMD	86-12-062
180-85-015	NEW-P	86-09-098	192-28-105	AMD	86-17-023	212-32-070	AMD-P	86-08-063
180-85-015	NEW	86-13-018	192-28-110	AMD-P	86-14-095	212-32-070	AMD	86-12-062
180-85-020	NEW-P	86-09-098	192-28-110	AMD	86-17-023	212-32-075	AMD-P	86-08-063
180-85-020	NEW	86-13-018	192-28-115	AMD-P	86-14-095	212-32-075	AMD	86-12-062
180-85-025	NEW-P	86-09-098	192-28-115	AMD	86-17-023	212-32-080	AMD-P	86-08-063
180-85-025	NEW	86-13-018	192-28-120	AMD-P	86-14-095	212-32-080	AMD	86-12-062
180-85-030	NEW-P	86-09-098	192-28-120	AMD	86-17-023	212-32-085	AMD-P	86-08-063
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180-85-035	NEW-P	86-09-098	192-28-125	AMD	86-17-023	212-32-095	AMD-P	86-08-063
180-85-035	NEW	86-13-018	192-40-010	NEW-P	86-05-022	212-32-095	AMD	86-12-062
180-85-040	NEW-P	86-09-098	192-40-010	NEW	86-08-073	212-32-100	AMD-P	86-08-063
180-85-040	NEW	86-13-018	192-40-020	NEW-P	86-05-022	212-32-100	AMD	86-12-062
180-85-045	NEW-P	86-09-098	192-40-020	NEW	86-08-073	212-32-110	NEW-P	86-08-063
180-85-045	NEW	86-13-018	192-40-030	NEW-P	86-05-022	212-32-110	NEW	86-12-062
180-85-075	NEW-P	86-09-098	192-40-030	NEW	86-08-073	212-32-115	NEW-P	86-08-063
180-85-075	NEW	86-13-018	192-40-040	NEW-P	86-05-022	212-32-115	NEW	86-12-062
180-85-080	NEW-P	86-09-098	192-40-040	NEW	86-08-073	212-32-120	NEW-P	86-08-063
180-85-080	NEW	86-13-018	192-40-050	NEW-P	86-05-022	212-32-120	NEW	86-12-062
180-85-100	NEW-P	86-09-098	192-40-050	NEW	86-08-073	212-32-125	NEW-P	86-08-063
180-85-100	NEW	86-13-018	192-40-060	NEW-P	86-05-022	212-32-125	NEW	86-12-062

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
212-32-130	NEW-P 86-08-063	212-52-99002	NEW 86-11-038	220-36-02500T	NEW-E 86-12-007
212-32-130	NEW 86-12-062	220-12-02000A	NEW-E 86-16-014	220-36-02500T	REP-E 86-12-033
212-32-135	NEW-P 86-08-063	220-16-315	AMD-P 86-08-103	220-36-02500U	NEW-E 86-12-033
212-32-135	NEW 86-12-062	220-16-315	AMD-C 86-13-037	220-36-02500U	REP-E 86-12-073
212-32-140	NEW-P 86-08-063	220-16-315	AMD 86-13-038	220-36-02500V	NEW-E 86-12-073
212-32-140	NEW 86-12-062	220-16-385	NEW-P 86-16-021	220-36-02500V	REP-E 86-14-009
212-32-145	NEW-P 86-08-063	220-22-020	AMD-P 86-10-075	220-36-02500W	NEW-E 86-14-009
212-32-145	NEW 86-12-062	220-22-510	NEW-P 86-15-086	220-36-02500W	REP-E 86-14-057
212-32-150	NEW-P 86-08-063	220-22-51000A	NEW-E 86-10-027	220-36-02500X	NEW-E 86-14-057
212-32-150	NEW 86-12-062	220-24-02000J	NEW-E 86-10-007	220-40-020	AMD-P 86-10-075
212-32-155	NEW-P 86-08-063	220-24-02000J	REP-E 86-10-015	220-40-020	AMD 86-15-016
212-32-155	NEW 86-12-062	220-24-02000K	NEW-E 86-10-015	220-40-021	AMD-P 86-10-075
212-32-160	NEW-P 86-08-063	220-24-02000K	REP-E 86-11-016	220-40-021	AMD 86-15-016
212-32-160	NEW 86-12-062	220-24-02000L	NEW-E 86-11-016	220-40-02100G	NEW-E 86-14-084
212-52-001	AMD-P 86-08-064	220-24-02000L	REP-E 86-11-043	220-40-022	AMD-P 86-10-075
212-52-001	AMD 86-11-038	220-24-02000M	NEW-E 86-11-043	220-40-022	AMD 86-15-016
212-52-002	NEW-P 86-08-064	220-24-02000M	REP-E 86-12-012	220-40-024	AMD-P 86-10-075
212-52-002	NEW 86-11-038	220-24-02000N	NEW-E 86-12-012	220-40-024	AMD 86-15-016
212-52-005	AMD-P 86-08-064	220-24-02000N	REP-E 86-12-032	220-44-050	AMD-P 86-09-004
212-52-005	AMD 86-11-038	220-24-02000O	NEW-E 86-12-032	220-44-050	AMD 86-12-027
212-52-012	AMD-P 86-08-064	220-24-02000P	NEW-E 86-16-036	220-44-05000W	NEW-E 86-08-104
212-52-012	AMD 86-11-038	220-24-02000P	REP-E 86-16-074	220-47-262	AMD-P 86-08-103
212-52-016	NEW-P 86-08-064	220-24-02000Q	NEW-E 86-16-074	220-47-262	AMD-C 86-13-037
212-52-016	NEW 86-11-038	220-24-02000Q	REP-E 86-16-083	220-47-262	AMD 86-13-038
212-52-018	NEW-P 86-08-064	220-24-02000R	NEW-E 86-16-083	220-47-301	AMD-P 86-08-103
212-52-018	NEW 86-11-038	220-28-01000A	NEW-E 86-17-008	220-47-301	AMD-C 86-13-037
212-52-020	AMD-P 86-08-064	220-28-601	NEW-E 86-15-017	220-47-301	AMD 86-13-038
212-52-020	AMD 86-11-038	220-28-601	REP-E 86-15-055	220-47-307	AMD-P 86-08-103
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212-52-025	AMD 86-11-038	220-28-602	REP-E 86-16-015	220-47-311	AMD-P 86-08-103
212-52-027	AMD-P 86-08-064	220-28-603	NEW-E 86-16-015	220-47-311	AMD-C 86-13-037
212-52-027	AMD 86-11-038	220-28-603	REP-E 86-16-032	220-47-311	AMD 86-13-038
212-52-028	NEW-P 86-08-064	220-28-604	NEW-E 86-16-032	220-47-312	AMD-P 86-08-103
212-52-028	NEW 86-11-038	220-28-604	REP-E 86-16-050	220-47-312	AMD-C 86-13-037
212-52-030	AMD-P 86-08-064	220-28-605	NEW-E 86-16-050	220-47-312	AMD 86-13-038
212-52-030	AMD 86-11-038	220-28-605	REP-E 86-17-011	220-47-313	AMD-P 86-08-103
212-52-037	AMD-P 86-08-064	220-28-606	NEW-E 86-17-011	220-47-313	AMD-C 86-13-037
212-52-037	AMD 86-11-038	220-28-606	REP-E 86-17-042	220-47-313	AMD 86-13-038
212-52-040	REP-P 86-08-064	220-28-607	NEW-E 86-17-042	220-47-401	AMD-P 86-08-103
212-52-040	REP 86-11-038	220-32-02000A	NEW-E 86-07-035	220-47-401	AMD-C 86-13-037
212-52-041	NEW-P 86-08-064	220-32-02000B	NEW-E 86-14-012	220-47-401	AMD 86-13-038
212-52-041	NEW 86-11-038	220-32-021	AMD-P 86-05-040	220-47-402	AMD-P 86-08-103
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212-52-045	AMD 86-11-038	220-32-02200P	NEW-E 86-04-017	220-47-402	AMD 86-13-038
212-52-050	AMD-P 86-08-064	220-32-02200Q	NEW-E 86-16-005	220-47-403	AMD-P 86-08-103
212-52-050	AMD 86-11-038	220-32-02200Q	REP-E 86-16-031	220-47-403	AMD-C 86-13-037
212-52-055	AMD-P 86-08-064	220-32-02200R	NEW-E 86-16-031	220-47-403	AMD 86-13-038
212-52-055	AMD 86-11-038	220-32-03000Y	NEW-E 86-06-013	220-47-411	AMD-P 86-08-103
212-52-060	AMD-P 86-08-064	220-32-03000Z	NEW-E 86-14-012	220-47-411	AMD-C 86-13-037
212-52-060	AMD 86-11-038	220-32-04100I	NEW-E 86-12-013	220-47-411	AMD 86-13-038
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212-52-070	AMD 86-11-038	220-32-05100W	REP-E 86-17-043	220-47-413	AMD-P 86-08-103
212-52-075	AMD-P 86-08-064	220-32-05100X	NEW-E 86-17-043	220-47-413	AMD-C 86-13-037
212-52-075	AMD 86-11-038	220-32-05500Q	NEW-E 86-11-050	220-47-413	AMD 86-13-038
212-52-080	AMD-P 86-08-064	220-32-05500Q	REP-E 86-12-014	220-47-414	AMD-P 86-08-103
212-52-080	AMD 86-11-038	220-32-05500P	NEW-E 86-12-014	220-47-414	AMD-C 86-13-037
212-52-085	AMD-P 86-08-064	220-32-05500P	REP-E 86-12-055	220-47-414	AMD 86-13-038
212-52-085	AMD 86-11-038	220-32-05500R	NEW-E 86-12-055	220-47-701	NEW-E 86-16-016
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212-52-090	AMD 86-11-038	220-32-05500S	NEW-E 86-17-060	220-47-702	NEW-E 86-16-051
212-52-095	AMD-P 86-08-064	220-32-05900I	NEW-E 86-09-015	220-47-702	REP-E 86-17-010
212-52-095	AMD 86-11-038	220-32-05900J	NEW-E 86-10-005	220-47-703	NEW-E 86-17-010
212-52-100	AMD-P 86-08-064	220-36-020	AMD-P 86-10-075	220-47-703	REP-E 86-17-041
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212-52-105	AMD-P 86-08-064	220-36-021	AMD-P 86-10-075	220-48-01500T	NEW-E 86-03-044
212-52-105	AMD 86-11-038	220-36-021	AMD 86-15-016	220-48-01500T	REP-E 86-05-012
212-52-112	NEW-P 86-08-064	220-36-02100Y	NEW-E 86-14-084	220-48-01500U	NEW-E 86-05-012
212-52-112	NEW 86-11-038	220-36-022	AMD-P 86-10-075	220-48-01500U	REP-E 86-06-025
212-52-115	AMD-P 86-08-064	220-36-022	AMD 86-15-016	220-48-01500V	NEW-E 86-06-025
212-52-115	AMD 86-11-038	220-36-024	AMD-P 86-10-075	220-49-02000S	NEW-E 86-09-042
212-52-120	AMD-P 86-08-064	220-36-024	AMD 86-15-016	220-52-010	AMD-P 86-15-086
212-52-120	AMD 86-11-038	220-36-025	AMD-P 86-10-075	220-52-03000C	NEW-E 86-09-010
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212-52-99001	NEW 86-11-038	220-36-02500S	NEW-E 86-11-073	220-52-060	AMD-P 86-15-086
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230-02-350	AMD-P	86-15-027	230-46-110	NEW-C	86-13-054	240-10-040	AMD	86-08-070
230-02-350	AMD	86-17-057	230-46-120	NEW-P	86-05-045	240-10-055	NEW-P	86-05-023
230-02-360	NEW-P	86-15-027	230-46-120	NEW-C	86-11-004	240-10-055	NEW	86-08-070
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230-02-380	NEW-P	86-15-027	230-46-140	NEW-C	86-11-004	248-14-240	AMD-P	86-16-039
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230-04-060	AMD-P	86-13-053	232-12-001	AMD-P	86-14-102	248-16-900	AMD	86-08-002
230-04-060	AMD	86-17-057	232-12-001	AMD-P	86-17-053	248-16-999	AMD-P	86-03-070
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230-04-201	AMD-P	86-09-040	232-12-04506	NEW-E	86-03-017	248-16-999	AMD	86-08-002
230-04-201	AMD-C	86-13-054	232-12-04507	NEW-E	86-04-021	248-18-001	AMD-P	86-03-070
230-04-201	AMD	86-13-055	232-12-091	AMD-P	86-05-047	248-18-001	AMD	86-08-002
230-04-201	AMD-C	86-17-055	232-12-091	AMD	86-09-023	248-18-010	AMD-P	86-03-070
230-04-900	NEW-P	86-09-040	232-12-167	REP-P	86-14-102	248-18-010	AMD	86-08-002
230-04-900	NEW	86-13-055	232-12-167	REP-P	86-17-053	248-18-040	AMD-P	86-05-005
230-08-010	AMD	86-07-037	232-12-168	NEW-P	86-14-102	248-18-040	AMD	86-08-086
230-08-010	AMD-P	86-15-027	232-12-168	NEW-P	86-17-053	248-18-245	AMD-P	86-03-070
230-08-080	AMD-P	86-05-044	232-12-189	AMD	86-03-054	248-18-245	AMD	86-08-002
230-08-080	AMD	86-09-036	232-12-241	AMD	86-03-055	248-18-515	AMD-P	86-03-070
230-08-100	AMD-P	86-09-040	232-12-241	AMD-P	86-14-103	248-18-515	AMD	86-08-002
230-08-100	AMD-P	86-10-042	232-12-241	AMD-W	86-16-035	248-18-718	AMD-P	86-03-070
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230-08-165	NEW-C	86-15-026	232-12-809	AMD-P	86-05-049	248-19-220	AMD	86-06-030
230-08-165	NEW-C	86-17-054	232-12-809	AMD	86-09-024	248-19-230	AMD	86-06-030
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230-12-240	NEW-P	86-13-053	232-16-380	AMD-W	86-17-004	248-19-270	AMD	86-06-030
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230-12-310	AMD-P	86-13-053	232-16-650	REP-P	86-14-105	248-19-290	REP	86-06-030
230-12-310	AMD-P	86-14-076	232-16-670	REP-P	86-14-105	248-19-295	NEW	86-06-030
230-12-310	AMD-P	86-17-056	232-28-108	REP-P	86-12-054	248-19-300	AMD	86-06-030
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230-20-246	AMD	86-09-036	232-28-21201	NEW-P	86-17-095	248-19-400	AMD	86-06-030
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230-40-120	AMD	86-15-025	232-28-61507	NEW-E	86-07-030	248-19-460	AMD	86-06-030
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230-46-010	AMD	86-08-007	232-28-61511	NEW-E	86-09-071	248-21-002	AMD	86-08-002
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230-46-030	REP	86-07-044	232-28-61512	NEW-E	86-13-041	248-29-030	AMD	86-04-031
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230-46-040	REP	86-07-044	232-28-61515	NEW-E	86-16-030	248-29-050	AMD	86-04-031
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248-140-140	AMD	86-08-002	251-01-135	NEW	86-09-078	251-01-330	NEW-P	86-06-052
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248-140-220	AMD	86-08-002	251-01-145	NEW	86-09-078	251-01-340	NEW-P	86-06-052
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250-40-050	AMD	86-10-014	251-01-165	NEW-P	86-06-052	251-01-355	NEW	86-09-078
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250-61-020	NEW-P	86-13-067	251-01-170	NEW-P	86-06-052	251-01-360	NEW	86-09-078
250-61-030	NEW-P	86-13-067	251-01-170	NEW	86-09-078	251-01-365	NEW-P	86-06-052
250-61-040	NEW-P	86-13-067	251-01-175	NEW-P	86-06-052	251-01-365	NEW	86-09-078
250-61-050	NEW-P	86-13-067	251-01-175	NEW	86-09-078	251-01-370	NEW-P	86-06-052
250-61-060	NEW-P	86-13-067	251-01-180	NEW-P	86-06-052	251-01-370	NEW	86-09-078
250-61-070	NEW-P	86-13-067	251-01-180	NEW	86-09-078	251-01-375	NEW-P	86-06-052
250-61-080	NEW-P	86-13-067	251-01-185	NEW-P	86-06-052	251-01-375	NEW	86-09-078
250-61-090	NEW-P	86-13-067	251-01-185	NEW	86-09-078	251-01-380	NEW-P	86-06-052
250-61-100	NEW-P	86-13-067	251-01-190	NEW-P	86-06-052	251-01-380	NEW	86-09-078
250-61-110	NEW-P	86-13-067	251-01-190	NEW	86-09-078	251-01-385	NEW-P	86-06-052
250-61-120	NEW-P	86-13-067	251-01-195	NEW-P	86-06-052	251-01-385	NEW	86-09-078
250-61-130	NEW-P	86-13-067	251-01-195	NEW	86-09-078	251-01-390	NEW-P	86-06-052
250-61-140	NEW-P	86-13-067	251-01-200	NEW-P	86-06-052	251-01-390	NEW	86-09-078
250-61-150	NEW-P	86-13-067	251-01-200	NEW	86-09-078	251-01-395	NEW-P	86-06-052
250-61-160	NEW-P	86-13-067	251-01-205	NEW-P	86-06-052	251-01-395	NEW	86-09-078
251-01-005	NEW-P	86-06-052	251-01-205	NEW	86-09-078	251-01-400	NEW-P	86-06-052
251-01-005	NEW	86-09-078	251-01-210	NEW-P	86-06-052	251-01-400	NEW	86-09-078
251-01-010	NEW-P	86-06-052	251-01-210	NEW	86-09-078	251-01-405	NEW-P	86-06-052
251-01-010	NEW	86-09-078	251-01-215	NEW-P	86-06-052	251-01-405	NEW	86-09-078
251-01-015	NEW-P	86-06-052	251-01-215	NEW	86-09-078	251-01-410	NEW-P	86-06-052
251-01-015	NEW	86-09-078	251-01-220	NEW-P	86-06-052	251-01-410	NEW	86-09-078
251-01-020	NEW-P	86-06-052	251-01-220	NEW	86-09-078	251-01-415	NEW-P	86-06-052
251-01-020	NEW	86-09-078	251-01-225	NEW-P	86-06-052	251-01-415	NEW	86-09-078
251-01-025	NEW-P	86-06-052	251-01-225	NEW	86-09-078	251-01-420	NEW-P	86-06-052
251-01-025	NEW	86-09-078	251-01-230	NEW-P	86-06-052	251-01-420	NEW	86-09-078
251-01-030	NEW-P	86-06-052	251-01-230	NEW	86-09-078	251-01-425	NEW-P	86-06-052
251-01-030	NEW	86-09-078	251-01-235	NEW-P	86-06-052	251-01-425	NEW	86-09-078
251-01-035	NEW-P	86-06-052	251-01-235	NEW	86-09-078	251-01-430	NEW-P	86-06-052
251-01-035	NEW	86-09-078	251-01-240	NEW-P	86-06-052	251-01-430	NEW	86-09-078
251-01-040	NEW-P	86-06-052	251-01-240	NEW	86-09-078	251-01-435	NEW-P	86-06-052
251-01-040	NEW	86-09-078	251-01-245	NEW-P	86-06-052	251-01-435	NEW	86-09-078
251-01-045	NEW-P	86-06-052	251-01-245	NEW	86-09-078	251-01-440	NEW-P	86-06-052
251-01-045	NEW	86-09-078	251-01-250	NEW-P	86-06-052	251-01-440	NEW	86-09-078
251-01-050	NEW-P	86-06-052	251-01-250	NEW	86-09-078	251-01-445	NEW-P	86-06-052
251-01-050	NEW	86-09-078	251-01-255	NEW-P	86-06-052	251-01-445	NEW	86-09-078
251-01-055	NEW-P	86-06-052	251-01-255	NEW	86-09-078	251-01-450	NEW-P	86-06-052
251-01-055	NEW	86-09-078	251-01-260	NEW-P	86-06-052	251-01-450	NEW	86-09-078
251-01-060	NEW-P	86-06-052	251-01-260	NEW	86-09-078	251-01-455	NEW-P	86-06-052
251-01-060	NEW	86-09-078	251-01-265	NEW-P	86-06-052	251-01-455	NEW	86-09-078
251-01-065	NEW-P	86-06-052	251-01-265	NEW	86-09-078	251-01-460	NEW-P	86-06-052
251-01-065	NEW	86-09-078	251-01-270	NEW-P	86-06-052	251-01-460	NEW	86-09-078
251-01-070	NEW-P	86-06-052	251-01-270	NEW	86-09-078	251-04-020	AMD	86-03-081
251-01-070	NEW	86-09-078	251-01-275	NEW-P	86-06-052	251-04-020	AMD-P	86-04-076
251-01-075	NEW-P	86-06-052	251-01-275	NEW	86-09-078	251-04-020	AMD	86-06-034
251-01-075	NEW	86-09-078	251-01-280	NEW-P	86-06-052	251-04-020	REP-P	86-06-052
251-01-080	NEW-P	86-06-052	251-01-280	NEW	86-09-078	251-04-020	REP	86-09-078
251-01-080	NEW	86-09-078	251-01-285	NEW-P	86-06-052	251-04-050	AMD-P	86-06-052
251-01-085	NEW-P	86-06-052	251-01-285	NEW	86-09-078	251-04-050	AMD	86-09-077
251-01-085	NEW	86-09-078	251-01-290	NEW-P	86-06-052	251-09-020	AMD-W	86-08-091
251-01-100	NEW-P	86-06-052	251-01-290	NEW	86-09-078	251-09-030	AMD-W	86-08-091
251-01-100	NEW	86-09-078	251-01-295	NEW-P	86-06-052	251-09-030	AMD-P	86-08-102
251-01-105	NEW-P	86-06-052	251-01-295	NEW	86-09-078	251-09-030	AMD	86-12-006
251-01-105	NEW	86-09-078	251-01-300	NEW-P	86-06-052	251-10-025	AMD-P	86-10-066
251-01-110	NEW-P	86-06-052	251-01-300	NEW	86-09-078	251-10-025	AMD-E	86-12-037
251-01-110	NEW	86-09-078	251-01-305	NEW-P	86-06-052	251-10-025	AMD	86-14-041
251-01-115	NEW-P	86-06-052	251-01-305	NEW	86-09-078	251-10-105	NEW	86-06-033
251-01-115	NEW	86-09-078	251-01-310	NEW-P	86-06-052	251-10-110	AMD-C	86-04-011
251-01-120	NEW-P	86-06-052	251-01-310	NEW	86-09-078	251-10-110	AMD	86-06-033
251-01-120	NEW	86-09-078	251-01-315	NEW-P	86-06-052	251-10-110	AMD-W	86-08-091
251-01-125	NEW-P	86-06-052	251-01-315	NEW	86-09-078	251-10-111	NEW	86-06-033
251-01-125	NEW	86-09-078	251-01-320	NEW-P	86-06-052	251-10-115	NEW-W	86-08-091
251-01-130	NEW-P	86-06-052	251-01-320	NEW	86-09-078	251-10-120	AMD-W	86-08-091

