

WSR 07-21-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)

[Filed October 8, 2007, 11:07 a.m.]

Subject of Possible Rule Making: The department is amending sections in chapter 388-535A WAC relating to the department's orthodontic services program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to clarify existing policy, better define the scope of the rule, and review the subchapter for other necessary changes.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

October 8, 2007
 Stephanie E. Schiller
 Rules Coordinator

WSR 07-21-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)

[Filed October 9, 2007, 12:45 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-501-0135 Patient review and restriction program (PRR).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 42 C.F.R. 431.51, 431.54(e).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule is being amended to: (1) Update program name to patient review and coordination program, (2) expand program definitions, (3) clarify restrictions, (4) add requirement that PRR clients remain enrolled in their managed care plans for one year, and (5) clarify client dispute resolution process.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jonell O. Blatt, P.O. Box 45504, phone (360) 725-1571, fax (360) 586-9727, TTY 1-800-848-5429, e-mail blattj@dshs.wa.gov.

October 9, 2007
 Stephanie E. Schiller
 Rules Coordinator

WSR 07-21-038
PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE

[Filed October 10, 2007, 11:31 a.m.]

Subject of Possible Rule Making: Animal control policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this policy is to set out clear regulation regarding the control of pets and other animals on and in all campuses and buildings owned or controlled by Olympic College.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The law against discrimination governing service animals is addressed through the specific exclusion from the policy of service animals as defined under RCW 49.60.040 (23) and (24).

Process for Developing New Rule: Review by college council, attorney general's office, and president's cabinet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, Rules Coordinator, (360) 475-7502, or tolover@olympic.edu, to provide comments on this rule.

October 24 [10], 2007
 Thomas Oliver
 Rules Coordinator

WSR 07-21-039
PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE

[Filed October 10, 2007, 11:46 a.m.]

Subject of Possible Rule Making: Revision of college seal, WAC 132C-104-040.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update of the college seal to better reflect the area served by the college. The current seal is under WAC 132C-104-040.

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

Process for Developing New Rule: Review by president's cabinet and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, Rules Coordinator, (360) 475-7502, or toliver@olympic.edu, to provide comments on this rule.

October 10, 2007

Thomas Oliver
Rules Coordinator

WSR 07-21-040

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed October 10, 2007, 11:59 a.m.]

Subject of Possible Rule Making: Title 390 WAC, amend WAC 390-16-206 Ratings and endorsements to update the rule and to take into account the state supreme court ruling in *San Juan County et al. v. No New Gas Tax* (2007) to the extent it may impact the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission will consider a possible rule amendment to subsection (3).

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

Process for Developing New Rule: The commission is expected to discuss and possibly approve draft language on the above referenced rule topic at its meeting on December 6, 2007. A formal public hearing is expected in February or March of 2008.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Assistant Director Doug Ellis at the Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

October 10, 2007

Vicki Rippie
Executive Director

WSR 07-21-047

PREPROPOSAL STATEMENT OF INQUIRY

CRIMINAL JUSTICE TRAINING COMMISSION

[Filed October 11, 2007, 8:08 a.m.]

Subject of Possible Rule Making: WAC 139-10-510 Requirement of executive management corrections training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change to this rule will eliminate duplication. The same training requirements are contained in WAC 139-25-110 and were updated on March 16, 2007, as the result in a change in RCW 43.101.350 Core training requirements.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Blair, Manager, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7352, dblair@cjtc.state.wa.us.

October 8, 2007

Cheryl A. Price
Accreditation and
Performance Analysis Manager

WSR 07-21-048

PREPROPOSAL STATEMENT OF INQUIRY

CRIMINAL JUSTICE TRAINING COMMISSION

[Filed October 11, 2007, 8:26 a.m.]

Subject of Possible Rule Making: WAC 139-10-520 Corrections executive management curriculum.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change to this rule will eliminate duplication. The same training requirements are contained in WAC 139-25-110 and were updated on March 16, 2007, as the result in a change in RCW 43.101.350 Core training requirements.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Blair, Manager, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7352, dblair@cjtc.state.wa.us.