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251-14-050	AMD-P	86-04-077	254-20-090	NEW-E	86-17-091	260-13-330	AMD-P	86-15-082
251-14-050	AMD-P	86-04-078	254-20-100	NEW-P	86-17-090	260-13-340	NEW-P	86-09-092
251-14-050	AMD-C	86-08-038	254-20-100	NEW-E	86-17-091	260-13-340	NEW	86-13-056
251-14-050	AMD	86-09-076	254-20-110	NEW-P	86-17-090	260-13-350	NEW-P	86-09-092
251-14-060	AMD-P	86-04-078	254-20-110	NEW-E	86-17-091	260-13-350	NEW	86-13-056
251-14-060	AMD-C	86-08-038	254-20-120	NEW-P	86-17-090	260-13-360	NEW-P	86-09-092
251-14-060	AMD	86-09-076	254-20-120	NEW-E	86-17-091	260-13-360	NEW	86-13-056
251-14-080	AMD-W	86-08-091	260-12-160	AMD-P	86-04-042	260-13-370	NEW-P	86-09-092
251-14-080	AMD-P	86-10-064	260-13-010	NEW-P	86-09-092	260-13-370	NEW	86-13-056
251-14-080	AMD-P	86-10-065	260-13-010	NEW	86-13-056	260-13-380	NEW-P	86-09-092
251-14-080	AMD	86-14-042	260-13-020	NEW-P	86-09-092	260-13-380	NEW	86-13-056
251-14-082	NEW-W	86-08-091	260-13-020	NEW	86-13-056	260-13-390	NEW-P	86-09-092
251-14-082	NEW-P	86-10-064	260-13-020	AMD-P	86-15-082	260-13-390	NEW	86-13-056
251-14-082	NEW	86-14-042	260-13-030	NEW-P	86-09-092	260-13-400	NEW-P	86-09-092
251-14-083	NEW-W	86-08-091	260-13-030	NEW	86-13-056	260-13-400	NEW	86-13-056
251-14-083	NEW-P	86-10-064	260-13-040	NEW-P	86-09-092	260-13-410	NEW-P	86-09-092
251-14-083	NEW	86-14-042	260-13-040	NEW	86-13-056	260-13-410	NEW	86-13-056
251-14-084	NEW-W	86-08-091	260-13-050	NEW-P	86-09-092	260-13-420	NEW-P	86-09-092
251-14-084	NEW-P	86-10-065	260-13-050	NEW	86-13-056	260-13-420	NEW	86-13-056
251-14-085	NEW-W	86-08-091	260-13-060	NEW-P	86-09-092	260-13-430	NEW-P	86-09-092
251-14-085	NEW-P	86-10-064	260-13-060	NEW	86-13-056	260-13-430	NEW	86-13-056
251-14-085	NEW	86-14-042	260-13-070	NEW-P	86-09-092	260-13-440	NEW-P	86-09-092
251-14-086	NEW-W	86-08-091	260-13-070	NEW	86-13-056	260-13-440	NEW	86-13-056
251-14-086	NEW-P	86-10-064	260-13-080	NEW-P	86-09-092	260-13-450	NEW-P	86-09-092
251-14-086	NEW	86-14-042	260-13-080	NEW	86-13-056	260-13-450	NEW	86-13-056
251-14-087	NEW-W	86-08-091	260-13-090	NEW-P	86-09-092	260-13-460	NEW-P	86-09-092
251-14-087	NEW-P	86-10-064	260-13-090	NEW	86-13-056	260-13-460	NEW-P	86-15-086
251-14-087	NEW	86-14-042	260-13-100	NEW-P	86-09-092	260-13-470	NEW-P	86-09-092
251-14-090	AMD-W	86-08-091	260-13-100	NEW	86-13-056	260-13-470	NEW-P	86-15-086
251-18-035	AMD	86-06-034	260-13-110	NEW-P	86-09-092	260-13-480	NEW-P	86-15-086
251-18-041	AMD	86-03-081	260-13-110	NEW	86-13-056	260-13-490	NEW-P	86-15-086
251-18-060	AMD	86-06-034	260-13-120	NEW-P	86-09-092	260-13-500	NEW-P	86-15-086
251-18-180	AMD	86-03-081	260-13-120	NEW	86-13-056	260-16-040	AMD-P	86-04-042
251-18-240	AMD	86-06-034	260-13-130	NEW-P	86-09-092	260-16-040	AMD-P	86-15-082
251-18-250	REP	86-06-034	260-13-130	NEW	86-13-056	260-16-050	NEW-P	86-04-042
251-18-390	REP	86-06-034	260-13-140	NEW-P	86-09-092	260-16-050	NEW-P	86-15-082
251-22-040	AMD-P	86-04-079	260-13-140	NEW	86-13-056	260-16-060	NEW-P	86-15-082
251-22-040	AMD	86-08-037	260-13-150	NEW-P	86-09-092	260-16-070	NEW-P	86-15-082
251-22-240	AMD-P	86-15-028	260-13-150	NEW	86-13-056	260-16-080	NEW-P	86-15-082
251-23-010	NEW	86-06-034	260-13-160	NEW-P	86-09-092	260-36-020	AMD-P	86-04-042
251-23-020	NEW	86-06-034	260-13-160	NEW	86-13-056	260-36-020	AMD-E	86-05-017
251-23-030	NEW	86-06-034	260-13-160	AMD-P	86-15-082	260-36-020	AMD	86-09-072
251-23-040	NEW	86-06-034	260-13-170	NEW-P	86-09-092	260-36-030	AMD-P	86-04-042
251-23-050	NEW	86-06-034	260-13-170	NEW	86-13-056	260-36-030	AMD-E	86-05-017
251-23-060	NEW	86-06-034	260-13-180	NEW-P	86-09-092	260-36-030	AMD	86-09-072
251-25-010	NEW-P	86-10-066	260-13-180	NEW	86-13-056	260-36-040	AMD-P	86-04-042
251-25-010	NEW-E	86-12-037	260-13-190	NEW-P	86-09-092	260-36-040	AMD-E	86-05-017
251-25-010	NEW	86-14-041	260-13-190	NEW	86-13-056	260-36-040	AMD	86-09-072
251-25-020	NEW-P	86-10-066	260-13-190	AMD-P	86-15-082	260-36-080	AMD-P	86-04-042
251-25-020	NEW-E	86-12-037	260-13-200	NEW-P	86-09-092	260-36-080	AMD-E	86-05-017
251-25-020	NEW	86-14-041	260-13-200	NEW	86-13-056	260-36-080	AMD	86-09-072
251-25-030	NEW-P	86-10-066	260-13-210	NEW-P	86-09-092	260-40-100	AMD-P	86-04-042
251-25-030	NEW-E	86-12-037	260-13-210	NEW	86-13-056	260-40-100	AMD-E	86-05-017
251-25-030	NEW	86-14-041	260-13-220	NEW-P	86-09-092	260-40-100	AMD	86-09-072
251-25-040	NEW-P	86-10-066	260-13-220	NEW	86-13-056	260-48-035	NEW-P	86-04-042
251-25-040	NEW-E	86-12-037	260-13-230	NEW-P	86-09-092	260-48-035	NEW-E	86-05-017
251-25-040	NEW	86-14-041	260-13-230	NEW	86-13-056	260-48-035	NEW	86-09-072
251-25-050	NEW-P	86-10-066	260-13-240	NEW-P	86-09-092	260-70-010	AMD-P	86-04-042
251-25-050	NEW-E	86-12-037	260-13-240	NEW	86-13-056	260-70-010	AMD	86-09-072
251-25-050	NEW	86-14-041	260-13-250	NEW-P	86-09-092	260-72-010	AMD-P	86-15-082
254-20-010	NEW-P	86-17-090	260-13-250	NEW	86-13-056	261-02-050	NEW-P	86-08-077
254-20-010	NEW-E	86-17-091	260-13-260	NEW-P	86-09-092	261-02-050	NEW	86-11-041
254-20-020	NEW-P	86-17-090	260-13-260	NEW	86-13-056	261-02-060	NEW-P	86-08-077
254-20-020	NEW-E	86-17-091	260-13-270	NEW-P	86-09-092	261-02-060	NEW	86-11-041
254-20-030	NEW-P	86-17-090	260-13-270	NEW	86-13-056	261-10-080	AMD-P	86-08-077
254-20-030	NEW-E	86-17-091	260-13-280	NEW-P	86-09-092	261-10-080	AMD	86-11-041
254-20-040	NEW-P	86-17-090	260-13-280	NEW	86-13-056	261-12-090	NEW-P	86-08-077
254-20-040	NEW-E	86-17-091	260-13-290	NEW-P	86-09-092	261-12-090	NEW	86-11-041
254-20-050	NEW-P	86-17-090	260-13-290	NEW	86-13-056	261-14-090	NEW-P	86-08-077
254-20-050	NEW-E	86-17-091	260-13-300	NEW-P	86-09-092	261-14-090	NEW	86-11-041
254-20-060	NEW-P	86-17-090	260-13-300	NEW	86-13-056	261-20-040	AMD-P	86-08-077
254-20-060	NEW-E	86-17-091	260-13-310	NEW-P	86-09-092	261-20-040	AMD	86-11-041
254-20-070	NEW-P	86-17-090	260-13-310	NEW	86-13-056	261-20-045	AMD-P	86-08-077
254-20-070	NEW-E	86-17-091	260-13-320	NEW-P	86-09-092	261-20-045	AMD-C	86-11-040
254-20-080	NEW-P	86-17-090	260-13-320	NEW	86-13-056	261-20-045	AMD	86-13-052
254-20-080	NEW-E	86-17-091	260-13-330	NEW-P	86-09-092	261-20-090	AMD-P	86-08-077
254-20-090	NEW-P	86-17-090	260-13-330	NEW	86-13-056	261-20-090	AMD	86-11-041

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261-40-135	AMD-P	86-08-077	275-26-020	AMD-E	86-04-074	289-15-225	AMD	86-09-070
261-40-135	AMD	86-11-041	275-26-020	AMD-P	86-04-075	289-15-225	AMD-P	86-14-022
261-40-140	AMD-P	86-08-077	275-26-020	AMD	86-08-003	289-26-300	AMD-P	86-14-021
261-40-140	AMD	86-11-041	275-27	AMD-E	86-14-046	296-14	AMD-E	86-13-025
261-40-145	AMD-P	86-08-077	275-27	AMD-P	86-14-060	296-14	AMD-P	86-13-026
261-40-145	AMD	86-11-041	275-27-050	AMD-E	86-14-046	296-14-100	NEW-E	86-13-025
261-40-150	AMD-P	86-10-060	275-27-050	AMD-P	86-14-060	296-14-100	NEW-P	86-13-026
261-40-150	AMD	86-15-018	275-27-060	AMD-E	86-14-046	296-14-150	NEW-E	86-13-025
261-40-170	AMD-P	86-08-077	275-27-060	AMD-P	86-14-060	296-14-150	NEW-P	86-13-026
261-40-170	AMD	86-11-041	275-27-210	REP-E	86-14-046	296-14-200	NEW-E	86-13-025
261-40-200	AMD-P	86-08-077	275-27-210	REP-P	86-14-060	296-14-200	NEW-P	86-13-026
261-40-200	AMD	86-11-041	275-27-220	NEW-E	86-14-046	296-15-010	AMD-P	86-09-094
261-40-201	AMD-P	86-08-077	275-27-220	NEW-P	86-14-060	296-15-010	AMD	86-14-079
261-40-201	AMD-C	86-11-040	275-27-230	AMD-E	86-14-046	296-15-020	AMD-P	86-09-094
261-40-201	AMD	86-13-052	275-27-230	AMD-P	86-14-060	296-15-020	AMD	86-14-079
261-40-220	AMD-P	86-08-077	275-27-400	AMD-E	86-14-046	296-15-023	AMD-P	86-09-094
261-40-220	AMD	86-11-041	275-27-400	AMD-P	86-14-060	296-15-023	AMD	86-14-079
261-40-250	NEW-P	86-08-077	275-27-500	AMD-E	86-14-046	296-15-025	AMD-P	86-09-094
261-40-250	NEW	86-11-041	275-27-500	AMD-P	86-14-060	296-15-025	AMD	86-14-079
261-40-315	AMD-P	86-08-077	275-38-555	AMD-P	86-14-059	296-15-030	AMD-P	86-09-094
261-40-315	AMD	86-11-041	275-38-555	AMD-E	86-14-073	296-15-030	AMD-P	86-14-004
261-40-400	AMD-P	86-08-077	275-38-860	AMD-P	86-14-059	296-15-030	AMD	86-14-079
261-40-400	AMD	86-11-041	275-38-860	AMD-E	86-14-073	296-15-030	AMD-E	86-14-080
261-40-405	AMD-P	86-08-077	284-19-200	AMD-P	86-17-067	296-15-060	AMD-P	86-09-094
261-40-405	AMD	86-11-041	284-20-100	NEW-P	86-15-085	296-15-060	AMD	86-14-079
261-40-410	AMD-P	86-08-077	284-24-060	AMD-P	86-15-085	296-15-065	NEW-P	86-14-004
261-40-410	AMD	86-11-041	284-24-080	AMD-P	86-15-085	296-15-065	NEW-E	86-14-080
261-40-435	AMD-P	86-08-077	284-53-010	NEW-P	86-14-112	296-15-070	AMD-P	86-09-094
261-40-435	AMD	86-11-041	284-78-010	NEW-E	86-14-069	296-15-070	AMD-P	86-14-004
261-40-470	AMD-P	86-08-077	284-78-010	NEW-P	86-15-062	296-15-070	AMD-E	86-14-080
261-40-470	AMD	86-11-041	284-78-020	NEW-E	86-14-069	296-15-072	NEW-P	86-14-004
261-40-480	AMD-P	86-08-077	284-78-020	NEW-P	86-15-062	296-15-072	NEW-E	86-14-080
261-40-480	AMD	86-11-041	284-78-030	NEW-E	86-14-069	296-15-080	AMD-P	86-09-094
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261-40-485	AMD	86-11-041	284-78-040	NEW-E	86-14-069	296-15-090	AMD-P	86-09-094
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296-23-035	AMD	86-06-032	296-23-430	AMD	86-06-032	296-23-940	REP	86-06-032
296-23-040	AMD-C	86-03-050	296-23-440	AMD-C	86-03-050	296-23-9401	REP-C	86-03-050
296-23-040	AMD-C	86-04-036	296-23-440	AMD-C	86-04-036	296-23-9401	REP-C	86-04-036
296-23-040	AMD	86-06-032	296-23-440	AMD	86-06-032	296-23-9401	REP	86-06-032
296-23-045	AMD-C	86-03-050	296-23-450	AMD-C	86-03-050	296-23-9402	REP-C	86-03-050
296-23-045	AMD-C	86-04-036	296-23-450	AMD-C	86-04-036	296-23-9402	REP-C	86-04-036
296-23-045	AMD	86-06-032	296-23-450	AMD	86-06-032	296-23-9402	REP	86-06-032
296-23-050	AMD-C	86-03-050	296-23-460	AMD-C	86-03-050	296-23-9403	REP-C	86-03-050
296-23-050	AMD-C	86-04-036	296-23-460	AMD-C	86-04-036	296-23-9403	REP-C	86-04-036
296-23-050	AMD	86-06-032	296-23-460	AMD	86-06-032	296-23-9403	REP	86-06-032
296-23-055	AMD-C	86-03-050	296-23-470	AMD-C	86-03-050	296-23-9409	REP-C	86-03-050
296-23-055	AMD-C	86-04-036	296-23-470	AMD-C	86-04-036	296-23-9409	REP-C	86-04-036
296-23-055	AMD	86-06-032	296-23-470	AMD	86-06-032	296-23-9409	REP	86-06-032
296-23-065	AMD-C	86-03-050	296-23-480	AMD-C	86-03-050	296-23-9410	REP-C	86-03-050
296-23-065	AMD-C	86-04-036	296-23-480	AMD-C	86-04-036	296-23-9410	REP-C	86-04-036
296-23-065	AMD	86-06-032	296-23-480	AMD	86-06-032	296-23-9410	REP	86-06-032
296-23-079	AMD-C	86-03-050	296-23-485	NEW-C	86-03-050	296-23-950	NEW-C	86-03-050
296-23-079	AMD-C	86-04-036	296-23-485	NEW-C	86-04-036	296-23-950	NEW-C	86-04-036
296-23-079	AMD	86-06-032	296-23-485	NEW	86-06-032	296-23-950	NEW	86-06-032
296-23-07902	AMD-C	86-03-050	296-23-490	AMD-C	86-03-050	296-23-960	NEW-C	86-03-050
296-23-07902	AMD-C	86-04-036	296-23-490	AMD-C	86-04-036	296-23-960	NEW-C	86-04-036
296-23-07902	AMD	86-06-032	296-23-490	AMD	86-06-032	296-23-960	NEW	86-06-032
296-23-07903	AMD-C	86-03-050	296-23-495	AMD-C	86-03-050	296-23-960	AMD-P	86-15-011
296-23-07903	AMD-C	86-04-036	296-23-495	AMD-C	86-04-036	296-23-970	NEW-C	86-03-050
296-23-07903	AMD	86-06-032	296-23-495	AMD	86-06-032	296-23-970	NEW-C	86-04-036
296-23-07904	AMD-C	86-03-050	296-23-50001	AMD-C	86-03-050	296-23-970	NEW	86-06-032

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-23-980	NEW-C	86-03-050	296-44-04135	NEW	86-16-007	296-44-08605	NEW-P	86-11-072
296-23-980	NEW-C	86-04-036	296-44-043	REP-P	86-11-072	296-44-08605	NEW	86-16-007
296-23-980	NEW	86-06-032	296-44-043	REP	86-16-007	296-44-08611	NEW-P	86-11-072
296-23-980	AMD-P	86-15-011	296-44-046	REP-P	86-11-072	296-44-08611	NEW	86-16-007
296-24-21705	AMD	86-03-064	296-44-046	REP	86-16-007	296-44-08619	NEW-P	86-11-072
296-24-21707	AMD	86-03-064	296-44-049	REP-P	86-11-072	296-44-08619	NEW	86-16-007
296-24-21711	AMD	86-03-064	296-44-049	REP	86-16-007	296-44-088	REP-P	86-11-072
296-27-090	AMD	86-03-064	296-44-051	NEW-P	86-11-072	296-44-088	REP	86-16-007
296-27-15501	NEW	86-03-064	296-44-051	NEW	86-16-007	296-44-091	REP-P	86-11-072
296-27-15503	NEW	86-03-064	296-44-05105	NEW-P	86-11-072	296-44-091	REP	86-16-007
296-27-15505	NEW	86-03-064	296-44-05105	NEW	86-16-007	296-44-094	REP-P	86-11-072
296-27-16009	AMD	86-03-064	296-44-05109	NEW-P	86-11-072	296-44-094	REP	86-16-007
296-44-005	AMD-P	86-11-072	296-44-05115	NEW	86-16-007	296-44-097	REP-P	86-11-072
296-44-005	AMD	86-16-007	296-44-05115	NEW-P	86-11-072	296-44-097	REP	86-16-007
296-44-011	NEW-P	86-11-072	296-44-05119	NEW	86-16-007	296-44-098	NEW-P	86-11-072
296-44-011	NEW	86-16-007	296-44-05119	NEW-P	86-11-072	296-44-098	NEW	86-16-007
296-44-013	AMD-P	86-11-072	296-44-05125	NEW	86-16-007	296-44-09805	NEW-P	86-11-072
296-44-013	REP-P	86-11-072	296-44-05125	NEW-P	86-11-072	296-44-09805	NEW	86-16-007
296-44-013	AMD	86-16-007	296-44-05129	NEW	86-16-007	296-44-09811	NEW-P	86-11-072
296-44-015	NEW-P	86-11-072	296-44-05129	NEW-P	86-11-072	296-44-09811	NEW	86-16-007
296-44-015	NEW	86-16-007	296-44-05129	NEW	86-16-007	296-44-09819	NEW-P	86-11-072
296-44-016	REP-P	86-11-072	296-44-05131	NEW-P	86-11-072	296-44-09819	NEW	86-16-007
296-44-016	AMD-P	86-11-072	296-44-05131	NEW	86-16-007	296-44-09826	NEW-P	86-11-072
296-44-016	AMD	86-16-007	296-44-05135	NEW-P	86-11-072	296-44-09826	NEW	86-16-007
296-44-017	NEW-P	86-11-072	296-44-05135	NEW	86-16-007	296-44-100	REP-P	86-11-072
296-44-017	NEW	86-16-007	296-44-05141	NEW-P	86-11-072	296-44-100	REP	86-16-007
296-44-019	REP-P	86-11-072	296-44-05141	NEW	86-16-007	296-44-103	REP-P	86-11-072
296-44-019	REP	86-16-007	296-44-052	REP-P	86-11-072	296-44-103	REP	86-16-007
296-44-022	REP-P	86-11-072	296-44-052	REP	86-16-007	296-44-106	REP-P	86-11-072
296-44-022	REP	86-16-007	296-44-055	REP-P	86-11-072	296-44-106	REP	86-16-007
296-44-023	NEW-P	86-11-072	296-44-055	REP	86-16-007	296-44-109	REP-P	86-11-072
296-44-023	NEW	86-16-007	296-44-058	REP-P	86-11-072	296-44-109	REP	86-16-007
296-44-02301	NEW-P	86-11-072	296-44-061	REP-P	86-11-072	296-44-110	NEW-P	86-11-072
296-44-02301	NEW	86-16-007	296-44-061	REP	86-16-007	296-44-110	NEW	86-16-007
296-44-02305	NEW-P	86-11-072	296-44-064	REP-P	86-11-072	296-44-11005	NEW-P	86-11-072
296-44-02305	NEW	86-16-007	296-44-064	REP	86-16-007	296-44-11005	NEW	86-16-007
296-44-02309	NEW-P	86-11-072	296-44-065	NEW-P	86-11-072	296-44-11021	NEW-P	86-11-072
296-44-02309	NEW	86-16-007	296-44-065	NEW	86-16-007	296-44-11021	NEW	86-16-007
296-44-02315	NEW-P	86-11-072	296-44-06505	NEW-P	86-11-072	296-44-11029	NEW-P	86-11-072
296-44-02315	NEW	86-16-007	296-44-06505	NEW	86-16-007	296-44-11029	NEW	86-16-007
296-44-02319	NEW-P	86-11-072	296-44-06511	NEW-P	86-11-072	296-44-11035	NEW-P	86-11-072
296-44-02319	NEW	86-16-007	296-44-06511	NEW	86-16-007	296-44-11035	NEW	86-16-007
296-44-02323	NEW-P	86-11-072	296-44-06517	NEW-P	86-11-072	296-44-11041	NEW-P	86-11-072
296-44-02323	NEW	86-16-007	296-44-067	REP-P	86-11-072	296-44-112	NEW	86-16-007
296-44-02329	NEW-P	86-11-072	296-44-067	REP	86-16-007	296-44-112	REP-P	86-11-072
296-44-02329	NEW	86-16-007	296-44-070	REP-P	86-11-072	296-44-115	REP	86-16-007
296-44-02335	NEW-P	86-11-072	296-44-070	REP	86-16-007	296-44-115	REP-P	86-11-072
296-44-02335	NEW	86-16-007	296-44-073	REP-P	86-11-072	296-44-118	REP	86-16-007
296-44-02349	NEW-P	86-11-072	296-44-073	REP	86-16-007	296-44-118	REP-P	86-11-072
296-44-02349	NEW	86-16-007	296-44-074	NEW-P	86-11-072	296-44-121	REP	86-16-007
296-44-028	REP-P	86-11-072	296-44-074	NEW	86-16-007	296-44-121	REP-P	86-11-072
296-44-028	REP	86-16-007	296-44-07405	NEW-P	86-11-072	296-44-124	REP-P	86-16-007
296-44-031	REP	86-16-007	296-44-07405	NEW	86-16-007	296-44-124	REP	86-11-072
296-44-034	REP-P	86-11-072	296-44-07411	NEW-P	86-11-072	296-44-125	NEW-P	86-11-072
296-44-034	REP	86-16-007	296-44-07411	NEW	86-16-007	296-44-125	NEW	86-16-007
296-44-035	NEW-P	86-11-072	296-44-07417	NEW-P	86-11-072	296-44-12505	NEW-P	86-11-072
296-44-035	NEW	86-16-007	296-44-07417	NEW	86-16-007	296-44-12505	NEW	86-16-007
296-44-03505	NEW-P	86-11-072	296-44-07423	NEW-P	86-11-072	296-44-12515	NEW-P	86-11-072
296-44-03505	NEW	86-16-007	296-44-07423	NEW	86-16-007	296-44-12515	NEW	86-16-007
296-44-03509	NEW-P	86-11-072	296-44-07427	NEW-P	86-11-072	296-44-127	REP-P	86-11-072
296-44-03509	NEW	86-16-007	296-44-07427	NEW	86-16-007	296-44-127	REP	86-16-007
296-44-037	REP-P	86-11-072	296-44-07433	NEW-P	86-11-072	296-44-130	REP-P	86-11-072
296-44-037	REP	86-16-007	296-44-07433	NEW	86-16-007	296-44-130	REP	86-16-007
296-44-040	REP-P	86-11-072	296-44-07439	NEW-P	86-11-072	296-44-133	REP-P	86-11-072
296-44-040	REP	86-16-007	296-44-07439	NEW	86-16-007	296-44-133	REP	86-16-007
296-44-041	NEW-P	86-11-072	296-44-076	REP-P	86-11-072	296-44-134	NEW-P	86-11-072
296-44-041	NEW	86-16-007	296-44-076	REP	86-16-007	296-44-134	NEW	86-16-007
296-44-04105	NEW-P	86-11-072	296-44-079	REP-P	86-11-072	296-44-13405	NEW-P	86-11-072
296-44-04105	NEW	86-16-007	296-44-079	REP	86-16-007	296-44-13405	NEW	86-16-007
296-44-04109	NEW-P	86-11-072	296-44-082	REP-P	86-11-072	296-44-13415	NEW-P	86-11-072
296-44-04109	NEW	86-16-007	296-44-082	REP	86-16-007	296-44-13415	NEW	86-16-007
296-44-04125	NEW-P	86-11-072	296-44-085	REP-P	86-11-072	296-44-13421	NEW-P	86-11-072
296-44-04125	NEW	86-16-007	296-44-085	REP	86-16-007	296-44-13421	NEW	86-16-007
296-44-04129	NEW-P	86-11-072	296-44-086	NEW-P	86-11-072	296-44-13431	NEW-P	86-11-072
296-44-04129	NEW	86-16-007	296-44-086	NEW	86-16-007	296-44-13431	NEW	86-16-007
296-44-04135	NEW-P	86-11-072				296-44-136	REP-P	86-11-072

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-44-136	REP	86-16-007	296-44-208	REP-P	86-11-072	296-44-26333	NEW	86-16-007
296-44-139	REP-P	86-11-072	296-44-208	REP	86-16-007	296-44-265	REP-P	86-11-072
296-44-139	REP	86-16-007	296-44-211	REP-P	86-11-072	296-44-265	REP	86-16-007
296-44-142	REP-P	86-11-072	296-44-211	REP	86-16-007	296-44-268	REP-P	86-11-072
296-44-142	REP	86-16-007	296-44-212	NEW-P	86-11-072	296-44-268	REP	86-16-007
296-44-145	REP-P	86-11-072	296-44-212	NEW	86-16-007	296-44-271	REP-P	86-11-072
296-44-145	REP	86-16-007	296-44-21209	NEW-P	86-11-072	296-44-271	REP	86-16-007
296-44-148	REP-P	86-11-072	296-44-21209	NEW	86-16-007	296-44-274	REP-P	86-11-072
296-44-148	REP	86-16-007	296-44-21221	NEW-P	86-11-072	296-44-274	REP	86-16-007
296-44-151	REP-P	86-11-072	296-44-21221	NEW	86-16-007	296-44-277	REP-P	86-11-072
296-44-151	REP	86-16-007	296-44-21230	NEW-P	86-11-072	296-44-277	REP	86-16-007
296-44-154	REP-P	86-11-072	296-44-21230	NEW	86-16-007	296-44-278	NEW-P	86-11-072
296-44-154	REP	86-16-007	296-44-21241	NEW-P	86-11-072	296-44-278	NEW	86-16-007
296-44-157	REP-P	86-11-072	296-44-21241	NEW	86-16-007	296-44-27809	NEW-P	86-11-072
296-44-157	REP	86-16-007	296-44-21253	NEW-P	86-11-072	296-44-27809	NEW	86-16-007
296-44-160	REP-P	86-11-072	296-44-21253	NEW	86-16-007	296-44-27821	NEW-P	86-11-072
296-44-160	REP	86-16-007	296-44-21265	NEW-P	86-11-072	296-44-27821	NEW	86-16-007
296-44-163	REP-P	86-11-072	296-44-21265	NEW	86-16-007	296-44-27833	NEW-P	86-11-072
296-44-163	REP	86-16-007	296-44-21273	NEW-P	86-11-072	296-44-27833	NEW	86-16-007
296-44-166	REP-P	86-11-072	296-44-21273	NEW	86-16-007	296-44-27847	NEW-P	86-11-072
296-44-166	REP	86-16-007	296-44-21279	NEW-P	86-11-072	296-44-27847	NEW	86-16-007
296-44-169	REP-P	86-11-072	296-44-21279	NEW	86-16-007	296-44-280	REP-P	86-11-072
296-44-169	REP	86-16-007	296-44-21287	NEW-P	86-11-072	296-44-280	REP	86-16-007
296-44-170	NEW-P	86-11-072	296-44-21287	NEW	86-16-007	296-44-283	REP-P	86-11-072
296-44-170	NEW	86-16-007	296-44-21287	NEW	86-16-007	296-44-283	REP	86-16-007
296-44-17005	NEW-P	86-11-072	296-44-21295	NEW-P	86-11-072	296-44-286	REP-P	86-11-072
296-44-17005	NEW	86-16-007	296-44-21295	NEW	86-16-007	296-44-286	REP	86-16-007
296-44-17017	NEW-P	86-11-072	296-44-214	REP-P	86-11-072	296-44-289	REP-P	86-11-072
296-44-17017	NEW	86-16-007	296-44-214	REP	86-16-007	296-44-289	REP	86-16-007
296-44-17029	NEW-P	86-11-072	296-44-217	REP-P	86-11-072	296-44-292	REP-P	86-11-072
296-44-17029	NEW	86-16-007	296-44-217	REP	86-16-007	296-44-292	REP	86-16-007
296-44-172	REP-P	86-11-072	296-44-220	REP-P	86-11-072	296-44-295	REP-P	86-11-072
296-44-172	REP	86-16-007	296-44-220	REP	86-16-007	296-44-295	REP	86-16-007
296-44-175	REP-P	86-11-072	296-44-223	REP-P	86-11-072	296-44-29501	NEW-P	86-11-072
296-44-175	REP	86-16-007	296-44-223	REP	86-16-007	296-44-29501	NEW	86-16-007
296-44-178	REP-P	86-11-072	296-44-226	REP-P	86-11-072	296-44-29509	NEW-P	86-11-072
296-44-178	REP	86-16-007	296-44-226	REP	86-16-007	296-44-29509	NEW	86-16-007
296-44-181	REP-P	86-11-072	296-44-229	REP-P	86-11-072	296-44-29515	NEW-P	86-11-072
296-44-181	REP	86-16-007	296-44-229	REP	86-16-007	296-44-29515	NEW	86-16-007
296-44-182	NEW-P	86-11-072	296-44-232	REP-P	86-11-072	296-44-29515	NEW-P	86-11-072
296-44-182	NEW	86-16-007	296-44-232	REP	86-16-007	296-44-29523	NEW-P	86-11-072
296-44-18205	NEW-P	86-11-072	296-44-235	REP-P	86-11-072	296-44-29523	NEW	86-16-007
296-44-18205	NEW	86-16-007	296-44-235	REP	86-16-007	296-44-29529	NEW-P	86-11-072
296-44-18225	NEW-P	86-11-072	296-44-238	REP-P	86-11-072	296-44-29529	NEW	86-16-007
296-44-18225	NEW	86-16-007	296-44-238	REP	86-16-007	296-44-29539	NEW-P	86-11-072
296-44-18239	NEW-P	86-11-072	296-44-241	REP-P	86-11-072	296-44-29539	NEW	86-16-007
296-44-18239	NEW	86-16-007	296-44-241	REP	86-16-007	296-44-29541	NEW-P	86-11-072
296-44-18250	NEW-P	86-11-072	296-44-242	NEW-P	86-11-072	296-44-29541	NEW	86-16-007
296-44-18250	NEW	86-16-007	296-44-242	NEW	86-16-007	296-44-29551	NEW-P	86-11-072
296-44-18261	NEW-P	86-11-072	296-44-24205	NEW-P	86-11-072	296-44-29551	NEW	86-16-007
296-44-18261	NEW	86-16-007	296-44-24205	NEW	86-16-007	296-44-29563	NEW-P	86-11-072
296-44-18273	NEW-P	86-11-072	296-44-24213	NEW-P	86-11-072	296-44-29563	NEW	86-16-007
296-44-18273	NEW	86-16-007	296-44-24213	NEW	86-16-007	296-44-29572	NEW-P	86-11-072
296-44-184	REP-P	86-11-072	296-44-24221	NEW	86-11-072	296-44-29572	NEW	86-16-007
296-44-184	REP	86-16-007	296-44-24221	NEW	86-16-007	296-44-298	REP-P	86-11-072
296-44-187	REP-P	86-11-072	296-44-24233	NEW-P	86-11-072	296-44-298	REP	86-16-007
296-44-187	REP	86-16-007	296-44-24233	NEW	86-16-007	296-44-301	REP-P	86-11-072
296-44-190	REP-P	86-11-072	296-44-244	REP-P	86-11-072	296-44-301	REP	86-16-007
296-44-190	REP	86-16-007	296-44-244	REP	86-16-007	296-44-304	REP-P	86-11-072
296-44-193	REP-P	86-11-072	296-44-247	REP-P	86-11-072	296-44-304	REP	86-16-007
296-44-193	REP	86-16-007	296-44-247	REP	86-16-007	296-44-307	REP-P	86-11-072
296-44-194	NEW-P	86-11-072	296-44-250	REP-P	86-11-072	296-44-307	REP	86-16-007
296-44-194	NEW	86-16-007	296-44-250	REP	86-16-007	296-44-310	REP-P	86-11-072
296-44-19405	NEW-P	86-11-072	296-44-253	REP-P	86-11-072	296-44-310	REP	86-16-007
296-44-19405	NEW	86-16-007	296-44-253	REP	86-16-007	296-44-313	REP-P	86-11-072
296-44-19421	NEW-P	86-11-072	296-44-256	REP-P	86-11-072	296-44-313	REP	86-16-007
296-44-19421	NEW	86-16-007	296-44-256	REP	86-16-007	296-44-316	REP-P	86-11-072
296-44-19433	NEW-P	86-11-072	296-44-259	REP-P	86-11-072	296-44-316	REP	86-16-007
296-44-19433	NEW	86-16-007	296-44-259	REP	86-16-007	296-44-317	NEW-P	86-11-072
296-44-196	REP-P	86-11-072	296-44-262	REP-P	86-11-072	296-44-317	NEW	86-16-007
296-44-196	REP	86-16-007	296-44-262	REP	86-16-007	296-44-31709	NEW-P	86-11-072
296-44-199	REP-P	86-11-072	296-44-263	NEW-P	86-11-072	296-44-31709	NEW	86-16-007
296-44-199	REP	86-16-007	296-44-263	NEW	86-16-007	296-44-31719	NEW-P	86-11-072
296-44-202	REP-P	86-11-072	296-44-26309	NEW-P	86-11-072	296-44-31719	NEW	86-16-007
296-44-202	REP	86-16-007	296-44-26309	NEW	86-16-007	296-44-31729	NEW-P	86-11-072
296-44-205	REP-P	86-11-072	296-44-26321	NEW-P	86-11-072	296-44-31729	NEW	86-16-007
296-44-205	REP	86-16-007	296-44-26321	NEW	86-16-007	296-44-31738	NEW-P	86-11-072
			296-44-26333	NEW-P	86-11-072	296-44-31738	NEW	86-16-007