October 8, 2007

Cheryl A. Price
Accreditation and
Performance Analysis Manager

WSR 07-21-049

**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed October 11, 2007, 8:27 a.m.]

Subject of Possible Rule Making: WAC 139-10-420 Middle-management curriculum—Corrections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change to this rule will eliminate duplication. The same training requirements are contained in WAC 139-25-110 and were updated on March 16, 2007, as the result in a change in RCW 43.101.350 Core training requirements.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Blair, Manager, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7352, dblair@cjtc.state.wa.us.

October 8, 2007

Cheryl A. Price

Accreditation and

Performance Analysis Manager

WSR 07-21-051

**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed October 11, 2007, 8:28 a.m.]

Subject of Possible Rule Making: WAC 139-10-310 Requirement of corrections supervisory training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change to this rule will eliminate duplication. The same training requirements are contained in WAC 139-25-110 and were updated on March 16, 2007, as the result in a change in RCW 43.101.350 Core training requirements.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Blair, Manager, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7352, dblair@cjtc.state.wa.us.

October 8, 2007

Cheryl A. Price

Accreditation and

Performance Analysis Manager

WSR 07-21-050

**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed October 11, 2007, 8:27 a.m.]

Subject of Possible Rule Making: WAC 139-10-410 Requirements of middle-management corrections training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change to this rule will eliminate duplication. The same training requirements are contained in WAC 139-25-110 and were updated on March 16, 2007, as the result in a change in RCW 43.101.350 Core training requirements.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Blair, Manager, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7352, dblair@cjtc.state.wa.us.

October 8, 2007

Cheryl A. Price

Accreditation and

Performance Analysis Manager

WSR 07-21-052

**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed October 11, 2007, 8:28 a.m.]

Subject of Possible Rule Making: WAC 139-10-320 First-level and second level corrections supervision curriculum.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change to this rule will eliminate duplication. The same training requirements are contained in WAC 139-25-110 and were updated on March 16, 2007, as the result in a change in RCW 43.101.350 Core training requirements.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Blair, Manager, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7352, dblair@cjtc.state.wa.us.

October 8, 2007

Cheryl A. Price

Accreditation and

Performance Analysis Manager

WSR 07-21-054
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed October 11, 2007, 9:38 a.m.]

Subject of Possible Rule Making: WAC 139-30-015 Firearms certification—Application for private security officer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The fees for this service have changed, and the changes proposed reflect the fact that Washington state criminal justice training commission (CJTC) has the authority to change the fee. The second change in this rule relates to the actual practice of adding additional firearms to the initial qualification. CJTC does not issue a separate certificate to the individual for each firearm they are qualified to carry. This language is clarification only, and does not change the actual practice being used by the commission.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of license [licensing] has the regulatory authority for issuing the private security officer's license and the armed endorsement, once the individual has qualified to carry a firearm.

Process for Developing New Rule: Ongoing discussion with private security officer employees to update the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Blair, (206) 835-7352, dblair@cjtc.state.wa.us.

October 11, 2007
 Cheryl A. Price
 Accreditation and
 Performance Analysis Manager

WSR 07-21-056
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed October 11, 2007, 10:21 a.m.]

Subject of Possible Rule Making: WAC 139-35-015 Firearms certification—Application for private detectives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The fees for this service have been changed, and the changes proposed reflect the fact that Washington state criminal justice training commission (CJTC) has the authority to change the fee. The second change in this rule relates to the actual practice of adding additional firearms to the initial qualification. CJTC does not issue a separate certificate to the individual for each firearm they are qualified to carry. This language is clarification

only, and does not change the actual practice being used by the commission.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of license [licensing] has the regulatory authority for issuing the private detective's license and the armed endorsement, once the individual has qualified to carry a firearm.

Process for Developing New Rule: Ongoing discussion with private detective investigators to update the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Blair, (206) 835-7352, dblair@cjtc.state.wa.us.

October 11, 2007
 Cheryl A. Price
 Accreditation and
 Performance Analysis Manager

WSR 07-21-072
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed October 15, 2007, 3:21 p.m.]

Subject of Possible Rule Making: The forest practices board is considering rule making to implement 2007 legislation (SSSB [2SSB] 5883) regarding conversion of forest lands to nonforestry uses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board intends to define "conversion activities" and set forth administrative procedures in Title 222 WAC, Forest practices. The intent would be to ensure that state agencies and local governmental entities who enforce the law understand which activities are deemed conversion activities, and the procedures for issuing and receiving notices regarding conversion from forestry to nonforestry uses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of ecology (DOE) will be involved in regulating this subject. According to SSSB [2SSB] 5883, DOE will receive notices of unauthorized conversion activities from either the local governmental entity or the department of natural resources. The board will include DOE in rule development.

Process for Developing New Rule: The board will request input from interested stakeholders to develop rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing, faxing, or e-mailing comments to Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 4th Floor, P.O. Box 47012,

Olympia, WA 98504-7012, fax (360) 902-1428, e-mail for-
est.practicesboard@dnr.wa.gov.

October 4, 2007
Victoria Christiansen
Chair

WSR 07-21-076

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed October 16, 2007, 9:38 a.m.]

Subject of Possible Rule Making: Pull-tab dispensers.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Staff is looking into a rule
change to set out requirements for operating electronic video
pull-tab dispensers.

Process for Developing New Rule: Interested parties can
participate in the discussion of this proposed change by
attending a commission meeting, or contacting the agency
rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Rick Day, Deputy Director, P.O. Box
42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon
Reese, Deputy Director, P.O. Box 42400, Olympia, WA
98504-2400, (360) 486-3452; or Susan Arland, Rules Coor-
dinator, P.O. Box 42400, Olympia, WA 98504-2400, (360)
486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] November 16, 2007, and January 11,
2008, at the DoubleTree Guest Suites, 16500 Southcenter
Parkway, Seattle, WA 98188, (206) 575-8220; and on Febru-
ary 15, 2008, at the Best Western, 2611 East E Street,
Tacoma, WA 98421, (253) 272-7737.

October 15, 2007
Susan Arland
Rules Coordinator

WSR 07-21-078

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)
(Mental Health Division)

[Filed October 16, 2007, 11:09 a.m.]

Subject of Possible Rule Making: Certifying crisis stabi-
lization units (new), chapter 388-865 WAC.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: Chapter 375, Laws of 2007 (SSB 5533); RCW
71.05.020 and 71.24.035.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The 2007 legislature passed
a provision (SSB 5533) requiring the department to certify
crisis stabilization units that meet minimum standards.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: Department of health is required under SSB 5533 to
license the crisis stabilization units. The mental health divi-
sion will coordinate the development of this rule with DOH.

Process for Developing New Rule: The department
invites the interested public to review and provide input on
the draft language of this rule. Draft material and informa-
tion about how to participate may be obtained from the
department representative listed below. At a later date,
DSHS will file a proposal with the office of the code reviser
with a notice of proposed rule making. A copy of the pro-
posal will be sent to everyone on the mailing list and to any-
one who requests a copy.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Kevin Sullivan, HRSA Rules Coordi-
nator, P.O. Box 45504, Olympia, WA 98504-5504, phone
(360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429,
e-mail sullikm@dshs.wa.gov.

October 16, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-21-079

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 16, 2007, 11:44 a.m.]

Subject of Possible Rule Making: WAC 260-44-080
Weighing out—Overweight—Declarations—Postings—
Maximum.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: To address issues related to
Class C race meets and the overweight allowed, including
handicap races or races where the conditions of the race
expressly state to the contrary.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Negotiated rule
making.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Robert J. Lopez, Deputy Secretary,
Washington Horse Racing Commission, 6326 Martin Way,
Suite 209, Olympia, WA 98516-5578, phone (360) 459-
6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

October 16, 2007
R. J. Lopez
Deputy Secretary

WSR 07-21-082
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 17, 2007, 9:34 a.m.]