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-44-31749	NEW-P	86-11-072	296-44-386	NEW	86-16-007	296-44-439	REP-P	86-11-072
296-44-31749	NEW	86-16-007	296-44-38609	NEW-P	86-11-072	296-44-439	REP	86-16-007
296-44-31757	NEW-P	86-11-072	296-44-38609	NEW	86-16-007	296-44-440	NEW-P	86-11-072
296-44-31757	NEW	86-16-007	296-44-38628	NEW-P	86-11-072	296-44-440	NEW	86-16-007
296-44-31765	NEW-P	86-11-072	296-44-38628	NEW	86-16-007	296-44-44009	NEW-P	86-11-072
296-44-31765	NEW	86-16-007	296-44-38641	NEW-P	86-11-072	296-44-44009	NEW	86-16-007
296-44-31772	NEW-P	86-11-072	296-44-38641	NEW	86-16-007	296-44-44021	NEW-P	86-11-072
296-44-31772	NEW	86-16-007	296-44-38653	NEW-P	86-11-072	296-44-44021	NEW	86-16-007
296-44-31783	NEW-P	86-11-072	296-44-38653	NEW	86-16-007	296-44-44033	NEW-P	86-11-072
296-44-31783	NEW	86-16-007	296-44-388	REP-P	86-11-072	296-44-44033	NEW	86-16-007
296-44-31792	NEW-P	86-11-072	296-44-388	REP	86-16-007	296-44-44047	NEW-P	86-11-072
296-44-31792	NEW	86-16-007	296-44-391	REP-P	86-11-072	296-44-44047	NEW	86-16-007
296-44-319	REP-P	86-11-072	296-44-391	REP	86-16-007	296-44-442	REP-P	86-11-072
296-44-319	REP	86-16-007	296-44-394	REP-P	86-11-072	296-44-442	REP	86-16-007
296-44-322	REP-P	86-11-072	296-44-394	REP	86-16-007	296-44-445	REP-P	86-11-072
296-44-322	REP	86-16-007	296-44-397	REP-P	86-11-072	296-44-445	REP	86-16-007
296-44-325	REP-P	86-11-072	296-44-397	REP	86-16-007	296-44-448	REP-P	86-11-072
296-44-325	REP	86-16-007	296-44-398	NEW-P	86-11-072	296-44-448	REP	86-16-007
296-44-328	REP-P	86-11-072	296-44-398	NEW	86-16-007	296-44-451	REP-P	86-11-072
296-44-328	REP	86-16-007	296-44-39809	NEW-P	86-11-072	296-44-451	REP	86-16-007
296-44-331	REP-P	86-11-072	296-44-39809	NEW	86-16-007	296-44-452	NEW-P	86-11-072
296-44-331	REP	86-16-007	296-44-39823	NEW-P	86-11-072	296-44-452	NEW	86-16-007
296-44-334	REP-P	86-11-072	296-44-39823	NEW	86-16-007	296-44-45209	NEW-P	86-11-072
296-44-334	REP	86-16-007	296-44-39842	NEW-P	86-11-072	296-44-45209	NEW	86-16-007
296-44-337	REP-P	86-11-072	296-44-39842	NEW	86-16-007	296-44-45219	NEW-P	86-11-072
296-44-337	REP	86-16-007	296-44-39855	NEW-P	86-11-072	296-44-45219	NEW	86-16-007
296-44-340	REP-P	86-11-072	296-44-39855	NEW	86-16-007	296-44-45231	NEW-P	86-11-072
296-44-340	REP	86-16-007	296-44-400	REP-P	86-11-072	296-44-45231	NEW	86-16-007
296-44-343	REP-P	86-11-072	296-44-400	REP	86-16-007	296-44-45243	NEW-P	86-11-072
296-44-343	REP	86-16-007	296-44-403	REP-P	86-11-072	296-44-45243	NEW	86-16-007
296-44-346	REP-P	86-11-072	296-44-403	REP	86-16-007	296-44-45257	NEW-P	86-11-072
296-44-346	REP	86-16-007	296-44-406	REP-P	86-11-072	296-44-45257	NEW	86-16-007
296-44-349	REP-P	86-11-072	296-44-406	REP	86-16-007	296-44-454	REP-P	86-11-072
296-44-349	REP	86-16-007	296-44-409	REP-P	86-11-072	296-44-454	REP	86-16-007
296-44-350	NEW-P	86-11-072	296-44-409	REP	86-16-007	296-44-457	REP-P	86-11-072
296-44-350	NEW	86-16-007	296-44-412	REP-P	86-11-072	296-44-457	REP	86-16-007
296-44-35009	NEW-P	86-11-072	296-44-412	REP	86-16-007	296-44-460	REP-P	86-11-072
296-44-35009	NEW	86-16-007	296-44-413	NEW-P	86-11-072	296-44-460	REP	86-16-007
296-44-35021	NEW-P	86-11-072	296-44-413	NEW	86-16-007	296-44-463	REP-P	86-11-072
296-44-352	REP-P	86-11-072	296-44-41309	NEW-P	86-11-072	296-44-463	REP	86-16-007
296-44-352	REP	86-16-007	296-44-41309	NEW	86-16-007	296-44-466	REP-P	86-11-072
296-44-355	REP-P	86-11-072	296-44-41321	NEW-P	86-11-072	296-44-466	REP	86-16-007
296-44-355	REP	86-16-007	296-44-41321	NEW	86-16-007	296-44-467	NEW-P	86-11-072
296-44-358	REP-P	86-11-072	296-44-41333	NEW-P	86-11-072	296-44-467	NEW	86-16-007
296-44-358	REP	86-16-007	296-44-41333	NEW	86-16-007	296-44-46709	NEW-P	86-11-072
296-44-361	REP-P	86-11-072	296-44-41341	NEW-P	86-11-072	296-44-46709	NEW	86-16-007
296-44-361	REP	86-16-007	296-44-41341	NEW	86-16-007	296-44-46733	NEW-P	86-11-072
296-44-364	REP-P	86-11-072	296-44-41359	NEW-P	86-11-072	296-44-46733	NEW	86-16-007
296-44-364	REP	86-16-007	296-44-41359	NEW	86-16-007	296-44-46739	NEW-P	86-11-072
296-44-365	NEW-P	86-11-072	296-44-415	REP-P	86-11-072	296-44-46739	NEW	86-16-007
296-44-365	NEW	86-16-007	296-44-415	REP	86-16-007	296-44-46747	NEW-P	86-11-072
296-44-36518	NEW-P	86-11-072	296-44-418	REP-P	86-11-072	296-44-46747	NEW	86-16-007
296-44-36518	NEW	86-16-007	296-44-418	REP	86-16-007	296-44-46755	NEW-P	86-11-072
296-44-36527	NEW-P	86-11-072	296-44-421	REP-P	86-11-072	296-44-46755	NEW	86-16-007
296-44-36527	NEW	86-16-007	296-44-421	REP	86-16-007	296-44-46761	NEW-P	86-11-072
296-44-36539	NEW-P	86-11-072	296-44-424	REP-P	86-11-072	296-44-46761	NEW	86-16-007
296-44-36539	NEW	86-16-007	296-44-424	REP	86-16-007	296-44-469	REP-P	86-11-072
296-44-36551	NEW-P	86-11-072	296-44-425	NEW-P	86-11-072	296-44-469	REP	86-16-007
296-44-36551	NEW	86-16-007	296-44-425	NEW	86-16-007	296-44-472	REP-P	86-11-072
296-44-36563	NEW-P	86-11-072	296-44-42509	NEW-P	86-11-072	296-44-472	REP	86-16-007
296-44-36563	NEW	86-16-007	296-44-42509	NEW	86-16-007	296-44-478	REP-P	86-11-072
296-44-36563	NEW	86-16-007	296-44-42521	NEW-P	86-11-072	296-44-478	REP	86-16-007
296-44-36575	NEW-P	86-11-072	296-44-42521	NEW	86-16-007	296-44-481	REP-P	86-11-072
296-44-367	REP-P	86-11-072	296-44-42533	NEW-P	86-11-072	296-44-481	REP	86-16-007
296-44-367	REP	86-16-007	296-44-42533	NEW	86-16-007	296-44-484	REP-P	86-11-072
296-44-373	REP-P	86-11-072	296-44-42541	NEW-P	86-11-072	296-44-484	REP	86-16-007
296-44-373	REP	86-16-007	296-44-42541	NEW	86-16-007	296-44-487	REP-P	86-11-072
296-44-376	REP-P	86-11-072	296-44-42559	NEW-P	86-11-072	296-44-487	REP	86-16-007
296-44-376	REP	86-16-007	296-44-42559	NEW	86-16-007	296-44-490	REP-P	86-11-072
296-44-379	REP-P	86-11-072	296-44-427	REP-P	86-11-072	296-44-490	REP	86-16-007
296-44-379	REP	86-16-007	296-44-427	REP	86-16-007	296-44-491	NEW-P	86-11-072
296-44-382	REP-P	86-11-072	296-44-430	REP-P	86-11-072	296-44-491	NEW	86-16-007
296-44-382	REP	86-16-007	296-44-430	REP	86-16-007	296-44-49109	NEW-P	86-11-072
296-44-385	REP-P	86-11-072	296-44-433	REP-P	86-11-072	296-44-49109	NEW	86-16-007
296-44-385	REP	86-16-007	296-44-433	REP	86-16-007	296-44-49121	NEW-P	86-11-072
296-44-386	NEW-P	86-11-072	296-44-436	REP-P	86-11-072	296-44-49121	NEW	86-16-007
			296-44-436	REP	86-16-007	296-44-493	REP-P	86-11-072

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296-52-120	REP	86-10-044	296-52-473	NEW-P	86-05-026	296-56-60129	AMD	86-03-064
296-52-140	REP-P	86-05-026	296-52-473	NEW	86-10-044	296-56-60131	AMD	86-03-064
296-52-140	REP	86-10-044	296-52-477	NEW-P	86-05-026	296-56-60133	AMD	86-03-064
296-52-150	REP-P	86-05-026	296-52-477	NEW	86-10-044	296-56-60135	AMD	86-03-064
296-52-150	REP	86-10-044	296-52-481	NEW-P	86-05-026	296-56-60139	AMD	86-03-064
296-52-160	REP-P	86-05-026	296-52-481	NEW	86-10-044	296-56-60141	AMD	86-03-064
296-52-160	REP	86-10-044	296-52-485	NEW-P	86-05-026	296-56-60143	AMD	86-03-064
296-52-165	REP-P	86-05-026	296-52-485	NEW	86-10-044	296-56-60145	AMD	86-03-064
296-52-165	REP	86-10-044	296-52-489	NEW-P	86-05-026	296-56-60147	AMD	86-03-064
296-52-167	REP-P	86-05-026	296-52-489	NEW	86-10-044	296-56-60151	AMD	86-03-064
296-52-167	REP	86-10-044	296-52-493	NEW-P	86-05-026	296-56-60153	AMD	86-03-064
296-52-170	REP-P	86-05-026	296-52-493	NEW	86-10-044	296-56-60155	AMD	86-03-064
296-52-170	REP	86-10-044	296-52-497	NEW-P	86-05-026	296-56-60157	AMD	86-03-064
296-52-180	REP-P	86-05-026	296-52-497	NEW	86-10-044	296-56-60159	AMD	86-03-064
296-52-180	REP	86-10-044	296-52-501	NEW-P	86-05-026	296-56-60161	AMD	86-03-064
296-52-190	REP-P	86-05-026	296-52-501	NEW	86-10-044	296-56-60167	AMD	86-03-064
296-52-190	REP	86-10-044	296-52-505	NEW-P	86-05-026	296-56-60169	AMD	86-03-064
296-52-200	REP-P	86-05-026	296-52-505	NEW	86-10-044	296-56-60171	AMD	86-03-064
296-52-200	REP	86-10-044	296-52-509	NEW-P	86-05-026	296-56-60180	AMD	86-03-064
296-52-220	REP-P	86-05-026	296-52-509	NEW	86-10-044	296-56-60183	AMD	86-03-064
296-52-220	REP	86-10-044	296-56-60001	AMD	86-03-064	296-56-60188	AMD	86-03-064
296-52-230	REP-P	86-05-026	296-56-60003	AMD	86-03-064	296-56-60189	AMD	86-03-064
296-52-230	REP	86-10-044	296-56-60005	AMD	86-03-064	296-56-60191	AMD	86-03-064
296-52-260	REP-P	86-05-026	296-56-60007	AMD	86-03-064	296-56-60193	AMD	86-03-064
296-52-260	REP	86-10-044	296-56-60009	AMD	86-03-064	296-56-60195	AMD	86-03-064
296-52-270	REP-P	86-05-026	296-56-60011	AMD	86-03-064	296-56-60199	AMD	86-03-064
296-52-270	REP	86-10-044	296-56-60017	AMD	86-03-064	296-56-60201	AMD	86-03-064
296-52-330	REP-P	86-05-026	296-56-60019	AMD	86-03-064	296-56-60205	AMD	86-03-064
296-52-330	REP	86-10-044	296-56-60023	AMD	86-03-064	296-56-60207	AMD	86-03-064
296-52-350	REP-P	86-05-026	296-56-60025	AMD	86-03-064	296-56-60209	AMD	86-03-064
296-52-350	REP	86-10-044	296-56-60027	AMD	86-03-064	296-56-60211	AMD	86-03-064
296-52-360	REP-P	86-05-026	296-56-60029	AMD	86-03-064	296-56-60215	AMD	86-03-064
296-52-360	REP	86-10-044	296-56-60031	AMD	86-03-064	296-56-60217	AMD	86-03-064
296-52-370	REP-P	86-05-026	296-56-60037	AMD	86-03-064	296-56-60219	AMD	86-03-064
296-52-370	REP	86-10-044	296-56-60039	AMD	86-03-064	296-56-60221	AMD	86-03-064
296-52-380	REP-P	86-05-026	296-56-60041	AMD	86-03-064	296-56-60223	AMD	86-03-064
296-52-380	REP	86-10-044	296-56-60043	AMD	86-03-064	296-56-60229	AMD	86-03-064
296-52-390	REP-P	86-05-026	296-56-60049	AMD	86-03-064	296-56-60231	AMD	86-03-064
296-52-390	REP	86-10-044	296-56-60051	AMD	86-03-064	296-56-60233	AMD	86-03-064
296-52-400	REP-P	86-05-026	296-56-60053	AMD	86-03-064	296-56-60235	AMD	86-03-064
296-52-400	REP	86-10-044	296-56-60055	AMD	86-03-064	296-56-60237	AMD	86-03-064
296-52-401	NEW-P	86-05-026	296-56-60057	AMD	86-03-064	296-56-60239	AMD	86-03-064
296-52-401	NEW	86-10-044	296-56-60059	AMD	86-03-064	296-56-60241	AMD	86-03-064
296-52-405	NEW-P	86-05-026	296-56-60060	AMD	86-03-064	296-56-60243	AMD	86-03-064
296-52-405	NEW	86-10-044	296-56-60062	AMD	86-03-064	296-56-60245	AMD	86-03-064
296-52-409	NEW-P	86-05-026	296-56-60065	AMD	86-03-064	296-56-60249	AMD	86-03-064
296-52-409	NEW	86-10-044	296-56-60067	AMD	86-03-064	296-56-60251	AMD	86-03-064
296-52-413	NEW-P	86-05-026	296-56-60069	AMD	86-03-064	296-56-60253	AMD	86-03-064
296-52-413	NEW	86-10-044	296-56-60073	AMD	86-03-064	296-56-990	REP	86-03-064
296-52-417	NEW-P	86-05-026	296-56-60075	AMD	86-03-064	296-56-99001	REP	86-03-064
296-52-417	NEW	86-10-044	296-56-60077	AMD	86-03-064	296-56-99002	AMD	86-03-064
296-52-421	NEW-P	86-05-026	296-56-60079	AMD	86-03-064	296-56-99003	AMD	86-03-064
296-52-421	NEW	86-10-044	296-56-60081	AMD	86-03-064	296-56-99004	REP	86-03-064
296-52-425	NEW-P	86-05-026	296-56-60083	AMD	86-03-064	296-56-99005	REP	86-03-064
296-52-425	NEW	86-10-044	296-56-60085	AMD	86-03-064	296-56-99006	REP	86-03-064
296-52-429	NEW-P	86-05-026	296-56-60087	AMD	86-03-064	296-62-05403	AMD-P	86-06-051
296-52-429	NEW	86-10-044	296-56-60089	AMD	86-03-064	296-62-05403	AMD-C	86-10-001
296-52-433	NEW-P	86-05-026	296-56-60091	AMD	86-03-064	296-62-05403	AMD-C	86-10-035
296-52-433	NEW	86-10-044	296-56-60093	AMD	86-03-064	296-62-05405	AMD	86-12-004
296-52-437	NEW-P	86-05-026	296-56-60095	AMD	86-03-064	296-62-05405	AMD-P	86-06-051
296-52-437	NEW	86-10-044	296-56-60097	AMD	86-03-064	296-62-05405	AMD-C	86-10-001
296-52-441	NEW-P	86-05-026	296-56-60098	AMD	86-03-064	296-62-05405	AMD-C	86-10-035
296-52-441	NEW	86-10-044	296-56-60101	AMD	86-03-064	296-62-05405	AMD	86-12-004
296-52-445	NEW-P	86-05-026	296-56-60103	AMD	86-03-064	296-62-05407	AMD-P	86-06-051
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296-52-453	NEW-P	86-05-026	296-56-60111	AMD	86-03-064	296-62-05413	AMD-P	86-06-051
296-52-453	NEW	86-10-044	296-56-60113	AMD	86-03-064	296-62-05413	AMD-C	86-10-001
296-52-457	NEW-P	86-05-026	296-56-60115	AMD	86-03-064	296-62-05413	AMD-C	86-10-035
296-52-457	NEW	86-10-044	296-56-60117	AMD	86-03-064	296-62-05413	AMD	86-12-004
296-52-461	NEW-P	86-05-026	296-56-60119	AMD	86-03-064	296-62-05415	AMD-P	86-06-051
296-52-461	NEW	86-10-044	296-56-60121	AMD	86-03-064	296-62-05415	AMD-C	86-10-001
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							AMD-C	86-10-001