Subject of Possible Rule Making: Chapter 260-48 WAC, Mutuels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are several areas in this chapter that need changing/updating. Some, but not all of those areas include combining like sections, addressing issues like computerized robotic wagering and simulcast contracts (Internet information and international wagering), and other sections that made [may] need clarification in how they should be interpreted. This will also be part of the agency's continued effort toward regulatory reform and "plain talk" our rules.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Deputy Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

October 17, 2007

R. J. Lopez
Deputy Secretary

WSR 07-21-086
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 17, 2007, 11:47 a.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of opening this chapter to rule making is to (1) update the penalties as a result of amendments and new sections being added to Title 260 WAC; (2) change penalties by amending fines, suspensions and referrals to the commission; and (3) correct minor errors in the chapter.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Deputy Secretary, Washington Horse Racing Commission, 6326 Martin Way,

Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

October 17, 2007

R. J. Lopez
Deputy Secretary

WSR 07-21-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS

[Filed October 18, 2007, 5:00 p.m.]

Subject of Possible Rule Making: Chapter 137-08 WAC, Public records—Disclosure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090, 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify the process to be followed to request disclosure of public records from the agency.

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

Process for Developing New Rule: The department invites interested parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 725-8365, fax (360) 664-2009.

October 16, 2007

H. W. Clarke
Secretary

WSR 07-21-101
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed October 19, 2007, 11:32 a.m.]

Subject of Possible Rule Making: The liquor control board has adopted rules regarding public records requests, maintaining public records, annual reports and liquor law pamphlets. As part of the liquor control board's on-going rules review process, chapters 314-60 and 314-62 WAC, Public records and liquor law pamphlets and annual reports are under review for clarity and conformity with current state law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040, 34.05.220, and 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor control board's on-going rules review process, chapters 314-60 and 314-62 WAC are being reviewed for relevance, clarity, and accuracy.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

October 17, 2007

Lorraine Lee
Chairman

WSR 07-21-106

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed October 19, 2007, 2:25 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-533-0300 Enhanced benefits for pregnant women; 388-533-0310 through 388-533-0345, Maternity support services; and 388-533-0360 through 388-533-0386, Infant case management.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.770.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will clarify provider qualifications, client eligibility and services reimbursed for infant case management and maternity support services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This program is coordinated between DSHS and department of health (DOH).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jonell O. Blatt, P.O. Box 45504, phone (360) 725-1571, fax (360) 586-9727, TTY 1-800-848-5429, e-mail blattj@dshs.wa.gov.

October 19, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-21-110

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 07-12—Filed October 19, 2007, 4:23 p.m.]

Subject of Possible Rule Making: Dangerous waste regulations, chapter 173-303 WAC, will be amended to incorporate several federal hazardous waste regulations, including updates to manifest requirements, merging universal waste rules for mercury-containing devices and mercury thermostats, and incorporating some of EPA's burden reduction initiative rules. Some state-only requirements will be updated; these consist mainly of technical and editorial corrections and clarifications. Testing methods for state wastes will be updated. Changes are being considered to some permit pre-application requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.105 and 70.105D RCW, the Hazardous Waste Management Act and Hazardous Waste Cleanup-Model Toxics Control Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The main purpose of this rule process is to update the dangerous waste regulations by incorporating recent federal hazardous waste requirements into the state's regulations. Ecology is authorized by EPA to implement the federal hazardous waste program in Washington. By staying current with the federal program, the regulated community has primarily one environmental agency to work with. The second purpose is to update state requirements to make improvements, corrections, and clarifications.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Environmental Protection Agency (EPA) implements hazardous waste regulations in Washington until ecology adopts those regulations and begins implementing them. A formal EPA authorization process follows ecology's rule adoption. EPA is aware of which federal regulations ecology intends to adopt during this rule process. Ecology will provide drafts and the formal proposal to EPA for their review and will communicate and coordinate with EPA throughout the process.

Process for Developing New Rule: The main purpose of this rule making is to update existing hazardous waste requirements with newer federal rules. Since many of these are already in effect and were developed as part of federal rule making, the process will consist primarily of making draft and proposed rule language available for review and comment. Input will be sought during the draft rule phase where ecology may differ from EPA on some optional federal rules. Ecology is seeking comment at this time on possible changes to permit preapplication requirements.

Ecology is asking for comment on whether or not the following permit preapplication requirements should be amended as described below:

1. Clarify what a 25% facility expansion means,
2. Delete obsolete language,
3. Exempt recycling facilities from siting criteria if they meet several important limitations, and
4. Exempt certain facilities from citizen proponent negotiations.

1. Clarify what a 25% facility expansion means. A facility that proposes a 25% facility expansion in a permit renewal or modification triggers siting criteria because 25% is considered a significant expansion. There are two areas that need clarification.

First is to clarify that a 25% facility expansion means storage design capacity.

The current regulation refers to process design capacity. Process design capacity can be interpreted either of two ways - storage design capacity or volume of waste processed through the facility over a period of time. Clarifying an expansion as storage design capacity is consistent with current guidance and the way the state implements the current regulations. Storage design capacity is a numeric limit in permits that is clearly documented and enforceable, making it a more reliable measure as the basis for a facility expansion. Permits do not have specific limits on how much waste can be processed through a facility's operation. Instead, permits specify the maximum amount of waste that can be onsite at any given time (storage design capacity), aspects of process design, and management practices to properly process waste.

Second is to provide clear and reasonable criteria for triggering siting criteria after the initial significant expansion.

The change would clarify that a significant expansion is a single or cumulative increase of greater than 25% of the storage design capacity as described in the facility's original Part A permit application or of the storage capacity approved for the previous significant expansion.

2. Delete obsolete language that exempted two recycling facilities from siting criteria when ecology adopted the original regulation. At the time the original siting criteria were written, two recycling facilities were not able to meet the siting criteria. They were exempted from siting criteria and allowed to apply for permits. This language that exempted the facilities is no longer relevant, although it demonstrates that, historically, there have been existing recycling facilities that needed to apply for permits, but could not do so because they did not meet the siting criteria.

3. Exempt recycling facilities needing storage from siting criteria and citizen/proponent negotiations if they meet important limitations. Ecology is considering adding rule language to exempt existing and new recycling facilities from siting criteria and the citizen/proponent negotiation (CPN) process when they seek a storage permit if they meet the following important limitations:

- The recycling process itself is exempt from dangerous waste permitting;
- Waste storage is used strictly to support the exempt recycling;
- Waste storage is in tanks, containers, or a containment building;
- Waste storage is indoors; and
- The facility meets local zoning requirements.

Over the years, ecology has seen recycling facilities struggle to comply with time restrictions for holding recyclable waste. During the last rule amendment process, the holding time was increased to seventy-two hours, which was sufficient for some facilities. Others, particularly those whose recycling businesses are expanding rapidly or are becoming

large-scale operations, need more time. However, these facilities usually cannot apply for dangerous waste storage permits under the existing regulations because they cannot satisfy the siting criteria. This change would allow facilities to apply for a permit.

Waste storage would be restricted to tanks, containers, or containment buildings, which generators can currently use without a permit and are generally considered to be the safest and most straightforward types of storage. Recycling operations usually have a specific waste stream needing to be stored (for example, lamps, refrigerants, photo fixer solutions, precious metals, or spent solvents). This allows for focused design and permitting requirements needed to reduce threats. Perhaps the most important requirement is indoor storage. This reduces storm-water contact and concerns with direct releases to soil and groundwater. The siting criteria are designed as an initial screen to protect contact between wastes and the natural and built environment. Having permitted activities within the confines of a building reduces many of the threats addressed by the siting criteria.

This change would facilitate recycling operations to manage wastes, supporting Washington's waste management hierarchy and beyond waste plan. The change would provide needed options for ecology and existing recycling facilities that can not pass siting criteria at their location, even though they meet local zoning requirements. Waste storage at these facilities would be under controls of a dangerous waste permit.

4. Exempt certain existing facilities applying for a significant expansion from citizen/proponent negotiations (CPN). This change would exempt existing "designated zone facilities" that are applying for a significant expansion from CPN. The following are key regulatory definitions:

"Designated zone facilities" means any facility that requires an interim or final status permit, located in a land-use zone designated for handling hazardous substances and hazardous waste, and is not a preempted facility as defined in this section.