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-62-05417	AMD-C	86-10-035	296-88-050	REP	86-03-027	296-116-300	AMD-P	86-15-047
296-62-05417	AMD	86-12-004	296-88-060	REP	86-03-027	296-127-010	AMD	86-03-063
296-62-05425	AMD-P	86-06-051	296-88-070	REP	86-03-027	296-127-020	AMD	86-03-063
296-62-05425	AMD-C	86-10-001	296-88-080	REP	86-03-027	296-127-130	NEW	86-03-063
296-62-05425	AMD-C	86-10-035	296-88-090	REP	86-03-027	296-127-140	NEW	86-03-063
296-62-05425	AMD	86-12-004	296-88-100	REP	86-03-027	296-127-150	NEW	86-03-063
296-62-05427	NEW-P	86-06-051	296-88-110	REP	86-03-027	296-127-160	NEW	86-03-063
296-62-05427	NEW-C	86-10-001	296-88-120	REP	86-03-027	296-127-170	NEW	86-03-063
296-62-05427	NEW-C	86-10-035	296-88-130	REP	86-03-027	296-127-180	NEW	86-03-063
296-62-05427	NEW	86-12-004	296-90-010	REP	86-03-028	296-127-190	NEW	86-03-063
296-62-07306	AMD-P	86-11-071	296-90-020	REP	86-03-028	296-127-200	NEW	86-03-063
296-62-07306	AMD	86-16-009	296-90-030	REP	86-03-028	296-127-210	NEW	86-03-063
296-62-07329	AMD-P	86-11-071	296-90-040	REP	86-03-028	296-127-220	NEW	86-03-063
296-62-07329	AMD	86-16-009	296-90-050	REP	86-03-028	296-127-300	NEW	86-03-063
296-62-07341	AMD-P	86-11-071	296-90-060	REP	86-03-028	296-127-310	NEW	86-03-063
296-62-07341	AMD	86-16-009	296-90-070	REP	86-03-028	296-127-320	NEW	86-03-063
296-62-07345	AMD-P	86-11-071	296-90-080	REP	86-03-028	296-132-005	REP-P	86-05-027
296-62-07345	AMD	86-16-009	296-90-090	REP	86-03-028	296-132-005	REP	86-08-015
296-62-07353	AMD-P	86-11-071	296-92-010	REP	86-03-029	296-132-010	REP-P	86-05-027
296-62-07353	AMD	86-16-009	296-92-020	REP	86-03-029	296-132-010	REP	86-08-015
296-62-07515	AMD-P	86-11-071	296-92-030	REP	86-03-029	296-132-015	REP-P	86-05-027
296-62-07515	AMD	86-16-009	296-92-040	REP	86-03-029	296-132-015	REP	86-08-015
296-62-14533	AMD-P	86-11-071	296-92-050	REP	86-03-029	296-132-050	REP-P	86-05-027
296-62-14533	AMD	86-16-009	296-92-060	REP	86-03-029	296-132-050	REP	86-08-015
296-62-14543	NEW-P	86-11-071	296-92-070	REP	86-03-029	296-132-055	REP-P	86-05-027
296-62-14543	NEW	86-16-009	296-92-080	REP	86-03-029	296-132-055	REP	86-08-015
296-62-20009	AMD-P	86-11-071	296-92-090	REP	86-03-029	296-132-060	REP-P	86-05-027
296-62-20009	AMD	86-16-009	296-92-100	REP	86-03-029	296-132-060	REP	86-08-015
296-62-20011	AMD-P	86-11-071	296-92-110	REP	86-03-029	296-132-065	REP-P	86-05-027
296-62-20011	AMD	86-16-009	296-93-010	AMD	86-03-030	296-132-065	REP	86-08-015
296-64-400	REP-P	86-06-051	296-93-050	AMD	86-03-030	296-132-100	REP-P	86-05-027
296-64-400	REP	86-12-004	296-93-060	REP	86-03-030	296-132-100	REP	86-08-015
296-64-405	REP-P	86-06-051	296-93-070	AMD	86-03-030	296-132-105	REP-P	86-05-027
296-64-405	REP	86-12-004	296-93-110	REP	86-03-030	296-132-105	REP	86-08-015
296-64-410	REP-P	86-06-051	296-93-120	AMD	86-03-030	296-132-110	REP-P	86-05-027
296-64-410	REP	86-12-004	296-93-130	REP	86-03-030	296-132-110	REP	86-08-015
296-64-415	REP-P	86-06-051	296-93-170	AMD	86-03-030	296-132-115	REP-P	86-05-027
296-64-415	REP	86-12-004	296-93-180	REP	86-03-030	296-132-115	REP	86-08-015
296-64-420	REP-P	86-06-051	296-93-200	AMD	86-03-030	296-132-120	REP-P	86-05-027
296-64-420	REP	86-12-004	296-93-210	AMD	86-03-030	296-132-120	REP	86-08-015
296-64-425	REP-P	86-06-051	296-93-220	AMD	86-03-030	296-132-125	REP-P	86-05-027
296-64-425	REP	86-12-004	296-93-230	AMD	86-03-030	296-132-125	REP	86-08-015
296-81-007	AMD	86-03-024	296-94-010	NEW	86-03-032	296-132-130	REP-P	86-05-027
296-81-010	AMD	86-03-024	296-94-020	NEW	86-03-032	296-132-130	REP	86-08-015
296-81-260	AMD	86-03-024	296-94-030	NEW	86-03-032	296-132-135	REP-P	86-05-027
296-83-010	REP	86-03-025	296-94-040	NEW	86-03-032	296-132-135	REP	86-08-015
296-83-015	REP	86-03-025	296-94-050	NEW	86-03-032	296-132-140	REP-P	86-05-027
296-83-020	REP	86-03-025	296-94-060	NEW	86-03-032	296-132-140	REP	86-08-015
296-83-025	REP	86-03-025	296-94-070	NEW	86-03-032	296-132-145	REP-P	86-05-027
296-83-030	REP	86-03-025	296-94-080	NEW	86-03-032	296-132-145	REP	86-08-015
296-83-035	REP	86-03-025	296-94-090	NEW	86-03-032	296-132-150	REP-P	86-05-027
296-83-040	REP	86-03-025	296-94-100	NEW	86-03-032	296-132-150	REP	86-08-015
296-83-045	REP	86-03-025	296-94-110	NEW	86-03-032	296-132-151	REP-P	86-05-027
296-83-050	REP	86-03-025	296-94-120	NEW	86-03-032	296-132-151	REP	86-08-015
296-83-055	REP	86-03-025	296-94-130	NEW	86-03-032	296-132-152	REP-P	86-05-027
296-83-060	REP	86-03-025	296-94-140	NEW	86-03-032	296-132-152	REP	86-08-015
296-83-065	REP	86-03-025	296-94-150	NEW	86-03-032	296-132-155	REP-P	86-05-027
296-83-070	REP	86-03-025	296-94-160	NEW	86-03-032	296-132-155	REP	86-08-015
296-83-075	REP	86-03-025	296-94-170	NEW	86-03-032	296-132-160	REP-P	86-05-027
296-83-080	REP	86-03-025	296-94-180	NEW	86-03-032	296-132-160	REP	86-08-015
296-83-085	REP	86-03-025	296-94-190	NEW	86-03-032	296-132-200	REP-P	86-05-027
296-86-020	AMD	86-03-026	296-94-200	NEW	86-03-032	296-132-200	REP	86-08-015
296-86-030	AMD	86-03-026	296-94-210	NEW	86-03-032	296-132-205	REP-P	86-05-027
296-86-060	AMD	86-03-026	296-94-220	NEW	86-03-032	296-132-205	REP	86-08-015
296-86-070	AMD	86-03-026	296-94-230	NEW	86-03-032	296-132-210	REP-P	86-05-027
296-86-075	AMD	86-03-026	296-94-240	NEW	86-03-032	296-132-210	REP	86-08-015
296-87-001	NEW	86-03-033	296-94-250	NEW	86-03-032	296-132-215	REP-P	86-05-027
296-87-020	AMD	86-03-033	296-100-001	NEW	86-03-031	296-132-215	REP	86-08-015
296-87-040	AMD	86-03-033	296-100-050	NEW	86-03-031	296-132-220	REP-P	86-05-027
296-87-060	AMD	86-03-033	296-100-060	NEW	86-03-031	296-132-220	REP	86-08-015
296-87-080	AMD	86-03-033	296-104-210	AMD-P	86-04-060	296-132-225	REP-P	86-05-027
296-87-120	AMD	86-03-033	296-104-210	AMD	86-07-064	296-132-225	REP	86-08-015
296-88-001	REP	86-03-027	296-104-500	AMD	86-04-059	296-132-226	REP-P	86-05-027
296-88-010	REP	86-03-027	296-104-501	NEW	86-04-059	296-132-226	REP	86-08-015
296-88-020	REP	86-03-027	296-104-515	AMD	86-04-059	296-132-250	REP-P	86-05-027
296-88-030	REP	86-03-027	296-116-080	AMD	86-07-010	296-132-250	REP	86-08-015
296-88-040	REP	86-03-027	296-116-300	AMD-E	86-15-021	296-132-255	REP-P	86-05-027

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-132-255	REP	86-08-015	296-155-200	AMD	86-03-074	296-155-365	AMD-C	86-03-073
296-132-260	REP-P	86-05-027	296-155-201	AMD-C	86-03-073	296-155-365	AMD	86-03-074
296-132-260	REP	86-08-015	296-155-201	AMD	86-03-074	296-155-367	NEW-C	86-03-073
296-132-265	REP-P	86-05-027	296-155-203	NEW-C	86-03-073	296-155-367	NEW	86-03-074
296-132-265	REP	86-08-015	296-155-203	NEW	86-03-074	296-155-370	AMD-C	86-03-073
296-132-301	REP-P	86-05-027	296-155-20301	NEW-C	86-03-073	296-155-370	AMD	86-03-074
296-132-301	REP	86-08-015	296-155-20301	NEW	86-03-074	296-155-400	AMD-C	86-03-073
296-132-302	REP-P	86-05-027	296-155-20303	NEW-C	86-03-073	296-155-400	AMD	86-03-074
296-132-302	REP	86-08-015	296-155-20305	NEW-C	86-03-073	296-155-405	AMD-C	86-03-073
296-132-306	REP-P	86-05-027	296-155-20307	NEW-C	86-03-073	296-155-405	AMD	86-03-074
296-132-306	REP	86-08-015	296-155-20307	NEW	86-03-074	296-155-407	NEW-C	86-03-073
296-132-311	REP-P	86-05-027	296-155-205	AMD-C	86-03-073	296-155-407	NEW	86-03-074
296-132-311	REP	86-08-015	296-155-205	AMD	86-03-074	296-155-425	AMD-C	86-03-073
296-132-316	REP-P	86-05-027	296-155-211	NEW-C	86-03-073	296-155-425	AMD	86-03-074
296-132-316	REP	86-08-015	296-155-211	NEW	86-03-074	296-155-430	AMD-C	86-03-073
296-132-350	REP-P	86-05-027	296-155-212	AMD-C	86-03-073	296-155-430	AMD	86-03-074
296-132-350	REP	86-08-015	296-155-212	AMD	86-03-074	296-155-435	AMD-C	86-03-073
296-132-360	REP-P	86-05-027	296-155-225	AMD-C	86-03-073	296-155-435	AMD	86-03-074
296-132-360	REP	86-08-015	296-155-225	AMD	86-03-074	296-155-440	AMD-C	86-03-073
296-132-370	REP-P	86-05-027	296-155-230	AMD-C	86-03-073	296-155-440	AMD	86-03-074
296-132-370	REP	86-08-015	296-155-230	AMD	86-03-074	296-155-475	AMD-C	86-03-073
296-132-380	REP-P	86-05-027	296-155-250	AMD-C	86-03-073	296-155-475	AMD	86-03-074
296-132-380	REP	86-08-015	296-155-250	AMD	86-03-074	296-155-480	AMD-C	86-03-073
296-150A-300	AMD-E	86-08-071	296-155-260	AMD-C	86-03-073	296-155-480	AMD	86-03-074
296-150A-300	AMD-P	86-14-033	296-155-260	AMD	86-03-073	296-155-485	AMD-C	86-03-073
296-150A-300	AMD-E	86-14-037	296-155-270	AMD-C	86-03-073	296-155-485	AMD	86-03-074
296-150B-015	AMD-P	86-14-036	296-155-270	AMD	86-03-074	296-155-48523	NEW-C	86-03-073
296-150B-015	AMD-E	86-14-040	296-155-275	AMD-C	86-03-073	296-155-48523	NEW	86-03-074
296-150B-300	AMD-P	86-14-036	296-155-275	AMD	86-03-074	296-155-48525	NEW-C	86-03-073
296-150B-300	AMD-E	86-14-040	296-155-300	AMD-C	86-03-073	296-155-48525	NEW	86-03-074
296-150B-305	AMD-P	86-14-036	296-155-300	AMD	86-03-074	296-155-48527	NEW-C	86-03-073
296-150B-305	AMD-E	86-14-040	296-155-305	AMD-C	86-03-073	296-155-48527	NEW	86-03-074
296-150B-307	NEW-P	86-14-036	296-155-305	AMD	86-03-074	296-155-48529	NEW-C	86-03-073
296-150B-307	NEW-E	86-14-040	296-155-325	AMD-C	86-03-073	296-155-48529	NEW	86-03-074
296-150B-508	NEW-P	86-14-036	296-155-325	AMD	86-03-074	296-155-48531	NEW-C	86-03-073
296-150B-508	NEW-E	86-14-040	296-155-330	AMD-C	86-03-073	296-155-48531	NEW	86-03-074
296-150B-550	AMD-P	86-14-036	296-155-330	AMD	86-03-074	296-155-48533	NEW-C	86-03-073
296-150B-550	AMD-E	86-14-040	296-155-335	AMD-C	86-03-073	296-155-48533	NEW	86-03-074
296-150B-553	AMD-P	86-14-036	296-155-335	AMD	86-03-074	296-155-500	AMD-C	86-03-073
296-150B-553	AMD-E	86-14-040	296-155-34911	AMD-C	86-03-073	296-155-500	AMD	86-03-074
296-150B-797	AMD-P	86-14-036	296-155-34911	AMD	86-03-074	296-155-505	AMD-C	86-03-073
296-150B-797	AMD-E	86-14-040	296-155-34912	AMD-C	86-03-073	296-155-505	AMD	86-03-074
296-150B-800	AMD-P	86-14-036	296-155-34912	AMD	86-03-074	296-155-50503	NEW-C	86-03-073
296-150B-800	AMD-E	86-14-040	296-155-34913	AMD-C	86-03-073	296-155-50503	NEW	86-03-074
296-155-003	AMD-C	86-03-073	296-155-34913	AMD	86-03-074	296-155-50505	NEW-C	86-03-073
296-155-003	AMD	86-03-074	296-155-34914	AMD-C	86-03-073	296-155-50505	NEW	86-03-074
296-155-005	AMD-C	86-03-073	296-155-34914	AMD	86-03-074	296-155-510	AMD-C	86-03-073
296-155-005	AMD	86-03-074	296-155-34920	AMD-C	86-03-073	296-155-510	AMD	86-03-074
296-155-009	NEW-C	86-03-073	296-155-355	AMD	86-03-073	296-155-515	NEW-C	86-03-073
296-155-009	NEW	86-03-074	296-155-355	AMD-C	86-03-073	296-155-515	NEW	86-03-074
296-155-010	AMD-C	86-03-073	296-155-355	AMD	86-03-074	296-155-530	AMD-C	86-03-073
296-155-010	AMD	86-03-074	296-155-360	AMD-C	86-03-073	296-155-530	AMD	86-03-074
296-155-012	AMD-C	86-03-073	296-155-360	AMD	86-03-074	296-155-545	AMD-C	86-03-073
296-155-012	AMD	86-03-074	296-155-363	NEW-C	86-03-073	296-155-545	AMD	86-03-074
296-155-020	AMD-C	86-03-073	296-155-363	NEW	86-03-074	296-155-570	AMD-C	86-03-073
296-155-020	AMD	86-03-074	296-155-36301	NEW-C	86-03-073	296-155-570	AMD	86-03-074
296-155-035	AMD-C	86-03-073	296-155-36301	NEW	86-03-074	296-155-575	AMD-C	86-03-073
296-155-035	AMD	86-03-074	296-155-36303	NEW-C	86-03-073	296-155-575	AMD	86-03-074
296-155-100	AMD-C	86-03-073	296-155-36303	NEW	86-03-074	296-155-576	AMD-C	86-03-073
296-155-100	AMD	86-03-074	296-155-36305	NEW-C	86-03-073	296-155-580	AMD-C	86-03-073
296-155-110	AMD-C	86-03-073	296-155-36305	NEW	86-03-074	296-155-580	AMD	86-03-074
296-155-110	AMD	86-03-074	296-155-36307	NEW-C	86-03-073	296-155-605	AMD-C	86-03-073
296-155-120	AMD-C	86-03-073	296-155-36307	NEW	86-03-074	296-155-605	AMD	86-03-074
296-155-120	AMD	86-03-074	296-155-36309	NEW-C	86-03-073	296-155-610	AMD-C	86-03-073
296-155-125	AMD-C	86-03-073	296-155-36309	NEW	86-03-074	296-155-610	AMD	86-03-074
296-155-125	AMD	86-03-074	296-155-36311	NEW-C	86-03-073	296-155-615	AMD-C	86-03-073
296-155-130	AMD-C	86-03-073	296-155-36311	NEW	86-03-074	296-155-615	AMD	86-03-074
296-155-130	AMD	86-03-074	296-155-36313	NEW-C	86-03-073	296-155-617	NEW-C	86-03-073
296-155-140	AMD-C	86-03-073	296-155-36313	NEW	86-03-074	296-155-617	NEW	86-03-074
296-155-140	AMD	86-03-074	296-155-36315	NEW-C	86-03-073	296-155-61701	NEW-C	86-03-073
296-155-155	AMD-C	86-03-073	296-155-36315	NEW	86-03-074	296-155-61701	NEW	86-03-074
296-155-155	AMD	86-03-074	296-155-36317	NEW-C	86-03-073	296-155-61703	NEW-C	86-03-073
296-155-160	AMD-C	86-03-073	296-155-36317	NEW	86-03-074	296-155-61703	NEW	86-03-074
296-155-160	AMD	86-03-074	296-155-36319	NEW-C	86-03-073	296-155-61705	NEW-C	86-03-073
296-155-165	AMD-C	86-03-073	296-155-36319	NEW	86-03-074	296-155-61705	NEW	86-03-074
296-155-165	AMD	86-03-074	296-155-36321	NEW-C	86-03-073	296-155-61707	NEW-C	86-03-073
296-155-200	AMD-C	86-03-073	296-155-36321	NEW	86-03-074	296-155-61707	NEW	86-03-074

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296-155-61709	NEW-C	86-03-073	296-155-920	REP-C	86-03-073	296-401-175	AMD-P	86-14-077
296-155-61709	NEW	86-03-074	296-155-920	REP	86-03-074	296-401-175	AMD-E	86-14-078
296-155-61711	NEW-C	86-03-073	296-155-950	AMD-C	86-03-073	296-403-010	NEW-P	86-07-055
296-155-61711	NEW	86-03-074	296-155-950	AMD	86-03-074	296-403-010	NEW-E	86-12-018
296-155-61713	NEW-C	86-03-073	296-200-015	AMD-P	86-14-035	296-403-010	NEW	86-12-019
296-155-61713	NEW	86-03-074	296-200-015	AMD-E	86-14-039	296-403-020	NEW-P	86-07-055
296-155-625	AMD-C	86-03-073	296-200-080	AMD-P	86-14-035	296-403-020	NEW-E	86-12-018
296-155-625	AMD	86-03-074	296-200-080	AMD-E	86-14-039	296-403-020	NEW	86-12-019
296-155-650	AMD-C	86-03-073	296-200-300	AMD-P	86-14-035	296-403-030	NEW-P	86-07-055
296-155-650	AMD	86-03-074	296-200-300	AMD-E	86-14-039	296-403-030	NEW-E	86-12-018
296-155-655	AMD-C	86-03-073	296-200-320	AMD-P	86-14-035	296-403-030	NEW	86-12-019
296-155-655	AMD	86-03-074	296-200-320	AMD-E	86-14-039	296-403-040	NEW-P	86-07-055
296-155-65505	NEW-C	86-03-073	296-200-330	NEW-P	86-14-035	296-403-040	NEW-E	86-12-018
296-155-65505	NEW	86-03-074	296-200-330	NEW-E	86-14-039	296-403-040	NEW	86-12-019
296-155-660	AMD-C	86-03-073	296-200-340	NEW-P	86-14-035	296-403-050	NEW-P	86-07-055
296-155-660	AMD	86-03-074	296-200-340	NEW-E	86-14-039	296-403-050	NEW-E	86-12-018
296-155-66005	NEW-C	86-03-073	296-200-350	NEW-P	86-14-035	296-403-050	NEW	86-12-019
296-155-66005	NEW	86-03-074	296-200-350	NEW-E	86-14-039	296-403-060	NEW-P	86-07-055
296-155-665	AMD-C	86-03-073	296-200-360	NEW-P	86-14-035	296-403-060	NEW-E	86-12-018
296-155-665	AMD	86-03-074	296-200-360	NEW-E	86-14-039	296-403-060	NEW	86-12-019
296-155-66501	AMD-C	86-03-073	296-200-370	NEW-P	86-14-035	296-403-070	NEW-P	86-07-055
296-155-66501	AMD	86-03-074	296-200-370	NEW-E	86-14-039	296-403-070	NEW-E	86-12-018
296-155-66502	AMD-C	86-03-073	296-200-380	NEW-P	86-14-035	296-403-070	NEW	86-12-019
296-155-680	AMD-C	86-03-073	296-200-380	NEW-E	86-14-039	304-12-025	AMD-P	86-09-091
296-155-680	AMD	86-03-074	296-200-390	NEW-P	86-14-035	304-12-025	AMD	86-12-067
296-155-690	AMD-C	86-03-073	296-200-390	NEW-E	86-14-039	304-12-040	NEW-P	86-09-091
296-155-690	AMD	86-03-074	296-200-400	NEW-P	86-14-035	304-12-040	NEW	86-12-067
296-155-695	AMD-C	86-03-073	296-200-400	NEW-E	86-14-039	304-12-045	NEW-P	86-09-091
296-155-695	AMD	86-03-074	296-350-050	AMD-P	86-11-070	304-12-045	NEW	86-12-067
296-155-700	AMD-C	86-03-073	296-350-050	AMD	86-16-008	304-12-145	NEW-P	86-09-091
296-155-700	AMD	86-03-074	296-350-080	AMD-P	86-11-070	304-12-145	NEW	86-12-067
296-155-705	AMD-C	86-03-073	296-350-080	AMD	86-16-008	304-12-290	AMD-P	86-09-091
296-155-705	AMD	86-03-074	296-350-300	NEW	86-06-002	304-12-290	AMD	86-12-067
296-155-720	AMD-C	86-03-073	296-350-400	AMD	86-03-064	304-12-350	AMD-P	86-09-091
296-155-720	AMD	86-03-074	296-400-005	NEW-P	86-14-034	304-12-350	AMD	86-12-067
296-155-725	AMD-C	86-03-073	296-400-005	NEW-E	86-14-038	304-25-030	AMD-P	86-03-048
296-155-725	AMD	86-03-074	296-400-030	AMD-P	86-14-034	304-25-030	AMD	86-08-042
296-155-730	AMD-C	86-03-073	296-400-030	AMD-E	86-14-038	304-25-560	AMD-P	86-03-048
296-155-730	AMD	86-03-074	296-400-035	NEW-P	86-14-034	304-25-560	AMD	86-08-042
296-155-750	AMD-C	86-03-073	296-400-035	NEW-E	86-14-038	308-04-010	AMD-P	86-04-090
296-155-750	AMD	86-03-074	296-400-045	AMD-P	86-14-034	308-04-010	AMD	86-08-069
296-155-760	REP-C	86-03-073	296-400-045	AMD-E	86-14-038	308-11-030	AMD-P	86-17-094
296-155-760	REP	86-03-074	296-400-050	AMD-P	86-14-034	308-11-035	NEW-P	86-17-094
296-155-765	AMD-C	86-03-073	296-400-050	AMD-E	86-14-038	308-11-040	REP-P	86-17-094
296-155-765	AMD	86-03-074	296-400-070	NEW-P	86-14-034	308-11-050	REP-E	86-14-086
296-155-775	AMD-C	86-03-073	296-400-070	NEW-E	86-14-038	308-11-050	AMD-P	86-17-094
296-155-775	AMD	86-03-074	296-400-100	NEW-P	86-14-034	308-11-060	AMD-P	86-17-094
296-155-830	AMD-C	86-03-073	296-400-100	NEW-E	86-14-038	308-11-080	REP-P	86-17-094
296-155-830	AMD	86-03-074	296-400-110	NEW-P	86-14-034	308-11-130	NEW-E	86-14-017
296-155-850	REP-C	86-03-073	296-400-110	NEW-E	86-14-038	308-11-140	NEW-E	86-14-086
296-155-850	REP	86-03-074	296-400-120	NEW-P	86-14-034	308-12-050	AMD	86-04-088
296-155-855	REP-C	86-03-073	296-400-120	NEW-E	86-14-038	308-12-081	AMD	86-04-088
296-155-855	REP	86-03-074	296-400-130	NEW-P	86-14-034	308-12-135	NEW-P	86-06-053
296-155-860	REP-C	86-03-073	296-400-130	NEW-E	86-14-038	308-12-140	NEW	86-04-088
296-155-860	REP	86-03-074	296-400-140	NEW-P	86-14-034	308-12-145	NEW	86-04-088
296-155-865	REP-C	86-03-073	296-400-140	NEW-E	86-14-038	308-12-150	NEW	86-04-088
296-155-865	REP	86-03-074	296-401-030	AMD-P	86-14-077	308-12-312	AMD-E	86-04-086
296-155-870	REP-C	86-03-073	296-401-030	AMD-E	86-14-078	308-12-312	AMD-E	86-10-037
296-155-870	REP	86-03-074	296-401-060	AMD-P	86-14-077	308-13-015	AMD-P	86-07-058
296-155-875	REP-C	86-03-073	296-401-060	AMD-E	86-14-078	308-13-015	AMD	86-16-013
296-155-875	REP	86-03-074	296-401-080	AMD-P	86-14-077	308-13-040	AMD-P	86-07-058
296-155-880	REP-C	86-03-073	296-401-080	AMD-E	86-14-078	308-13-040	AMD	86-16-013
296-155-880	REP	86-03-074	296-401-090	AMD-P	86-14-077	308-13-041	NEW-P	86-07-058
296-155-885	REP-C	86-03-073	296-401-090	AMD-E	86-14-078	308-13-041	NEW	86-16-013
296-155-885	REP	86-03-074	296-401-100	AMD-P	86-14-077	308-13-042	NEW-P	86-07-058
296-155-890	REP-C	86-03-073	296-401-100	AMD-E	86-14-078	308-13-042	NEW	86-16-013
296-155-890	REP	86-03-074	296-401-120	AMD-P	86-14-077	308-25-010	AMD-P	86-05-032
296-155-895	REP-C	86-03-073	296-401-120	AMD-E	86-14-078	308-25-015	NEW-P	86-05-032
296-155-895	REP	86-03-074	296-401-160	AMD-P	86-14-077	308-25-015	NEW	86-09-014
296-155-900	REP-C	86-03-073	296-401-160	AMD-E	86-14-078	308-25-025	REP-P	86-05-032
296-155-900	REP	86-03-074	296-401-165	AMD-P	86-14-077	308-25-025	REP	86-09-014
296-155-905	REP-C	86-03-073	296-401-165	AMD-E	86-14-078	308-25-030	REP-P	86-05-032
296-155-905	REP	86-03-074	296-401-168	NEW-P	86-14-077	308-25-030	REP	86-09-014
296-155-910	REP-C	86-03-073	296-401-168	NEW-E	86-14-078	308-25-035	NEW-P	86-05-032
296-155-910	REP	86-03-074	296-401-170	AMD-P	86-14-077	308-25-035	NEW	86-09-014
296-155-915	REP-C	86-03-073	296-401-170	AMD-E	86-14-078	308-29-060	AMD-P	86-10-002
296-155-915	REP	86-03-074	296-401-175	AMD-E	86-10-017	308-29-060	AMD	86-14-051

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308-29-070	NEW-P	86-10-002	308-61-027	REP	86-03-011	308-93-240	REP-E	86-15-069
308-29-070	NEW	86-14-051	308-61-030	AMD	86-03-011	308-93-240	REP-P	86-15-070
308-29-080	NEW-P	86-10-002	308-61-040	AMD	86-03-011	308-93-310	REP-E	86-15-069
308-29-080	NEW	86-14-051	308-61-050	AMD	86-03-011	308-93-310	REP-P	86-15-070
308-31-030	AMD-E	86-15-043	308-61-100	REP	86-03-011	308-96A-005	AMD-P	86-03-010
308-40-102	AMD-P	86-04-089	308-61-105	NEW	86-03-011	308-96A-005	AMD	86-10-040
308-40-102	AMD	86-08-046	308-61-108	NEW	86-03-011	308-96A-010	AMD-P	86-03-010
308-42-045	AMD-P	86-16-076	308-61-110	REP	86-03-011	308-96A-010	AMD	86-10-040
308-42-060	AMD-P	86-16-076	308-61-115	NEW	86-03-011	308-96A-015	AMD-P	86-03-010
308-48-010	AMD-P	86-09-006	308-61-120	REP	86-03-011	308-96A-015	AMD	86-10-040
308-48-010	AMD	86-15-022	308-61-125	NEW	86-03-011	308-96A-020	AMD-P	86-03-010
308-48-060	AMD-P	86-09-006	308-61-130	REP	86-03-011	308-96A-020	AMD	86-10-040
308-48-060	AMD	86-15-022	308-61-135	NEW	86-03-011	308-96A-020	REP-E	86-15-069
308-48-120	REP-P	86-09-006	308-61-140	REP	86-03-011	308-96A-020	REP-P	86-15-070
308-48-120	REP	86-15-022	308-61-145	NEW	86-03-011	308-96A-030	REP-P	86-03-010
308-48-130	REP-P	86-09-006	308-61-150	REP	86-03-011	308-96A-030	REP	86-10-040
308-48-130	REP	86-15-022	308-61-155	REP	86-03-011	308-96A-035	AMD-P	86-03-010
308-48-140	AMD-P	86-09-006	308-61-158	NEW	86-03-011	308-96A-035	AMD	86-10-040
308-48-140	AMD	86-15-022	308-61-160	REP	86-03-011	308-96A-040	AMD-P	86-03-010
308-48-150	AMD-P	86-09-006	308-61-165	REP	86-03-011	308-96A-040	AMD	86-10-040
308-48-150	AMD	86-15-022	308-61-168	NEW	86-03-011	308-96A-050	AMD-P	86-03-010
308-48-160	AMD-P	86-09-006	308-61-170	REP	86-03-011	308-96A-050	AMD	86-10-040
308-48-160	AMD	86-15-022	308-61-175	NEW	86-03-011	308-96A-055	REP-P	86-03-010
308-48-165	AMD-P	86-09-006	308-61-180	REP	86-03-011	308-96A-055	REP	86-10-040
308-48-165	AMD	86-15-022	308-61-185	NEW	86-03-011	308-96A-060	REP-P	86-03-010
308-48-790	NEW	86-05-031	308-61-190	NEW	86-03-011	308-96A-060	REP	86-10-040
308-50-230	REP-P	86-05-034	308-61-205	NEW	86-08-028	308-96A-075	AMD-P	86-03-010
308-50-230	REP	86-09-064	308-61-220	AMD-E	86-16-053	308-96A-075	AMD	86-10-040
308-50-330	AMD-P	86-05-034	308-61-220	AMD-P	86-16-077	308-96A-100	AMD-P	86-03-010
308-50-330	AMD	86-09-064	308-61-305	NEW	86-08-028	308-96A-100	AMD	86-10-040
308-50-420	NEW-P	86-05-034	308-61-400	AMD	86-08-028	308-96A-105	AMD-P	86-03-010
308-50-420	NEW	86-09-064	308-61-405	NEW	86-08-028	308-96A-105	AMD	86-10-040
308-50-430	NEW-P	86-05-034	308-61-420	AMD-E	86-16-053	308-96A-115	REP-P	86-03-010
308-50-430	NEW	86-09-064	308-61-420	AMD-P	86-16-077	308-96A-115	REP	86-10-040
308-52-135	AMD-P	86-08-093	308-66-110	AMD-E	86-16-026	308-96A-120	AMD-P	86-03-010
308-52-135	AMD	86-12-031	308-66-110	AMD-P	86-16-052	308-96A-120	AMD	86-10-040
308-52-139	AMD-P	86-08-093	308-66-120	AMD-E	86-16-026	308-96A-125	REP-P	86-03-010
308-52-139	AMD	86-12-031	308-66-120	AMD-P	86-16-052	308-96A-125	REP	86-10-040
308-52-140	AMD-P	86-08-093	308-66-130	REP-E	86-16-026	308-96A-130	REP-P	86-03-010
308-52-140	AMD	86-12-031	308-66-130	REP-P	86-16-052	308-96A-130	REP	86-10-040
308-52-140	AMD-P	86-13-069	308-66-135	NEW	86-08-028	308-96A-135	AMD-P	86-03-010
308-52-140	AMD	86-16-054	308-66-140	AMD-E	86-16-026	308-96A-135	AMD	86-10-040
308-52-141	AMD-P	86-08-093	308-66-140	AMD-P	86-16-052	308-96A-140	REP-P	86-03-010
308-52-141	AMD	86-12-031	308-66-145	NEW-E	86-16-026	308-96A-140	REP	86-10-040
308-52-142	REP-P	86-08-093	308-66-145	NEW-P	86-16-052	308-96A-145	AMD-P	86-03-010
308-52-142	REP	86-12-031	308-66-155	AMD-E	86-16-026	308-96A-145	AMD	86-10-040
308-52-143	REP-P	86-08-093	308-66-155	AMD-P	86-16-052	308-96A-155	REP-P	86-03-010
308-52-143	REP	86-12-031	308-66-157	NEW-E	86-16-026	308-96A-155	REP	86-10-040
308-52-145	REP-P	86-08-093	308-66-157	NEW-P	86-16-052	308-96A-160	REP-P	86-03-010
308-52-145	REP	86-12-031	308-66-160	AMD-E	86-16-053	308-96A-160	REP	86-10-040
308-52-146	NEW-P	86-08-093	308-66-160	AMD-P	86-16-077	308-96A-165	REP-P	86-03-010
308-52-170	AMD	86-03-056	308-66-170	AMD-E	86-16-026	308-96A-165	REP	86-10-040
308-52-502	AMD-P	86-13-069	308-66-170	AMD-P	86-16-052	308-96A-170	REP-P	86-03-010
308-52-502	AMD	86-16-054	308-66-180	AMD-E	86-16-026	308-96A-170	REP	86-10-040
308-52-515	NEW-P	86-13-069	308-66-180	AMD-P	86-16-052	308-96A-200	REP-P	86-03-010
308-52-515	NEW	86-16-054	308-66-210	AMD-E	86-16-026	308-96A-200	REP	86-10-040
308-53-010	AMD-P	86-07-059	308-66-210	AMD-P	86-16-052	308-96A-205	AMD-P	86-03-010
308-53-070	AMD-P	86-07-059	308-66-225	NEW-E	86-16-026	308-96A-205	AMD	86-10-040
308-53-070	AMD	86-13-009	308-66-225	NEW-P	86-16-052	308-96A-210	AMD-P	86-03-010
308-53-075	NEW-P	86-08-092	308-66-230	AMD-E	86-16-026	308-96A-210	AMD	86-10-040
308-53-075	NEW	86-13-008	308-66-230	AMD-P	86-16-052	308-96A-215	REP-P	86-03-010
308-53-080	REP-P	86-08-092	308-79-050	NEW-E	86-03-071	308-96A-215	REP	86-10-040
308-53-080	REP	86-13-008	308-79-050	NEW-P	86-06-042	308-96A-220	AMD-P	86-03-010
308-53-084	NEW-P	86-08-092	308-79-050	NEW	86-10-003	308-96A-220	AMD	86-10-040
308-53-084	NEW	86-13-008	308-80-015	NEW	86-08-028	308-96A-225	REP-P	86-03-010
308-53-085	AMD-P	86-08-092	308-93-010	AMD-P	86-07-060	308-96A-225	REP	86-10-040
308-53-085	AMD	86-13-008	308-93-010	AMD	86-10-068	308-96A-230	REP-P	86-03-010
308-53-100	REP-P	86-08-092	308-93-072	NEW-P	86-07-060	308-96A-230	REP	86-10-040
308-53-105	NEW-P	86-08-092	308-93-072	NEW	86-10-068	308-96A-235	REP-P	86-03-010
308-53-125	AMD-P	86-08-092	308-93-073	NEW-P	86-07-060	308-96A-235	REP	86-10-040
308-53-212	NEW-P	86-08-092	308-93-073	NEW	86-10-068	308-96A-240	REP-P	86-03-010
308-53-212	NEW	86-13-008	308-93-074	NEW-P	86-07-060	308-96A-240	REP	86-10-040
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308-53-265	NEW	86-13-008	308-93-078	NEW-P	86-07-060	308-96A-260	AMD	86-08-028
308-61-010	AMD	86-03-011	308-93-078	NEW	86-10-068	308-96A-260	AMD	86-10-040
308-61-025	AMD	86-03-011	308-93-079	NEW-P	86-07-060	308-96A-265	REP-P	86-03-010
308-61-026	NEW	86-03-011	308-93-079	NEW	86-10-068	308-96A-265	REP	86-10-040