"Preempted facility" means any facility that includes as a significant part of its activities any of the following operations:

- (i) Landfill,
- (ii) Incineration,
- (iii) Land treatment,
- (iv) Surface impoundment to be closed as a landfill, or
- (v) Waste pile to be closed as a landfill.

This change would not affect requirements for new "designated zone facilities," any incinerators or land-based operation such as landfills and surface impoundments, or any facility whose location is not consistent with local zoning requirements. The scope of the CPN process fits those types of facilities. The change would only affect existing designated zone facilities.

CPN does provide an opportunity for local communities to negotiate conditions with a facility owner that are above and beyond regulatory requirements. However, the full CPN process has only been used once. With or without CPN, the community and public have the opportunity to comment on conditions of the permit through the normal permitting process.

CPN is subject to several requirements. For "designated zone facilities," the full process happens only if all of the following conditions are met:

- The community is interested and committed to the CPN process;
- The lead local government is willing to conduct the CPN process;
- Ecology has funding available to support the process with a grant (up to \$50,000 initial funding, with the possibility for an additional \$50,000 renewal); and
- The facility is willing to participate (including matching ecology's grant funding).

Exempting existing "designated zone facilities" that are applying for a significant expansion from the CPN process would simplify the regulations by eliminating a process that has confusing conditions and by reducing the administrative burden to local government.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To submit comments on amending permit preapplication requirements or for more detailed information about the rule-making content and process contact Patricia (Chipper) Hervieux at pher461@ecy.wa.gov or, you may call (360) 407-6756, write Attn: HWTR, P.O. Box 47600, Olympia, WA 98504-7600, or fax (360) 407-6715. To receive draft and proposed rules, hearing announcements, and opportunities for public involvement you may sign up for the DW Regulations listserv at <http://listserv.wa.gov/archives/dw-rules.html>.

October 18, 2007

K. Seiler

for Darin Rice, Program Manager
Hazardous Waste and Toxic Reduction

WSR 07-21-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 23, 2007, 8:46 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-97-07015 Protection of resident funds, 388-97-147 Surveillance, management and early identification of individuals with active tuberculosis, 388-97-155 Care of residents with active tuberculosis, 388-97-162 Required notification and reporting, 388-97-347 Laundry services and storage, 388-97-555 Nursing home license renewal, 388-97-965 Department review of nursing home license renewals, 388-97-595 Relocation of residents, 388-97-625 Notice and appeal rights and 388-97-29510 New construction compliance, and possible other sections in chapter 388-97 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.51 RCW, Nursing homes; chapter 74.42 RCW, Nursing homes—Resident care, operating standards; 42 C.F.R. 489.52.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department intends to make the following amendments:

- To change outdated references throughout chapter 388-97 WAC to reflect current administration name, state building codes and international codes, and standards for respiratory protection;
- To make all WAC sections five digit numbers for clearer order and reference;
- To add language to be consistent with federal requirements;
- To add language to be consistent with national standards of tuberculosis testing;
- To add language to clarify laundry system standards;
- To delete and update sections on department review of nursing home renewal licenses to be consistent with current department process;
- To clarify new construction preoccupancy process;
- To add language on electronic monitoring to be consistent with the department policy; and
- To chunk the sections into smaller sections for ease of reading and reference.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Johnson, Residential Care Services, Aging and Disability Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98513, phone (360) 725-2591, fax (360) 438-7903, TTY 1-877-905-0454, e-mail johnsjm1@dshs.wa.gov.

October 23, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-21-134

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2007-11—Filed October 24, 2007, 7:09 a.m.]

Subject of Possible Rule Making: The insurance commissioner is considering new rate and form filing procedures and requirements that will require insurers to file property, casualty, disability, life and annuity products through the system for electronic rate and form filing (SERFF). SERFF is a key component of the National Association of Insurance Commissioners (NAIC) speed to market initiative. The

SERFF system enables insurance companies to send and states to receive, comment on, and approve or reject insurance industry rate and form filings. SERFF offers a decentralized point-to-point, web-based electronic filing system. SERFF facilitates communication, management, analysis and electronic storage of documents and supporting information. The system is designed to improve the efficiency of the rate and form filing and approval process and to reduce the time and cost involved in making regulatory filings. As part of this rule-making process, the insurance commissioner will consider rate and form filing procedures that are compatible with electronic filings. The insurance commissioner will evaluate and consider all general rate and form filing procedures, and may propose rules to clarify rate and form filing requirements now included in chapters 284-20, 284-24, and 284-58 WAC.

The commissioner will also consider adopting procedural rules for filing motor vehicle service contracts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.110.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules will streamline rate and form filing processes and procedures, and allow insurance products to enter the marketplace faster.

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

Process for Developing New Rule: The office of the insurance commissioner will have discussions with interested parties and exchange drafts of possible rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please submit written comments by December 14, 2007 to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

October 24, 2007

Mike Kreidler

Insurance Commissioner

WSR 07-21-143

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed October 24, 2007, 9:42 a.m.]

Subject of Possible Rule Making: The state board of health (SBOH) adopted WAC 246-282-006 Vibrio parahaemolyticus control plan, as an emergency rule from June 2007 through September 2007 as an interim control measure to prevent illness during the summer months of 2007. The SBOH will consider permanent control measures that address the unique circumstances of Washington state through this rule-making activity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.30.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Vibrio parahaemolyticus (Vp) is a naturally occurring bacteria found in shallow marine waters. Molluscan shellfish acquire Vp through filter

feeding. Humans who consume raw or undercooked shellfish containing Vp can develop an intestinal disease called vibriosis. In 2006 there was an unprecedented number of vibriosis cases involving Washington shellfish. Changes to the existing Vp control plan were adopted as an emergency rule for the summer of 2007 to better protect shellfish consumers from Vp-related illnesses. Permanent control measures that address the unique circumstances of Washington state may be necessary to protect public health.

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

Process for Developing New Rule: Collaborative rule making: SBOH and DOH staff will meet with shellfish industry members, representatives from the tribes, and the FDA to assess and recommend changes to the existing control plan derived from the NSSP model ordinance. DOH staff will also review data collected during the period of time the emergency rule was in effect (June through September 2007). This information will be used to assist in developing the permanent rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ned Therien, State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, ned.therien@doh.wa.gov, (360) 236-4103, or Jessie DeLoach, Department of Health, P.O. Box 47824, Olympia, WA 98504-7824, jessie.deloach@doh.wa.gov, (360) 236-3302.

October 22, 2007

Craig McLaughlin

Executive Director

WSR 07-21-146

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket PL-070974—Filed October 24, 2007, 10:05 a.m.]

Subject of Possible Rule Making: This rule making would consider possible corrections and clarifications to selected sections of chapter 480-75 WAC, Hazardous liquid, gas, oil and petroleum pipeline companies—Safety, rules governing hazardous liquid pipeline operators, specifically rules that need to reflect changes in Title 81 RCW resulting from the passage of SSB 5225 during the 2007 legislative session. The rule making has been assigned Docket PL-070974. This notice supplements the original CR-101 filed at WSR 07-16-059 to consider moving back by two months the fee-setting and fee-payment schedules in WAC 480-75-240, and to provide greater detail for what must be included in a petition contesting the fee. In other respects the original CR-101 at WSR 07-16-059 remains applicable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 81.01.010, 81.04.160, 81.88.-040, 81.88.060, and sections 1, 2, and 4, chapter 142, Laws of 2007.

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

transportation commission (UTC) has identified several rules that should be modified to reflect statutory changes in the 2007 legislative session. Chapter 480-75 WAC, governing Hazardous liquid, gas, oil and petroleum pipeline companies—Safety, requires amendment to update definitions, provisions governing penalties, and the timing of fee-setting and payment. This rule making will modify most rules in chapter 480-75 WAC.

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

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, by fax (360) 586-1150, e-mail at records@utc.wa.gov, or through the UTC web portal <http://www.utc.wa.gov> by Tuesday, **November 27, 2007**.