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308-96A-270	REP-P	86-03-010	308-124D-040	NEW-P	86-16-068	314-12-090	AMD-P	86-09-085
308-96A-270	REP	86-10-040	308-124H-035	NEW-P	86-04-091	314-12-090	AMD	86-12-021
308-96A-275	AMD-P	86-03-010	308-124H-035	NEW	86-11-011	314-12-140	AMD	86-04-003
308-96A-275	AMD	86-10-040	308-124H-036	NEW-P	86-04-091	314-12-140	AMD-P	86-06-021
308-96A-280	REP-P	86-03-010	308-124H-036	NEW	86-11-011	314-12-140	AMD	86-09-019
308-96A-280	REP	86-10-040	308-124H-037	NEW-P	86-04-091	314-16-025	NEW-P	86-07-047
308-96A-285	REP-P	86-03-010	308-124H-037	NEW-P	86-11-061	314-16-025	NEW	86-09-074
308-96A-285	REP	86-10-040	308-124H-037	NEW	86-16-055	314-16-040	AMD-P	86-04-082
308-96A-290	REP-P	86-03-010	308-124H-040	AMD-P	86-04-091	314-16-040	AMD	86-07-015
308-96A-290	REP	86-10-040	308-124H-040	AMD	86-06-011	314-16-075	AMD-P	86-11-046
308-96A-295	AMD-P	86-03-010	308-124H-040	AMD	86-11-011	314-16-075	AMD-P	86-15-039
308-96A-295	AMD	86-10-040	308-124H-043	NEW	86-06-011	314-16-100	REP-P	86-04-049
308-96A-300	AMD-P	86-03-010	308-124H-045	AMD	86-06-011	314-16-100	REP	86-07-014
308-96A-300	AMD	86-10-040	308-128F-030	REP-E	86-11-018	314-16-115	NEW-E	86-09-027
308-96A-305	REP-P	86-03-010	308-128F-050	AMD-E	86-11-018	314-16-115	NEW-P	86-09-086
308-96A-305	REP	86-10-040	308-151-110	NEW-P	86-05-033	314-16-115	NEW	86-12-022
308-99-020	AMD-E	86-09-013	308-151-110	NEW	86-08-068	314-16-180	AMD-P	86-12-009
308-99-020	AMD-P	86-09-100	308-153	AMD-P	86-10-067	314-16-180	AMD	86-15-042
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308-99-021	NEW-E	86-09-013	308-153-010	AMD-P	86-10-067	314-16-196	AMD	86-15-066
308-99-021	NEW-P	86-09-100	308-153-010	AMD	86-13-070	314-18-040	AMD-P	86-07-046
308-99-021	NEW	86-14-016	308-153-020	AMD-P	86-10-067	314-18-040	AMD	86-09-075
308-102-090	AMD-P	86-03-083	308-153-020	AMD	86-13-070	314-20-100	AMD-P	86-04-084
308-102-090	AMD	86-07-018	308-153-030	AMD-P	86-10-067	314-20-100	AMD-C	86-07-021
308-102-100	AMD-P	86-03-083	308-153-030	AMD	86-13-070	314-20-100	AMD-C	86-14-100
308-102-100	AMD	86-07-018	308-153-040	REP-P	86-10-067	314-20-100	AMD	86-16-060
308-102-190	AMD-P	86-03-083	308-153-040	REP	86-13-070	314-20-105	AMD-P	86-04-084
308-102-190	AMD	86-07-018	308-153-045	NEW-P	86-10-067	314-20-105	AMD-C	86-07-021
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308-102-200	AMD	86-07-018	308-154-070	REP-P	86-10-067	314-20-105	AMD	86-16-060
308-102-265	NEW-P	86-03-083	308-154-070	REP	86-13-070	314-24-070	AMD-P	86-08-095
308-102-265	NEW	86-07-018	308-156-075	NEW-P	86-05-033	314-24-070	AMD	86-11-014
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308-104-012	NEW	86-07-018	308-171-001	AMD-P	86-06-054	314-24-080	AMD	86-07-022
308-104-056	AMD-P	86-03-083	308-171-001	AMD	86-10-004	314-24-100	AMD-P	86-08-095
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388-73-436	AMD-P	86-12-020	388-99-010	AMD-P	86-08-031	390-24-025	AMD	86-08-030
388-73-440	AMD-P	86-12-020	388-99-010	AMD-E	86-08-033	390-24-025	AMD-P	86-15-065
388-73-450	AMD-P	86-12-020	388-99-010	AMD	86-11-025	390-24-030	AMD-P	86-05-041
388-73-702	AMD-P	86-12-020	388-99-011	NEW-E	86-17-058	390-24-030	AMD	86-08-030
388-82-010	AMD-E	86-04-019	388-99-011	NEW-P	86-17-074	390-24-032	NEW-P	86-13-006
388-82-010	AMD-P	86-04-020	388-99-020	AMD-E	86-03-066	390-24-032	NEW-C	86-14-055
388-82-010	AMD-P	86-08-031	388-99-020	AMD-P	86-03-069	390-24-100	AMD-P	86-05-041
388-82-010	AMD-E	86-08-033	388-99-020	AMD	86-07-003	390-24-100	AMD	86-08-030
388-82-010	AMD	86-11-025	388-99-030	AMD-P	86-12-042	390-24-105	AMD-P	86-05-041
388-82-115	AMD-P	86-08-031	388-99-030	AMD-E	86-12-043	390-24-105	AMD	86-08-030
388-82-115	AMD-E	86-08-033	388-99-030	AMD	86-17-022	390-24-110	AMD-P	86-05-041
388-82-115	AMD	86-11-025	388-99-050	AMD-P	86-12-042	390-24-110	AMD	86-08-030
388-83-031	NEW-E	86-17-058	388-99-050	AMD-E	86-12-043	390-24-160	AMD-P	86-05-041
388-83-031	NEW-P	86-17-074	388-99-050	AMD	86-17-022	390-24-160	AMD	86-08-030

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390-24-200	AMD	86-08-030	392-127-280	AMD-P	86-17-088	392-127-575	REP-E	86-17-047
390-24-205	AMD-P	86-05-041	392-127-285	REP-E	86-17-047	392-127-575	REP-P	86-17-088
390-24-205	AMD	86-08-030	392-127-285	REP-P	86-17-088	392-127-576	NEW-E	86-17-047
390-24-210	AMD-P	86-05-041	392-127-286	NEW-E	86-17-047	392-127-576	NEW-P	86-17-088
390-24-210	AMD	86-08-030	392-127-286	NEW-P	86-17-088	392-127-577	NEW-E	86-17-047
390-32-020	AMD-P	86-04-053	392-127-287	NEW-E	86-17-047	392-127-577	NEW-P	86-17-088
390-32-020	AMD	86-08-030	392-127-287	NEW-P	86-17-088	392-127-578	NEW-E	86-17-047
390-37-030	AMD	86-04-071	392-127-290	REP-E	86-17-047	392-127-578	NEW-P	86-17-088
390-37-060	AMD	86-04-071	392-127-290	REP-P	86-17-088	392-127-579	NEW-E	86-17-047
390-37-063	AMD	86-04-071	392-127-295	AMD-E	86-17-047	392-127-579	NEW-P	86-17-088
390-37-070	AMD	86-04-071	392-127-295	AMD-P	86-17-088	392-127-580	NEW-E	86-17-047
390-37-090	AMD	86-04-071	392-127-296	AMD-E	86-17-047	392-127-580	NEW-P	86-17-088
390-37-100	AMD	86-04-071	392-127-296	AMD-P	86-17-088	392-127-600	REP-E	86-17-047
390-37-210	AMD	86-04-071	392-127-297	NEW-E	86-17-047	392-127-600	REP-P	86-17-088
391-45-171	REP-P	86-08-041	392-127-297	NEW-P	86-17-088	392-127-605	REP-E	86-17-047
391-45-171	REP	86-11-054	392-127-325	REP-E	86-17-047	392-127-605	REP-P	86-17-088
392-126-120	AMD-E	86-17-045	392-127-325	REP-P	86-17-088	392-127-610	REP-E	86-17-047
392-126-120	AMD-P	86-17-087	392-127-325	AMD-E	86-17-047	392-127-610	REP-P	86-17-088
392-126-225	AMD-E	86-17-045	392-127-355	AMD-P	86-17-088	392-127-615	REP-E	86-17-047
392-126-225	AMD-P	86-17-087	392-127-355	AMD-P	86-17-088	392-127-615	REP-P	86-17-088
392-126-230	AMD-E	86-17-045	392-127-360	REP-E	86-17-047	392-127-615	REP-P	86-17-088
392-126-230	AMD-P	86-17-087	392-127-360	REP-P	86-17-088	392-127-620	REP-E	86-17-047
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392-126-260	AMD-E	86-17-045	392-127-365	AMD-P	86-17-088	392-127-625	REP-E	86-17-047
392-126-260	AMD-P	86-17-087	392-127-370	AMD-E	86-17-047	392-127-625	REP-P	86-17-088
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392-126-285	AMD-P	86-17-087	392-127-370	AMD-P	86-17-088	392-127-630	REP-P	86-17-088
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392-126-290	NEW-P	86-17-087	392-127-371	NEW-P	86-17-088	392-127-635	REP-P	86-17-088
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392-126-291	NEW-P	86-17-087	392-127-375	AMD-P	86-17-088	392-127-640	REP-P	86-17-088
392-126-325	AMD-E	86-17-045	392-127-380	AMD-E	86-17-047	392-127-645	AMD-E	86-17-047
392-126-325	AMD-P	86-17-087	392-127-380	AMD-P	86-17-088	392-127-645	AMD-P	86-17-088
392-126-330	AMD-E	86-17-045	392-127-385	REP-E	86-17-047	392-127-650	AMD-E	86-17-047
392-126-330	AMD-P	86-17-087	392-127-385	REP-P	86-17-088	392-127-650	AMD-P	86-17-088
392-126-355	AMD-E	86-17-045	392-127-386	NEW-E	86-17-047	392-127-650	AMD-P	86-17-088
392-126-355	AMD-P	86-17-087	392-127-386	NEW-P	86-17-088	392-127-651	NEW-E	86-17-047
392-126-360	AMD-E	86-17-045	392-127-387	NEW-E	86-17-047	392-127-651	NEW-P	86-17-088
392-126-360	AMD-P	86-17-087	392-127-387	NEW-P	86-17-088	392-127-655	AMD-E	86-17-047
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392-126-390	NEW-E	86-17-045	392-127-395	AMD-E	86-17-047	392-127-660	REP-P	86-17-088
392-126-390	NEW-P	86-17-087	392-127-395	AMD-P	86-17-088	392-127-665	AMD-E	86-17-047
392-126-391	NEW-E	86-17-045	392-127-396	AMD-E	86-17-047	392-127-665	AMD-P	86-17-088
392-126-391	NEW-P	86-17-087	392-127-396	AMD-P	86-17-088	392-127-670	AMD-E	86-17-047
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392-126-392	NEW-P	86-17-087	392-127-397	NEW-P	86-17-088	392-127-675	REP-E	86-17-047
392-126-700	AMD-E	86-17-045	392-127-500	REP-E	86-17-047	392-127-675	REP-P	86-17-088
392-126-700	AMD-P	86-17-087	392-127-500	REP-P	86-17-088	392-127-676	NEW-E	86-17-047
392-126-800	AMD-E	86-17-045	392-127-505	REP-E	86-17-047	392-127-676	NEW-P	86-17-088
392-126-800	AMD-P	86-17-087	392-127-505	REP-P	86-17-088	392-127-677	NEW-E	86-17-047
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392-127-005	AMD-P	86-17-088	392-127-520	REP-P	86-17-088	392-127-680	NEW-E	86-17-047
392-127-010	AMD-E	86-17-047	392-127-525	REP-E	86-17-047	392-127-680	NEW-P	86-17-088
392-127-010	AMD-P	86-17-088	392-127-525	REP-P	86-17-088	392-129-013	AMD-P	86-05-035
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392-127-225	REP-P	86-17-088	392-127-535	REP-P	86-17-088	392-140-075	NEW-E	86-05-037
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392-127-260	REP-P	86-17-088	392-127-545	AMD-P	86-17-088	392-140-076	NEW	86-08-075
392-127-265	AMD-E	86-17-047	392-127-550	AMD-E	86-17-047	392-140-077	NEW-P	86-05-036
392-127-265	AMD-P	86-17-088	392-127-550	AMD-P	86-17-088	392-140-077	NEW-E	86-05-037
392-127-270	AMD-E	86-17-047	392-127-551	NEW-E	86-17-047	392-140-077	NEW	86-08-075
392-127-270	AMD-P	86-17-088	392-127-551	NEW-P	86-17-088	392-140-078	NEW-P	86-05-036
392-127-271	NEW-E	86-17-047	392-127-555	AMD-E	86-17-047	392-140-078	NEW-E	86-05-037
392-127-271	NEW-P	86-17-088	392-127-555	AMD-P	86-17-088	392-140-078	NEW	86-08-075
392-127-275	AMD-E	86-17-047	392-127-560	REP-E	86-17-047	392-140-079	NEW-P	86-05-036
392-127-275	AMD-P	86-17-088	392-127-560	REP-P	86-17-088	392-140-079	NEW-E	86-05-037
			392-127-565	AMD-E	86-17-047	392-140-079	NEW	86-08-075
			392-127-565	AMD-P	86-17-088	392-140-080	NEW-P	86-05-036
			392-127-570	AMD-E	86-17-047	392-140-080	NEW-E	86-05-037

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392-140-081	NEW-E	86-05-037	392-140-119	NEW-P	86-17-089	392-210-005	AMD-P	86-11-030
392-140-081	NEW	86-08-075	392-140-120	NEW-E	86-17-046	392-210-005	AMD	86-15-051
392-140-082	NEW-P	86-05-036	392-140-120	NEW-P	86-17-089	392-210-025	AMD-E	86-07-038
392-140-082	NEW-E	86-05-037	392-140-121	NEW-E	86-17-046	392-210-025	AMD-P	86-11-030
392-140-082	NEW	86-08-075	392-140-121	NEW-P	86-17-089	392-210-025	AMD	86-15-051
392-140-083	NEW-P	86-05-036	392-140-122	NEW-E	86-17-046	399-30-040	NEW	86-03-051
392-140-083	NEW-E	86-05-037	392-140-122	NEW-P	86-17-089	399-30-040	AMD-P	86-14-053
392-140-083	NEW	86-08-075	392-140-123	NEW-E	86-17-046	399-30-040	AMD-E	86-14-054
392-140-085	NEW-E	86-17-046	392-140-123	NEW-P	86-17-089	399-30-060	AMD-P	86-14-053
392-140-085	NEW-P	86-17-089	392-140-124	NEW-E	86-17-046	399-30-060	AMD-E	86-14-054
392-140-086	NEW-E	86-17-046	392-140-124	NEW-P	86-17-089	400-04-010	NEW	86-04-054
392-140-086	NEW-P	86-17-089	392-140-125	NEW-E	86-17-046	400-04-020	NEW	86-04-054
392-140-087	NEW-E	86-17-046	392-140-125	NEW-P	86-17-089	400-04-040	NEW	86-04-054
392-140-087	NEW-P	86-17-089	392-140-126	NEW-E	86-17-046	400-04-504	NEW	86-04-054
392-140-088	NEW-E	86-17-046	392-140-126	NEW-P	86-17-089	400-04-510	NEW	86-04-054
392-140-088	NEW-P	86-17-089	392-140-127	NEW-E	86-17-046	400-04-680	NEW	86-04-054
392-140-089	NEW-E	86-17-046	392-140-127	NEW-P	86-17-089	400-04-902	NEW	86-04-054
392-140-089	NEW-P	86-17-089	392-140-128	NEW-E	86-17-046	400-04-910	NEW	86-04-054
392-140-090	NEW-E	86-17-046	392-140-128	NEW-P	86-17-089	400-04-995	NEW	86-04-054
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392-140-091	NEW-P	86-17-089	392-140-130	NEW-E	86-17-046	400-06-030	NEW	86-04-055
392-140-092	NEW-E	86-17-046	392-140-130	NEW-P	86-17-089	400-06-050	NEW	86-04-055
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392-140-095	NEW-P	86-17-089	392-140-134	NEW-E	86-17-046	400-06-130	NEW	86-04-055
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392-140-096	NEW-P	86-17-089	392-140-135	NEW-E	86-17-046	400-06-150	NEW	86-04-055
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392-140-099	NEW-E	86-17-046	392-140-137	NEW-P	86-17-089	402-12-030	AMD-P	86-17-066
392-140-099	NEW-P	86-17-089	392-140-138	NEW-E	86-17-046	402-12-050	AMD-P	86-17-066
392-140-100	NEW-E	86-17-046	392-140-138	NEW-P	86-17-089	402-12-140	AMD-P	86-17-066
392-140-100	NEW-P	86-17-089	392-140-139	NEW-E	86-17-046	402-12-200	AMD-P	86-17-066
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392-140-101	NEW-P	86-17-089	392-140-140	NEW-E	86-17-046	402-19-190	AMD-P	86-17-066
392-140-102	NEW-E	86-17-046	392-140-140	NEW-P	86-17-089	402-19-250	AMD-P	86-17-066
392-140-102	NEW-P	86-17-089	392-140-141	NEW-E	86-17-046	402-19-300	AMD-P	86-17-066
392-140-103	NEW-E	86-17-046	392-140-141	NEW-P	86-17-089	402-19-350	AMD-P	86-17-066
392-140-103	NEW-P	86-17-089	392-140-142	NEW-E	86-17-046	402-19-400	AMD-P	86-17-066
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392-140-105	NEW-E	86-17-046	392-140-143	NEW-P	86-17-089	402-19-530	AMD-P	86-11-019
392-140-105	NEW-P	86-17-089	392-140-144	NEW-E	86-17-046	402-19-530	AMD-E	86-11-020
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392-140-108	NEW-P	86-17-089	392-171	AMD-C	86-03-060	402-22-040	AMD-P	86-17-066
392-140-109	NEW-E	86-17-046	392-171-315	AMD	86-06-007	402-22-045	AMD-P	86-17-066
392-140-109	NEW-P	86-17-089	392-171-351	AMD	86-06-007	402-22-065	AMD-P	86-17-066
392-140-110	NEW-E	86-17-046	392-171-358	AMD	86-06-007	402-22-070	AMD-P	86-17-066
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392-140-112	NEW-P	86-17-089	392-171-514	NEW	86-06-007	402-24-040	AMD-P	86-17-066
392-140-113	NEW-E	86-17-046	392-171-516	AMD	86-06-007	402-24-050	AMD-P	86-17-066
392-140-113	NEW-P	86-17-089	392-171-517	NEW	86-06-007	402-24-085	AMD-P	86-17-066
392-140-114	NEW-E	86-17-046	392-171-518	NEW	86-06-007	402-24-090	AMD-P	86-17-066
392-140-114	NEW-P	86-17-089	392-171-519	NEW	86-06-007	402-24-125	AMD-P	86-17-066
392-140-115	NEW-E	86-17-046	392-171-531	AMD	86-06-007	402-24-135	AMD-P	86-17-066
392-140-115	NEW-P	86-17-089	392-171-706	AMD	86-06-007	402-24-158	NEW-P	86-17-066
392-140-116	NEW-E	86-17-046	392-182-005	AMD-P	86-11-028	402-24-170	AMD-P	86-17-066
392-140-116	NEW-P	86-17-089	392-182-005	AMD	86-15-050	402-24-180	AMD-P	86-17-066
392-140-117	NEW-E	86-17-046	392-182-010	AMD-P	86-11-028	402-24-190	AMD-P	86-17-066
392-140-117	NEW-P	86-17-089	392-182-010	AMD	86-15-050	402-24-215	AMD-P	86-17-066
392-140-118	NEW-E	86-17-046	392-196-005	AMD-P	86-11-029	402-28-031	AMD-P	86-17-066