WRITTEN COMMENTS: You may submit written comments to the commission at the address given above and file them with the commission no later than **November 27, 2007**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (PL-070974).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/070974>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, (3) submit your comments through the commission's web portal <http://www.utc.wa.gov/> or (4) mail written comments to the address above to the attention of Carole J. Washburn, secretary. When contacting the commission, please refer to Docket PL-070974 to ensure that you are placed on the appropriate service list. Questions may be addressed to Tim Sweeney, (360) 664-1118 or e-mail at tsweeney@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and phone and fax numbers referencing Docket PL-070974, and the words "Please keep me on the mailing list" or (2) e-mail your name, address, phone and fax numbers, referencing Docket PL-070974, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/070974>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

October 24, 2007

Carole J. Washburn

Executive Secretary

WSR 07-21-147

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket PG-070975—Filed October 24, 2007, 10:08 a.m.]

Subject of Possible Rule Making: This rule making would consider possible corrections and clarifications to selected sections of chapter 480-93 WAC, Gas companies—Safety, rules governing natural gas pipeline operators, specifically rules that need to reflect changes in Titles 80 and 81 RCW resulting from the passage of SSB 5225 during the 2007 legislative session. The rule making has been assigned Docket PG-070975. This notice supplements the original CR-101 filed at WSR 07-16-060 to consider moving back by two months the fee-setting and fee-payment schedules in WAC 480-93-240, and to provide greater detail for what must be included in a petition contesting the fee. In other respects the original CR-101 at WSR 07-16-060 remains applicable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 81.01.010, 81.04.160, 81.88.040, 80.28.010(2), 80.28.020, and sections 1, 2, and 5, chapter 142, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington utilities and transportation commission (UTC) has identified several rules that should be modified to reflect statutory changes in the 2007 legislative session. Chapter 480-93 WAC, governing gas safety rules, requires amendments to update definitions and provisions governing penalties. This rule making will modify most rules in chapter 480-93 WAC.

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

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, by fax (360) 586-1150, e-mail at records@utc.wa.gov, or through the UTC web portal <http://www.utc.wa.gov> by Tuesday, **November 27, 2007**.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **November 27, 2007**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (PG-070975).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/070975>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, (3) submit your comments through the commission's web portal <http://www.utc.wa.gov> or (4) mail written comments to the address above to the attention of Carole J. Washburn, secretary. When contacting the commission, please refer to Docket PG-070975 to ensure that you are placed on the appropriate service list. Questions may be addressed to Tim Sweeney, (360) 664-1118 or e-mail at tsweeney@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and infor-

mation. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and phone and fax numbers referencing Docket PG-070975, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, phone and fax numbers, referencing Docket PG-070975, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/070975>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

October 24, 2007

Carole J. Washburn
Executive Secretary

WSR 07-21-149

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed October 24, 2007, 10:12 a.m.]

Subject of Possible Rule Making: Amend chapter 16-409 WAC, Washington standards for asparagus, by making changes to WAC 16-409-024 Size requirements for Washington asparagus grades, and making any other amendments that are necessary to update the chapter and increase its clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Growers, packers, and shippers would be allowed to market sizes in accordance with USDA sizes.

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

Process for Developing New Rule: In response to a request from the Washington asparagus commission, Washington state department of agriculture staff members will develop the rule proposal. In turn, industry representatives will review and comment on the proposed rule amendments. Interested parties can participate in the public hearing and comment process, the date of which will be announced when the agency files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail jquigley@agr.wa.gov.

October 22, 2007

Robert W. Gore
Deputy Director

WSR 07-21-151**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed October 24, 2007, 11:40 a.m.]

Subject of Possible Rule Making: Chapter 16-54 WAC, Animal importation, the department is considering adding rules relating to livestock entering the state for rodeos and other timed events, and to clarify requirements for other animal imports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to an increased threat of tuberculosis, the department filed an emergency rule regarding cattle entering the state for rodeos and other timed events (WSR 07-19-068) and is initiating rule making to adopt the rule as a permanent rule. In addition, the department is considering establishing testing requirements for exotic birds prior to entry into the state.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the proposed language and will communicate with stakeholders regarding the proposal. Interested parties can participate in the public hearing/public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1987.

October 17, 2007
Leonard E. Eldridge, DVM
State Veterinarian