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402-28-035	AMD-P 86-17-066	402-61-310	NEW-P 86-17-066	434-57-150	NEW 86-08-045
402-28-040	AMD-P 86-17-066	402-61-320	NEW-P 86-17-066	440-44-035	AMD-P 86-09-031
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402-28-101	AMD-P 86-17-066	402-61-340	NEW-P 86-17-066	440-44-040	AMD-P 86-09-031
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402-32-100	AMD-P 86-17-066	402-62-020	NEW-P 86-17-066	440-44-050	RE-AD-P 86-04-025
402-34-140	AMD-P 86-17-066	402-62-030	NEW-P 86-17-066	440-44-050	RE-AD 86-08-054
402-34-210	AMD-P 86-17-066	402-62-040	NEW-P 86-17-066	440-44-057	RE-AD-P 86-04-025
402-36-070	AMD-P 86-17-066	402-62-050	NEW-P 86-17-066	440-44-057	RE-AD 86-08-054
402-38-010	NEW-P 86-17-066	402-62-060	NEW-P 86-17-066	440-44-059	NEW-P 86-09-093
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402-38-030	NEW-P 86-17-066	402-62-080	NEW-P 86-17-066	440-44-061	AMD-P 86-14-006
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402-38-060	NEW-P 86-17-066	402-70-010	AMD-P 86-17-066	440-44-100	NEW 86-05-029
402-38-080	NEW-P 86-17-066	402-70-020	AMD-P 86-17-066	446-55-010	NEW-P 86-05-015
402-38-100	NEW-P 86-17-066	402-70-030	AMD-P 86-17-066	446-55-010	NEW 86-08-067
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402-38-160	NEW-P 86-17-066	402-70-080	NEW-P 86-17-066	446-55-030	NEW-P 86-05-015
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402-38-200	NEW-P 86-17-066	402-80-010	NEW-P 86-17-066	446-55-040	NEW-P 86-05-015
402-38-220	NEW-P 86-17-066	402-80-020	NEW-P 86-17-066	446-55-040	NEW 86-08-067
402-38-240	NEW-P 86-17-066	402-80-030	NEW-P 86-17-066	446-55-050	NEW-P 86-05-015
402-38-260	NEW-P 86-17-066	402-80-040	NEW-P 86-17-066	446-55-050	NEW 86-08-067
402-38-280	NEW-P 86-17-066	402-80-050	NEW-P 86-17-066	446-55-060	NEW-P 86-05-015
402-38-300	NEW-P 86-17-066	402-80-060	NEW-P 86-17-066	446-55-060	NEW 86-08-067
402-38-320	NEW-P 86-17-066	402-80-070	NEW-P 86-17-066	446-55-070	NEW-P 86-05-015
402-38-340	NEW-P 86-17-066	402-80-080	NEW-P 86-17-066	446-55-070	NEW 86-08-067
402-38-360	NEW-P 86-17-066	402-80-090	NEW-P 86-17-066	446-55-080	NEW-P 86-05-015
402-38-380	NEW-P 86-17-066	402-80-100	NEW-P 86-17-066	446-55-080	NEW 86-08-067
402-38-400	NEW-P 86-17-066	415-02-090	AMD-P 86-04-080	446-55-090	NEW-P 86-05-015
402-38-420	NEW-P 86-17-066	415-02-090	AMD 86-07-026	446-55-090	NEW 86-08-067
402-38-440	NEW-P 86-17-066	415-02-090	AMD-E 86-09-037	446-55-100	NEW-P 86-05-015
402-38-500	NEW-P 86-17-066	415-02-090	AMD-P 86-09-052	446-55-100	NEW 86-08-067
402-44-120	AMD-P 86-17-066	415-02-090	AMD 86-13-022	446-55-110	NEW-P 86-05-015
402-48-010	AMD-P 86-17-066	415-108-500	NEW-E 86-09-066	446-55-110	NEW 86-08-067
402-48-020	AMD-P 86-17-066	415-108-500	NEW-P 86-09-067	446-55-120	NEW-P 86-05-015
402-48-040	AMD-P 86-17-066	415-108-500	NEW 86-13-023	446-55-120	NEW 86-08-067
402-48-070	AMD-P 86-17-066	419-36-090	NEW 86-04-068	446-55-130	NEW-P 86-05-015
402-48-080	AMD-P 86-17-066	434-57	AMD-P 86-05-053	446-55-130	NEW 86-08-067
402-52-050	NEW-P 86-17-066	434-57	AMD-E 86-08-044	446-55-140	NEW-P 86-05-015
402-52-090	NEW-P 86-11-019	434-57	AMD 86-08-045	446-55-140	NEW 86-08-067
402-52-090	NEW-E 86-11-020	434-57-010	NEW-P 86-05-053	446-55-150	NEW-P 86-05-015
402-52-090	NEW-E 86-17-026	434-57-010	NEW-E 86-08-044	446-55-150	NEW 86-08-067
402-52-090	NEW 86-17-027	434-57-010	NEW 86-08-045	446-55-160	NEW-P 86-05-015
402-52-100	AMD-P 86-17-066	434-57-020	NEW-P 86-05-053	446-55-160	NEW 86-08-067
402-52-300	NEW-P 86-17-066	434-57-020	NEW-E 86-08-044	446-55-165	NEW-P 86-05-015
402-61-010	NEW-P 86-17-066	434-57-020	NEW 86-08-045	446-55-165	NEW 86-08-067
402-61-020	NEW-P 86-17-066	434-57-030	AMD-P 86-05-053	446-55-170	NEW-P 86-05-015
402-61-030	NEW-P 86-17-066	434-57-030	AMD-E 86-08-044	446-55-170	NEW 86-08-067
402-61-040	NEW-P 86-17-066	434-57-030	AMD 86-08-045	446-55-180	NEW-P 86-05-015
402-61-050	NEW-P 86-17-066	434-57-040	NEW-P 86-05-053	446-55-180	NEW 86-08-067
402-61-060	NEW-P 86-17-066	434-57-040	NEW-E 86-08-044	446-55-190	NEW-P 86-05-015
402-61-070	NEW-P 86-17-066	434-57-040	NEW 86-08-045	446-55-190	NEW 86-08-067
402-61-080	NEW-P 86-17-066	434-57-050	NEW-P 86-05-053	446-55-200	NEW-P 86-05-015
402-61-090	NEW-P 86-17-066	434-57-050	NEW-E 86-08-044	446-55-200	NEW 86-08-067
402-61-100	NEW-P 86-17-066	434-57-050	NEW 86-08-045	446-55-210	NEW-P 86-05-015
402-61-110	NEW-P 86-17-066	434-57-070	NEW-P 86-05-053	446-55-210	NEW 86-08-067
402-61-120	NEW-P 86-17-066	434-57-070	NEW-E 86-08-044	446-55-220	NEW-P 86-05-015
402-61-130	NEW-P 86-17-066	434-57-070	NEW 86-08-045	446-55-220	NEW 86-08-067
402-61-140	NEW-P 86-17-066	434-57-080	NEW-P 86-05-053	446-55-230	NEW-P 86-05-015
402-61-150	NEW-P 86-17-066	434-57-080	NEW-E 86-08-044	446-55-230	NEW 86-08-067
402-61-160	NEW-P 86-17-066	434-57-080	NEW 86-08-045	446-55-240	NEW-P 86-05-015
402-61-170	NEW-P 86-17-066	434-57-090	NEW-P 86-05-053	446-55-240	NEW 86-08-067
402-61-180	NEW-P 86-17-066	434-57-090	NEW-E 86-08-044	446-55-250	NEW-P 86-05-015
402-61-190	NEW-P 86-17-066	434-57-090	NEW 86-08-045	446-55-250	NEW 86-08-067
402-61-200	NEW-P 86-17-066	434-57-100	NEW-P 86-05-053	446-55-260	NEW-P 86-05-015
402-61-210	NEW-P 86-17-066	434-57-100	NEW-E 86-08-044	446-55-260	NEW 86-08-067
402-61-220	NEW-P 86-17-066	434-57-100	NEW 86-08-045	446-55-270	NEW-P 86-05-015
402-61-230	NEW-P 86-17-066	434-57-120	NEW-P 86-05-053	446-55-270	NEW 86-08-067
402-61-240	NEW-P 86-17-066	434-57-120	NEW-E 86-08-044	446-55-280	NEW-P 86-05-015
402-61-250	NEW-P 86-17-066	434-57-120	NEW 86-08-045	446-55-280	NEW 86-08-067
402-61-260	NEW-P 86-17-066	434-57-130	NEW-P 86-05-053	446-60-010	NEW-P 86-05-015
402-61-270	NEW-P 86-17-066	434-57-130	NEW-E 86-08-044	446-60-010	NEW 86-08-067
402-61-280	NEW-P 86-17-066	434-57-130	NEW 86-08-045	446-60-020	NEW-P 86-05-015
402-61-290	NEW-P 86-17-066	434-57-150	NEW-P 86-05-053	446-60-020	NEW 86-08-067

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446-60-030	NEW 86-08-067	458-20-135	AMD-P 86-06-047	458-61-210	AMD-P 86-13-010
446-60-040	NEW-P 86-05-015	458-20-135	AMD 86-09-058	458-61-210	AMD 86-16-080
446-60-040	NEW 86-08-067	458-20-136	AMD-P 86-17-077	458-61-230	AMD-P 86-13-010
446-60-050	NEW-P 86-05-015	458-20-17001	NEW-P 86-07-056	458-61-230	AMD 86-16-080
446-60-050	NEW 86-08-067	458-20-17001	NEW 86-10-016	458-61-290	AMD-P 86-13-010
446-60-060	NEW-P 86-05-015	458-20-175	AMD-P 86-03-043	458-61-290	AMD 86-16-080
446-60-060	NEW 86-08-067	458-20-175	AMD 86-07-005	458-61-320	AMD-P 86-13-010
446-60-070	NEW-P 86-05-015	458-20-178	AMD-P 86-16-064	458-61-320	AMD 86-16-080
446-60-070	NEW 86-08-067	458-20-179	REVIEW 86-14-020	458-61-410	AMD-P 86-13-010
446-60-080	NEW-P 86-05-015	458-20-179	REVIEW 86-14-093	458-61-410	AMD 86-16-080
446-60-080	NEW 86-08-067	458-20-179	AMD-P 86-15-081	458-61-425	NEW-P 86-13-010
446-60-090	NEW-P 86-05-015	458-20-187	AMD-P 86-15-080	458-61-425	NEW 86-16-080
446-60-090	NEW 86-08-067	458-20-189	AMD-P 86-15-081	458-61-490	REP-P 86-13-010
448-12-020	AMD-P 86-15-073	458-20-193C	AMD-P 86-03-043	458-61-500	AMD-P 86-13-010
448-12-020	AMD-E 86-15-074	458-20-193C	AMD 86-07-005	458-61-500	AMD 86-16-080
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448-12-210	AMD-P 86-13-027	458-20-210	AMD 86-07-005	458-61-540	AMD 86-16-080
448-12-210	AMD-E 86-13-028	458-20-224	AMD-P 86-15-081	458-61-545	NEW-P 86-13-010
448-12-210	AMD 86-16-058	458-20-240	AMD-E 86-09-048	458-61-545	NEW 86-16-080
448-12-220	AMD 86-05-003	458-20-240	AMD-P 86-10-050	458-61-550	AMD-P 86-13-010
448-12-220	AMD-P 86-13-027	458-20-240	AMD-C 86-13-061	458-61-550	AMD 86-16-080
448-12-220	AMD-E 86-13-028	458-20-240	AMD 86-14-019	458-61-555	NEW-P 86-13-010
448-12-220	AMD 86-16-058	458-20-24001	AMD-E 86-10-049	458-61-555	NEW 86-16-080
448-12-230	AMD 86-05-003	458-20-24001	AMD-P 86-10-050	458-61-570	AMD-P 86-13-010
448-12-230	AMD-P 86-13-027	458-20-24001	AMD-C 86-13-061	458-61-580	NEW-P 86-13-010
448-12-230	AMD-E 86-13-028	458-20-24001	AMD 86-14-019	458-61-590	AMD-P 86-13-010
448-12-230	AMD 86-16-058	458-20-24002	AMD-E 86-10-049	458-61-590	AMD 86-16-080
448-12-240	AMD 86-05-003	458-20-24002	AMD-P 86-10-050	458-61-650	AMD-P 86-13-010
448-12-250	AMD 86-05-003	458-20-24002	AMD-C 86-13-061	458-61-650	AMD 86-16-080
448-12-250	AMD-P 86-13-027	458-20-24002	AMD 86-14-019	458-61-670	AMD-P 86-13-010
448-12-250	AMD-E 86-13-028	458-20-247	AMD 86-04-024	458-61-670	AMD 86-16-080
448-12-250	AMD 86-16-058	458-20-248	NEW-P 86-03-042	458-61-700	NEW-P 86-13-010
448-12-270	AMD 86-05-003	458-20-248	NEW-P 86-06-048	460-10A-160	AMD-P 86-11-034
448-12-280	AMD 86-05-003	458-20-248	NEW 86-09-016	460-10A-160	AMD 86-15-023
448-12-300	AMD 86-05-003	458-20-249	NEW-P 86-03-042	460-33A-010	AMD-P 86-17-061
448-12-310	REP 86-05-003	458-20-249	NEW 86-07-006	460-33A-010	AMD-E 86-17-062
448-12-320	AMD 86-05-003	458-20-250	NEW-E 86-12-075	460-33A-015	AMD-P 86-17-061
448-12-320	AMD-P 86-13-027	458-20-250	NEW-P 86-12-076	460-33A-015	AMD-E 86-17-062
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448-12-340	AMD 86-05-003	458-30-145	AMD 86-09-088	460-33A-017	AMD-E 86-17-062
458-16-150	AMD-P 86-09-003	458-40-18700	AMD-P 86-10-054	460-33A-020	AMD-P 86-17-061
458-16-150	AMD 86-12-034	458-40-18700	AMD-E 86-14-063	460-33A-020	AMD-E 86-17-062
458-16-210	AMD-P 86-09-003	458-40-18700	AMD 86-14-064	460-33A-025	AMD-P 86-17-061
458-16-210	AMD 86-12-034	458-40-18704	AMD-P 86-10-054	460-33A-025	AMD-E 86-17-062
458-16-220	AMD-P 86-09-003	458-40-18704	AMD-E 86-14-063	460-33A-030	AMD-P 86-17-061
458-16-220	AMD 86-12-034	458-40-18704	AMD 86-14-064	460-33A-030	AMD-E 86-17-062
458-16-230	AMD-P 86-09-003	458-40-18706	AMD-P 86-10-054	460-33A-031	NEW-P 86-17-061
458-16-230	AMD 86-12-034	458-40-18706	AMD-E 86-14-063	460-33A-031	NEW-E 86-17-062
458-16-240	AMD-P 86-09-003	458-40-18706	AMD 86-14-064	460-33A-035	AMD-P 86-17-061
458-16-240	AMD 86-12-034	458-40-18721	NEW-P 86-10-054	460-33A-035	AMD-E 86-17-062
458-16-280	AMD-P 86-09-003	458-40-18721	NEW-E 86-14-063	460-33A-040	AMD-P 86-17-061
458-16-280	AMD 86-12-034	458-40-18721	NEW 86-14-064	460-33A-040	AMD-E 86-17-062
458-16-282	AMD-P 86-09-003	458-40-18722	NEW-P 86-10-054	460-33A-050	AMD-P 86-17-061
458-16-282	AMD 86-12-034	458-40-18722	NEW-E 86-14-063	460-33A-050	AMD-E 86-17-062
458-17	AMD-P 86-16-078	458-40-18722	NEW 86-14-064	460-33A-055	AMD-P 86-17-061
458-17-100	REP-P 86-16-078	458-53-030	AMD-P 86-16-079	460-33A-055	AMD-E 86-17-062
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458-17-120	NEW-P 86-16-078	458-53-150	AMD-P 86-16-079	460-33A-065	AMD-E 86-17-062
458-20-101	AMD-P 86-09-059	458-53-160	AMD-P 86-16-079	460-33A-070	AMD-P 86-17-061
458-20-101	AMD 86-12-015	458-57-570	AMD-P 86-09-051	460-33A-070	AMD-E 86-17-062
458-20-102	AMD-P 86-03-043	458-57-570	AMD 86-12-024	460-33A-075	AMD-P 86-17-061
458-20-102	AMD-P 86-06-047	458-57-610	AMD-P 86-09-051	460-33A-075	AMD-E 86-17-062
458-20-102	AMD 86-09-058	458-57-610	AMD 86-12-024	460-33A-080	AMD-P 86-17-061
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458-20-113	AMD-P 86-17-077	458-61-030	AMD 86-16-080	460-33A-085	AMD-P 86-17-061
458-20-119	AMD 86-03-016	458-61-050	AMD-P 86-13-010	460-33A-085	AMD-E 86-17-062
458-20-122	AMD-P 86-03-043	458-61-050	AMD 86-16-080	460-33A-090	AMD-P 86-17-061
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458-20-132	AMD 86-09-002	458-61-100	AMD 86-16-080	460-33A-105	AMD-P 86-17-061
458-20-134	AMD-P 86-17-077	458-61-150	NEW-P 86-13-010	460-33A-105	AMD-E 86-17-062

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460-33A-110	AMD-E	86-17-062	478-355-010	NEW-P	86-04-009	490-600-010	REP	86-15-076
460-33A-115	NEW-P	86-17-061	478-355-010	NEW	86-08-027	490-600-010	REP-E	86-15-078
460-33A-115	NEW-E	86-17-062	478-355-020	NEW-P	86-04-009	490-600-020	REP-P	86-12-064
460-33A-120	NEW-P	86-17-061	478-355-020	NEW	86-08-027	490-600-020	REP	86-15-076
460-33A-120	NEW-E	86-17-062	478-355-030	NEW-P	86-04-009	490-600-020	REP-E	86-15-078
460-33A-125	NEW-P	86-17-061	478-355-030	NEW	86-08-027	490-600-030	REP-P	86-12-064
460-33A-125	NEW-E	86-17-062	478-355-040	NEW-P	86-04-009	490-600-030	REP	86-15-076
460-33A-130	NEW-P	86-17-061	478-355-040	NEW	86-08-027	490-600-030	REP-E	86-15-078
460-33A-130	NEW-E	86-17-062	478-355-050	NEW-P	86-04-009	490-600-045	REP-P	86-12-064
460-44A-200	NEW-P	86-11-034	478-355-050	NEW	86-08-027	490-600-045	REP	86-15-076
460-44A-200	NEW	86-15-023	478-355-060	NEW-P	86-04-009	490-600-045	REP-E	86-15-078
460-44A-500	AMD-P	86-11-035	478-355-060	NEW	86-08-027	490-600-046	REP-P	86-12-064
460-44A-500	AMD-E	86-14-087	480-08-250	AMD-P	86-13-019	490-600-046	REP	86-15-076
460-44A-500	AMD	86-15-003	480-08-250	AMD-E	86-13-020	490-600-046	REP-E	86-15-078
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